

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 26, 2026

CASE NO(S).:

OLT-25-000298

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: The Inn of the Good Shepherd (Sarnia) Inc.
Subject: Request to amend the Official Plan – Refusal to adopt the requested amendment
Description: To permit the development of a six storey, fifty-six-unit mixed-use building and six stand-alone townhouse units for a total of sixty-two dwelling units
Reference Number: OPA No.11
Property Address: 831 & 837-841 Exmouth Street, Un-numbered Parcel No. PLAN 120 BLK A PT LOT 2 and 779 Melrose Avenue
Municipality/UT: Sarnia/Lambton
OLT Case No.: OLT-25-000298
OLT Lead Case No.: OLT-25-000298
OLT Case Name: The Inn of the Good Shepherd (Sarnia) Inc. v. Sarnia (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: The Inn of the Good Shepherd (Sarnia) Inc.
Subject: Application to amend the Zoning By-law – Refusal
Description: To permit the development of a six storey, fifty-six-unit mixed-use building and six stand-alone townhouse units for a total of sixty-two dwelling units
Reference Number: ZBA No. 8-2024

Property Address: 831 & 837-841 Exmouth Street, Un-numbered
Parcel No. PLAN 120 BLK A PT LOT 2 and 779
Melrose Avenue
Municipality/UT: Sarnia/Lambton
OLT Case No.: OLT-25-000299
OLT Lead Case No.: OLT-25-000298
OLT Case Name: The Inn of the Good Shepherd (Sarnia) Inc. v. Sarnia
(City)

Heard: January 21, 2026, by Video Hearing

APPEARANCES:

Parties

The Inn of the Good Shepard
(Sarnia) Inc.
("The Applicant")

City of Sarnia
("City")

Counsel

Analee Baroudi

Randi Kalar

DECISION DELIVERED BY W. DANIEL BEST AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] The Tribunal convened a Merit Hearing to consider a settlement regarding an appeal brought forward for the above-noted matter. The Applicant appealed under ss. 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended ("Act"), against the refusal of the City to make decisions on Applications for an Official Plan Amendment ("OPA") and a Zoning By-law Amendment ("ZBA") concerning the properties municipally known as 831 and 837-841 Exmouth Street, Un-numbered Parcel No. PLAN 120 BLK A PT LOT 2 and 779 Melrose Avenue in the City (collectively, the "Subject Lands").

[2] The Applicant has proposed a residential development comprising 56 units in a multiple-use apartment building. All dwelling units are proposed to be affordable.

[3] The Subject Lands is a consolidation of four parcels of land located at the southwest corner of the intersection of Exmouth Street and Melrose Avenue in the centre of the City.

[4] For ease of reference, the Tribunal was provided the following Table:

Address	Legal Description	Area (Hectares)	Frontage (metres)
837-841 Exmouth Street	Plan 287 LOTS 2 to 3	0.14	75.5
831 Exmouth Street	Plan 287 Lot 1 Plan 120 BLK; A PT LOT 2	0.14	33.5
779 Melrose Avenue	Plan 287 LOT 4	0.07	16
Unnumbered Parcel	Plan 120 BLK A PT LOT 2	0.24	4.5

[5] The proposed development will require the removal of all existing buildings and structures on the Subject Lands.

[6] Exmouth Street is designated as an arterial road in the Sarnia Official Plan (“SOP”). Melrose Avenue is recognized as a local road in the SOP.

[7] The land uses surrounding the Subject Lands include low, medium, and high-density residential and commercial uses. Transit stops are located on Exmouth Street approximately 50 metres (“m”) to the north and 90 m to the west.

[8] The Settlement Proposal consists of a redevelopment of the Subject Lands with a six-storey apartment building, comprised of 56 units. The dwelling units in the proposed apartment building are proposed as follows:

- 15 Bachelor Units (10 standard, 5 barrier-free)
- 10 One Bedroom Units (20 standard, 10 barrier-free)
- 10 Two Bedroom Units (8 standard, 2 barrier-free)
- One Guest Bachelor Unit

[9] The parking ratio requirements have been adjusted to 0.66 spaces per residential unit based on close proximity to transit stops and the affordable housing component of the proposed development, the reduced parking ratio has been supported by the City.

