

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: June 24, 2020

CASE NO(S): PL170462

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant: 1463291 Ontario Inc. (Dunpar Development Inc.)
Subject: Request to amend the Official Plan - Refusal of request by Town of Oakville
Existing Designation: Low Density Residential with Special Policy Area, Natural Area
Proposed Designated: Medium Density Residential, Private Open Space.
Purpose: To permit the development of 81 townhouse units
Property Address/Description: 1020, 1024, 1028, 1032 and 1042 Sixth Line
Municipality: Town of Oakville
Approval Authority File No.: Z.1516.02
OMB Case No.: PL170462
OMB File No.: PL170462
OMB Case Name: 1463291 Ontario Inc. (Dunpar Development Inc.) v. Oakville (Town)

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

Applicant and Appellant: 1463291 Ontario Inc. (Dunpar Development Inc.)
Subject: Application amend Zoning By-law No. 2014-014 - Refusal of Application by Town of Oakville
Existing Zoning: RL1-0, N
Proposed Zoning: RM1, RM2, O2
Purpose: To permit the development of 81 townhouse units
Property Address/Description: 1020, 1024, 1028, 1032 and 1042 Sixth Line
Municipality: Town of Oakville
Municipality File No.: Z.1516.02
OMB Case No.: PL170462
OMB File No.: PL170463

Heard: June 19, 2020 by Telephone Conference Call

APPEARANCES:

Parties

Counsel

1463291 Ontario Inc (Dunpar Development Inc.)

Russell Cheeseman

City of Oakville (“City”)

Jennifer Huctwith

Regional Municipality of Halton (“Region”)

David Germain

Halton Region Conservation Authority (“Conservation Authority”)

Konstantine Stavrakos

DECISION DELIVERED BY SHARYN VINCENT AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Tribunal issued an interim decision dated August 23, 2019 directing that the proposal be revised to reflect the findings and directions set out in that decision. The Parties advise that despite efforts to settle the matter, agreement has not been reached to support a settlement. The Parties are therefore requesting that the matter come back before the Tribunal to adjudicate.

[2] Since the August decision, the Appellant has withdrawn its objection to the Notice of Intention to Designate the original residential building and associated landscape features, which combined, and designated, represent the heritage resource attributes of the property.

[3] The Region and the Conservation Authority maintain their interests and Party status in the appeal to ensure that previous agreements are revised to reflect any proposed changes to the development concept to the extent that matters subject to existing minutes of settlement continue to be secured through revised documents.

[4] The City and the Appellant remain at odds over the position of the City that given the dwelling to be retained and associated landscape features that have now been designated, they intend to call a heritage witness to speak to potential impacts to the conservation of the designated cultural heritage features, and an urban designer to advance an alternate, preferred development concept for the subject lands.

[5] Mr. Cheeseman, on behalf of the Appellant, maintains his opposition to additional witnesses on the basis that any development of the property will be subject to site plan and condominium applications and further approvals pursuant to the *Ontario Heritage Act*, and in the interim, has given undertakings that additional work would be submitted for the consideration of the City with respect to site grading and drainage together with the arborist's advice with respect to setbacks. Mr. Cheeseman reminded the Tribunal that the heritage reports on behalf of the Appellant, had been filed with the Tribunal, prior to the initial hearing.

[6] While the Parties continue to maintain discussions, the City has indicated its intent to bring a motion on the issue of allowing the two witnesses that are the subject of the dispute, and clearly, a determination of that dispute is required to set down the length of hearing required.

[7] The Tribunal is not, at this time, scheduling in-person hearings and continues to work toward adapting to electronic platforms. In the interim, Parties have been directed to prepare a draft procedural order complete with issues list, which will translate to a hearing work programme when a hearing date is set. In the interim, should the Parties not resolve the issue of the witnesses, a date of **Tuesday, September 8, 2020 at 9 a.m.** has been reserved on the Tribunal's calendar to hear a Motion. The materials are to be filed in accordance with the Tribunal's *Rules and Procedures*. Should a Motion not be pursued, the Parties are then directed to file the draft procedural order and issues list by the September 8th date for the continuance of the appeal, the date for which will be set at a future time.

[8] This Decision issues following the Emergency Order of the Government of the Province of Ontario (Ontario Regulation 73/20) made under the *Emergency Management and Civic Protection Act* retroactive to March 16th, 2020.

[9] The Tribunal so orders.

“Sharyn Vincent”

SHARYN VINCENT
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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