

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



**ISSUE DATE:** June 10, 2019

**CASE NO(S):** PL180376

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: 5507 River Development Inc.  
Subject: Request to amend the Official Plan – Failure of the City of Niagara Falls to adopt the requested amendment

Existing Designation: Residential and Special Policy Area  
Proposed Designation: Special Policy Area  
Purpose: To permit a 390 unit apartment building, with a 21 storey and a 12 storey tower and underground parking

Property Address/Description: 5471, 5491, and 5507 River Road, 4399, 4407, 4413, and 4427 John Street  
Municipality: City of Niagara Falls  
Approval Authority File No.: AM-2017-011  
LPAT Case No.: PL180376  
LPAT File No.: PL180376  
LPAT Case Name: 5507 River Development Inc. v. Niagara Falls (City)

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

Applicant and Appellant: 5507 River Development Inc.  
Subject: Application to amend Zoning By-law No. 79-200 – Refusal or neglect of City of Niagara Falls to make a decision

Existing Zoning: Residential Apartment 5E Density (R5E-840), in part, Parking (P-841), in part, and Residential Single Family and Two Family (R2-2), in part

Proposed Zoning: Residential Apartment 5F Density (site specific)  
 Purpose: To permit a 390 unit apartment building, with a 21 storey and a 12 storey tower and underground parking  
 Property Address/Description: 5471, 5491, and 5507 River Rd, 4399, 4407, 4413, and 4427 John Street  
 Municipality: City of Niagara Falls  
 Municipality File No.: AM-2017-011  
 LPAT Case No.: PL180376  
 LPAT File No.: PL180377

**Heard:** May 27, 2019 by telephone conference call

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

2486489 Ontario Inc.	Daniel Artenosi and Natalie Ast
City of Niagara Falls	Tom Halinski
Niagara Parks Commission	Sarah Turney
Kenneth Westhues	Self-represented*
Citizens for Responsible Development (Niagara Falls)	Dianne Munro* and Debra Jackson- Jones*

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON APRIL 18, 2019 AND ORDER OF THE TRIBUNAL**

[1] In July 2017, 5507 River Development Inc. (“5507 River”) applied for Official Plan and Zoning By-law amendments to facilitate the development of lands located 5471, 5491, and 5507 River Road and 4399, 4407, 4413 and 4427 John Street (“subject lands”).

[2] On March 29, 2018, 5507 River appealed the City of Niagara Falls’ (“City”) refusal or neglect to make decisions on these applications pursuant to s. 22(7) and 34(11) of the *Planning Act*.

[3] This was the third Pre-hearing Conference (“PHC”) in this proceeding. At the PHC, the Tribunal was informed that 2486489 Ontario Inc. (“Appellant”) had purchased the subject lands, but had not yet finalized its development plans for the lands. It wishes to discuss its plans with the City planning staff. It stated that it may possibly submit revised development plans in the coming weeks. It requested that the Tribunal schedule a further PHC for later in the year at which time its discussions with the City should be completed and its proposed development plans will have been determined and circulated to the Parties. The City stated that City Council plans to convene a public meeting to discuss development on the subject lands once the Appellant has determined its plans. The other Parties did not oppose the scheduling of a further PHC for a time after the Appellant’s development plans have been circulated.

[4] The Citizens for Responsible Development (Niagara Falls) (“Citizens”) requested Party status in the proceeding. The Citizens is a recently incorporated group, which has traffic concerns, environmental concerns, community character concerns, and concerns regarding the planning approval process with respect to these proceedings. None of the Parties opposed the request. The Tribunal granted the Citizens status as a Party.

## **ORDER**

[5] The Tribunal orders that 2486489 Ontario Inc. and the Citizens are Parties in this proceeding.

[6] The Tribunal directs that the next PHC will be held by TCC on **Friday, January 10, 2020 at 9 a.m.** at which the Issues Lists, draft Procedural Order and a draft Workplan will be considered by the Tribunal. Individual(s) are directed to call **416-212-8012 or Toll Free 1-866-633-0848** on the assigned date at the correct time. When prompted, enter the code **1006967#** to be connected to the call. If assistance is required at any time, press ‘0’ for the operator. It is the responsibility of the person(s) participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to Tamara Zwarycz, the Tribunal’s Case Coordinator, at 416-326-6790.

- [7] The Tribunal further orders that:
- a. the Appellant will circulate its final development plans for the subject lands to the Parties no later than **Friday, September 27, 2019**;
  - b. the City will aim to have a public meeting to discuss development on the subject lands no later than **Friday, November 29, 2019**;
  - c. the Parties will exchange their Issues Lists by **Friday, December 13, 2019**;
  - d. the Appellant will circulate a draft Procedural Order, including consolidated Issues List and Workplan, to the other Parties by **Friday, December 20, 2019**; and
  - e. the Parties will file a draft Procedural Order with the Tribunal by the end of the day on **Wednesday, January 8, 2020**.
- [8] This Member of the Tribunal is not seized.
- [9] No further notice will be given.

*“Hugh S. Wilkins”*

HUGH S. WILKINS  
MEMBER

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**Local Planning Appeal Tribunal**

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