

ISSUE DATE:

**January 27, 2012**



PL110472

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Gerard St. Denis  
Subject: By-law No. 2011-17  
Municipality: City of North Bay  
OMB Case No.: PL110472  
OMB File No.: PL110472

**APPEARANCES:**

**Parties**

**Counsel\*/Agent**

Gerard St. Denis

Self represented

City of North Bay

M. Burke\*

Algonquin Child and Family Services

C. J. D'Agostino\*

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. G. WONG ON  
OCTOBER 18, 2011 AND ORDER OF THE BOARD**

Gerard St. Denis (Appellant) is appealing the City of North Bay Council's approval of Zoning By-law Amendment (ZBLA) 2011-17 to existing By-law No. 28-80. This is a site specific ZBLA to permit the construction of a 12-bed Therapeutic Educational Facility operated by Algonquin Child and Family Services (Applicant). The property is legally described as Concession 13, Registered Plan 20, Lots 14 to 19 – Third Avenue East and John Street, City of North Bay (Subject Lands). City of North Bay (City) currently owns the Subject Lands. The Appellant lives across the street from the Subject Lands.

The Subject Lands total approximately one acre and are part of an abandoned CN rail corridor. The property is located in the downtown area, approximately three blocks from City Hall. This is a mixed-use neighbourhood consisting of commercial, residential and institutional uses. The subject site is serviced by public transit.

Steven McArthur, a qualified land-use planner and a Senior Planner with the City, testified that the proposed ZBLA is consistent with the Provincial Policy Statement which supports the intensification and the infilling of existing sites. He also testified that the City's current Official Plan (OP) policies support group homes in low-density residential areas and the proposed ZBLA does that. These same policies are also found in the City's latest Official Plan (2009) which has been adopted by council, but not yet approved by the Province.

According to Mr. McArthur, the OP recognized that the group home use is expected to grow in the future as a matter of Provincial policy. The OP has a requirement of 1-bed/unit per 330 square meters and therefore, the Subject Lands could potentially accommodate an 18-bed facility. The existing ZBL 28-80 limits a Group Home to a maximum of eight (8) unrelated residents (excluding the staff or receiving family). The Applicant is proposing a 12-bed facility.

Mr. McArthur testified that the proposed ZBLA contains specific provisions that limit the size of the building's footprint to prevent future expansion. Any future expansion (beyond the 12-beds) would require another ZBLA and the usual public consultation process.

The Appellant, Mr. St. Denis, advised the Board that he supports the group home use. He testified that a 10 or 12-bed facility would have no impact on the use and enjoyment of his property. Mr. St. Denis agrees that as a result of the site plan controls, (not a subject of this appeal) the proposed group home will fit with the neighbourhood. The Applicant's sole objection is that a 10-bed facility is more appropriate than a 12-bed one. He provided no planning evidence or rationale as to why a 10-bed facility is preferred except that it represents a compromise to what is permitted as-of-right (an 8-bed facility) and the Applicant's proposal for a 12-bed facility.

Counsel for the City submits that the operator requires a 12-bed facility; and counsel for the Applicant submits that the local community serviced by this facility requires a 12-bed facility.

Therefore, based on the uncontradicted land-use planning evidence and opinions of Mr. McArthur and together with the submissions of counsels, the Board finds the

proposed ZBLA is consistent with the PPS, conforms to the City's OP and represents good planning.

THE BOARD ORDERS that the appeal against By-law No. 2011-17 of the City of North Bay is dismissed.

This is the Order of the Board.

"J. G. Wong"

J. G. WONG  
MEMBER