LEGISLATIVE FRAMEWORK

[10] When considering an appeal of an application to amend an OPA filed pursuant to s. 22 of the Act, and application to amend a ZBA filed pursuant to s. 34, the Tribunal must have regard to matters of Provincial interest as set out in s. 2 and regard to the decision of the City Council, and the information it considered by it pursuant to s. 2.1(1) of the Act.

[11] Section 3(5) of the Act requires that decisions of the Tribunal affecting planning matters be consistent with the Provincial Planning Statement, 2024 (“PPS”).

[12] The Tribunal must also be satisfied the ZBA conforms with the Official Plans in effect.

[13] Overall, the Tribunal must be satisfied the OPA, ZBA, and Conditions represent good planning and are in the public interest.

SUBMISSIONS AND EVIDENCE

[14] In support of the proposed settlement, the following Exhibit was filed:

- **Exhibit 1:** Affidavit of Jay McGuffin received January 13, 2026.

[15] Mr. McGuffin is a registered planner and the President and Principal Planner of a land-use planning consulting firm. Based on his experience and expertise outlined in his *curriculum vitae*, the Tribunal qualified him to provide opinion evidence as an expert in land-use planning.

[16] Mr. McGuffin stated the proposed development has restricted the building envelope to be oriented to Exmouth Street, reflecting the site context and adjacent land uses. Directing the built form, height, and density toward the arterial road and designated mixed-use corridor aligns with the City's planned urban structure while reducing development pressure on the interior and rear of the site.

[17] Mr. McGuffin commented the development proposal preserves the southern portion of the subject lands for maintained open amenity space, landscaping, and additional on-site parking. This configuration provides an effective buffer between the proposed building and the adjacent low-density residential neighbourhood along Melrose Avenue and establishes an appropriate transition in scale and intensity.

[18] Mr. McGuffin advised the proposed development is consistent with the PPS as it contributes to the supply of affordable housing, supporting complete communities, directing growth to serviced settlement areas, and making efficient use of existing municipal infrastructure. He further advised the proposed development reinforces transit-supportive and pedestrian-oriented development patterns along an arterial corridor.

[19] Mr. McGuffin confirmed the proposed development conforms with the policies of the County of Lambton Official Plan, ("COP"), directing growth to urban centres and encourage compact, efficient development supported by full municipal services. He continued the proposed development integrates affordable housing within the existing community fabric and further reduces potential land use conflicts by limiting built form adjacent to lower-density residential areas, consistent with COP policies.

[20] Mr. McGuffin maintained the proposed development conforms to the general intent and purpose of the SOP. He continued the Subject Lands are located within the settlement area and the mid-rise design is reflects requirements respecting height,

density and massing along arterial roads while providing appropriate transitions to surrounding residential neighbourhoods.

[21] Mr. McGuffin advised the proposed ZBA maintains the general intent and purpose of the ZBL. He continued the site-specific zoning provisions remain appropriate given the characteristics of the Subject Lands and the site layout retains overall site functionality, efficient arrangement for parking and servicing, and is supported by existing municipal infrastructure.

[22] Mr. McGuffin opined the Settlement Proposal represents good planning, and the proposed development addresses the relevant matters of Provincial interest identified in s. 2 of the Act, is consistent with the PPS and conforms with the applicable Official Plans.

[23] Mr. McGuffin recommended the Tribunal approve the OPA and ZBA instruments as presented.

[24] The Tribunal accepts the uncontroverted planning opinion evidence of Mr. McGuffin in its entirety. The Tribunal finds the Settlement Proposal addresses the relevant matters of Provincial interest identified in s. 2 of the Act, is representative of good land use planning, is consistent with the PPS, and conforms with the applicable Official Plans.

