

ISSUE DATE:

**Sept. 25, 2009**



PL060527  
PL031324

**Ontario Municipal Board**  
**Commission des affaires municipales de l'Ontario**

Sunset Lakes Development Corporation has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Ottawa to redesignate land at Bank Street and Parkway Road, described as Part of Lots 73 and 74 in the City of Ottawa (former Township of Greely) from General Rural to amend the Greely Village boundary to include a multiple use development (recreational, commercial, residential)

City File No. D01-01-05-0025

OMB File No. O060161

1374421 Ontario Ltd. has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Ottawa to make a decision respecting a proposed plan of subdivision on lands composed of Part of Lots 73 and 74, Registrar's Compiled Plan 902, Except Parts 1 and 2, 4R-15291 in the City of Ottawa (former Township of Greely)

City File No. D07-16-05-0019

OMB File No. S060073

1374421 Ontario Ltd. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 2003-230 of the City of Ottawa (former Osgoode Township) to rezone lands respecting 6045 Bank St. from RU - Rural to O1 - Public Open Space, O2 - Private Open Space, O2[XXX] - Private Open Space Exception XXX), R[340] - Residential -Exception 340 and C1 - Commercial General to permit a subdivision and recreational and commercial uses

OMB File No. Z060077

Sunset Lakes Development Corporation and 1374421 Ontario Inc. have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Minister of Municipal Affairs and Housing to approve a Proposed Official Plan for the City of Ottawa

MMAH File No. 06-OP-0050

OMB Case No. PL031324

OMB File No. O030482 (#60)

**APPEARANCES:**

**Parties**

City of Ottawa

Sunset Lakes/ 1374421 Ontario Ltd.

**Counsel**

T. Marc

P. Webber

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. V. ZUIDEMA ON  
SEPTEMBER 1, 2009 AND ORDER OF THE BOARD**

---

A Telephone Conference Call (“TCC”) Hearing took place on September 1, 2009, as the Parties had arrived at a settlement to address the remaining two issues (drain width easement and lot yield) and in doing so, had resolved the outstanding matters between them. The Parties jointly submitted proposed draft planning instruments, namely a zoning by-law and a plan of subdivision along with conditions, and recommended they be approved by the Board, thereby providing finality to the appeals.

The Board received a Notice of Motion from the City of Ottawa (“the City”) along with an Affidavit of Wendy Tse, who is a Planner with the City. The Board accepted her professional opinions, provided on consent, that the proposed planning instruments were consistent with the Provincial Policy Statement, conformed to the operative sections of the City Official Plan, had due regard to the matters required to be addressed under subsection 51(24) of the *Planning Act*, implemented the March 11, 2009, decision of Municipal Council and generally, were good and proper planning and in the public interest.

The Board accepted her uncontested evidence and provided an oral decision approving the planning instruments found at Tabs D, E and F to Ms Tse’s Affidavit, subject to a revision to Condition #33, in the conditions of draft plan approval. That revision was provided to the Board following the conclusion of the TCC and that revised wording, attached to this disposition as Attachment “1” replaces Condition #33. Mr. Marc advised the Board that he would provide the aforementioned planning documents along with the revision to the City’s Clerk for processing.

Further the Board determined that the City would be responsible to clear the conditions of draft plan approval and administer final approval at the joint request of the Parties.

**THEREFORE THE BOARD ORDERS** that the appeal against By-law 2003-230 of the City of Ottawa is allowed in part, and By-law 2003-230 is amended as set out in Exhibit “D” to Ms Tse’s Affidavit sworn on August 21, 2009. In all other respects, the Board Orders the appeal is dismissed.

**AND FURTHER THE BOARD ORDERS** that the appeal is allowed and the draft plan shown, on the plan prepared by J. D. Barnes, dated April 22, 2009, comprising of Part of Lots 73 and 74, Plan No. 902, in the City of Ottawa and shown as Exhibit "E" to Ms Tse's Affidavit sworn on August 21, 2009, is hereby approved subject to the fulfillment of conditions as set out in Exhibit "F" to the above-noted Affidavit, save and except for Condition #33, which wording has been revised and is attached to this Decision as Attachment "1" to this Order;

**AND THE BOARD ORDERS** that pursuant to subsection 51(56.1) of the *Planning Act*, the City of Ottawa shall have the authority to clear the conditions of draft plan approval and to administer final approval of the Plan of Subdivision for the purposes of subsection 51(58) of the *Act*. In the event that there are any difficulties implementing any of the conditions of draft plan approval, including revised condition #33, or if any changes are required to be made to the draft plan, the Board may be spoken to.

These are the Board's Orders.

"J. V. Zuidema"

J. V. ZUIDEMA  
VICE-CHAIR

**ATTACHMENT "1"**

**Revised Condition #33**

The Owner shall design and construct at his expense a southbound left turn lane and opposing northbound turning lane at the intersection of Bank Street and Meadow Drive/southern Access to the development to the satisfaction of the General Manager, Planning and Growth Management. This includes utility relocation.

The Owner shall enter into an agreement with the City to monitor traffic conditions at the intersection of Bank Street and Meadow Drive/southern Access to the development at his expense. Should the City determine that the subject intersection is operating below Level of Service 'D' as established by the City, the Owner shall construct the southbound left turn and opposing northbound turning lane. The City may also require as a condition of site plan approval that the southbound left turn land and opposing northbound turning lane be constructed in advance of the requirement for its construction as a result of monitoring, the Owner reserving the right to refer such condition to the Ontario Municipal Board.