ORDER

[25] **THE TRIBUNAL ORDERS THAT** the appeals are allowed, in part, and the Official Plan for the City of Sarnia is amended as set out in **Attachment 1** to this Order.

[26] **THE TRIBUNAL ORDERS THAT** the appeals are allowed, in part, and directs the City of Sarnia to amend By-law No. 85 of 2002 as set out in **Attachment 2** to this

Order. The Tribunal authorizes the clerk of the City of Sarnia to assign a number to this by-law for record keeping purposes.

“W. Daniel Best”

W. DANIEL BEST
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment 1

BY-LAW NUMBER OF 2025
OF THE CITY OF SARNIA

“A By-Law to Amend the Official Plan”

(Re: Exmouth Street at Melrose Avenue)

WHEREAS the Council of the Corporation of the City of Sarnia deems it advisable to amend the Official Plan for the City of Sarnia;

AND WHEREAS the Council of the Corporation of the City of Sarnia, in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O 1990, c.P.13, as amended, may by by-law adopt amendments to its Official Plan;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF SARNIA ENACTS AS FOLLOWS:

1. That Amendment No. 11 to the Official Plan for the City of Sarnia, as attached, is hereby adopted;
2. That the Clerk is hereby authorized and directed to make an application to the County of Lambton for approval of Amendment No. 11 to the Official Plan for the City of Sarnia and to provide such documentation as is required pursuant to section 7 of O. Reg. 543/06 under the *Planning Act*; and
3. This By-Law shall come into full force and take effect on the day of final passing thereof, in accordance with the provisions of the *Planning Act*.

CITY OF SARNIA OFFICIAL PLAN**AMENDMENT NO. 11
TO THE OFFICIAL PLAN**

To amend the official plan for the lands municipally known as 831 & 837-841 Exmouth Street, Un-numbered Parcel No. PLAN 120 BLK A PT LOT 2 and 779 Melrose Avenue, City of Sarnia.

The following text and Schedule "A" constitute Amendment Number 11 to the City of Sarnia Official Plan.

The Official Plan Amendment

- 1) Amend Section 5.7 Site and Area-Specific Policies to add a new site and area-specific policy #25 for the lands known as 831 & 837-841 Exmouth Street, Un-numbered Parcel No. PLAN 120 BLK A PT LOT 2 and 779 Melrose Avenue, City of Sarnia, and shown in Schedule A as follows:

25. 831 & 837-841 Exmouth Street, PLAN 120 BLK A PT LOT 2 and 779 Melrose Avenue

- a. Notwithstanding Section 5.3.2.3(e)(i), a mid-rise or high-rise apartment building may provide a minimum ground floor floor-to-ceiling height of 2.7 m is permitted.
 - b. Notwithstanding Section 5.3.2.3(f), a mid-rise or high-rise apartment building may provide a minimum of 20% of the at-grade gross floor area for active, non-residential land uses.
 - c. Notwithstanding the permitted uses in Section 5.2.1.2, the lands within the Existing Neighbourhood Designation of Site and Area-Specific Policy Area #25 may be used for accessory uses and structures, including the required parking for a mid-rise or high-rise multiple-use apartment building in the Mixed-Use Corridor I Designation of Site and Area-Specific Policy Area #25.
- 2) Amend "Schedule 4 - Site and Area-Specific Policy Areas" to illustrate the new Site and Area-Specific Policy Area #25 as shown on Schedule "A".

Schedule A

N
A

EXmouth St

811 825 831 841 855 859

SUBJECT LANDS

Melrose Ave

780 776 772 768 764 758 756 752

779 775 771 767 763 759 755 751

756 0 10 20 40 m

THIS IS SCHEDULE 'A' TO BY-LAW NO. _____ OF 2025 PASSED
 THIS _____ DAY OF _____ 2025

MAYOR

CLERK

831, 837-841 Exmouth Street Parcel No. PLAN 120 BLK A PT LOT 2 779 Melrose Avenue	PREPARED BY: CITY OF SARNIA CSD DEPARTMENT
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Attachment 2

BY-LAW NUMBER OF 2025
OF THE CITY OF SARNIA

“A By-Law to Amend By-Law Number 85 of 2002”

**(Re: 831 & 837-841 Exmouth Street, Un-numbered Parcel No. PLAN 120 BLK A PT
LOT 2 and 779 Melrose Avenue, City of Sarnia)**

WHEREAS it is deemed expedient that The Corporation of the City of Sarnia amend By-law Number 85 of 2002 of the City of Sarnia;

AND WHEREAS the provisions of this By-law conform to the City of Sarnia Official Plan (as amended); and

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF SARNIA ENACTS AS FOLLOWS:

1. Schedule 'A' of Zoning By-law 85 of 2002 (Zoning Map Part 29) be amended by changing the zoning symbol for the areas shown on Schedule 'A' of this By-law.
2. That Zoning By-law 85 of 2002 be amended by adding the following new subsection "11.3.37 (UR5-37)" as follows:

11.3.37 UR5-37 (Zoning Map Part 29)

11.3.37.1 Permitted Uses

- 1) Accessory uses and buildings.
- 2) Multiple Use Apartment dwellings.
- 3) Multiple Attached Dwellings.

11.3.37.2 Site Zone Regulations

- | | | |
|------------|-----------------------|---|
| (1) | Lot Frontage: (min) | 60.63m (Melrose Avenue)
68.70m (Exmouth Street) |
| (2) | Planting Strip: (min) | 0m along the west property line |
| (3) | Parking: (min) | 0.66 spaces per affordable residential unit
All Other requirements per Section 3.37 |
| (4) | Building Separations: | No side or end wall of a multiple attached dwelling shall be located closer than 70 m to the side or end wall of an apartment dwelling on the same lot. |

- (5) Building Location: Multiple-Use Apartment Dwelling and Multiple Attached Dwelling must be located within 54m of the Exmouth Street Lot Line.
- (6) Landscaped Open Space: (min) 48%

11.3.37.3 Site Zone Regulations – Multiple Use Apartment Dwellings

- (1) Lot Area: (min) 650m² for the first 3 units + 65m² per additional unit
- (2) Lot Coverage: (max) 30%
- (3) Front Yard Depth: (min) 7.5m
- (4) Interior Side Yard Width: (min) 35m
- (5) Exterior Side Yard Width: (min) 7.5m
- (6) Rear Yard Depth: (min) 9.6m
- (7) Height: (max) 6 storeys or 22.0m, whichever is less

11.3.37.4 Site Zone Regulations – Multiple Attached Dwellings

- (1) Lot Area: (min) 150m² for each unit
- (2) Lot Coverage: (max) 20%
- (3) Interior Side Yard Width: (min) 3m
- (4) Rear Yard Depth: (min) 8m
- (5) Height: (max) 1 storey or 8m, whichever is less

- (6) Private Amenity Space: (min) A private outdoor amenity area shall be provided immediately adjacent to each dwelling unit for the private use of the occupants of the dwelling unit. The private outdoor amenity area shall:
- a) have an area of not less than **73m²**
 - b) have a minimum width equal to the width of the dwelling unit;
 - c) be accessible from the dwelling unit;
 - d) be bordered by a wall or wood privacy fence along a minimum of **90%** of its perimeter; such wall or fence shall not be less than **1.5m** in height.

Schedule A



THIS IS SCHEDULE 'A' TO BY-LAW NO. _____ OF 2025 PASSED THIS ____ DAY OF _____, 2025	
_____ MAYOR	_____ CLERK
831, 837-841 Exmouth Street Parcel No. PLAN 120 BLK A PT LOT 2 779 Melrose Avenue	PREPARED BY: CITY OF SARNIA CSD DEPARTMENT