

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



ISSUE DATE: June 12, 2019

CASE NO(S): PL180937

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

Appellant:	Bart & Lacey Gajda
Subject:	By-law No. BL 112/2018
Municipality:	City of Thunder Bay
OMB Case No.:	PL180937
OMB File No.:	PL180937
OMB Case Name:	Gajda v. Thunder Bay (City)

Heard: May 30, 2019 in Thunder Bay, Ontario

APPEARANCES:

Parties

Counsel

Bart and Lacey Gajda

Self-represented

City of Thunder Bay

Mike Grimaldi

Bev and John McRae

Rene Larson and Olivia Colangelo

DECISION DELIVERED BY HELEN JACKSON AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This Decision and Order is issued following the Case Management Conference

(“CMC”) conducted pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act, 2017* (“LPATA”) and Rules 26.17 to 26.26 of the Tribunal’s *Rules of Practice and Procedure* for the appeal brought in the above-referenced matter.

[2] By way of background, the City of Thunder Bay (the “City”) approved an application from Bev and John McRae (the “Applicants”) to amend Zoning By-law No. 100-2010 (the “ZBLA”). The Applicants propose a condominium comprised of a maximum of 17 units on lands municipally known as 1457 John Street Road. The proposal consists of three new buildings having two six-unit condos and one four-unit condo along with the existing structure which will be a single-unit condo.

[3] Bart and Lacey Gajda, the adjacent neighbours (the “Appellants”), appealed the decision to approve the ZBLA pursuant to s. 34 (19) of the *Planning Act* (“Act”).

[4] The Affidavit of Service of the Notice of the CMC was marked and filed as Exhibit 1 to the hearing.

REQUEST FOR STATUS

[5] In accordance with the Act, the Tribunal received a written submission and request to participate in the hearing of the appeal from the Applicants. Initially, the Applicants requested participant status, submitting that the City would provide the planning submissions in relation to the appeals; however, during the CMC, it became apparent that the Appellants were amenable to discussing potential settlement options. Therefore, in order to facilitate the ability to fully participate in a negotiated settlement, should that arise, at the CMC the Applicants requested party status.

[6] The City and the Appellants consented to the request for party status by the Applicants. The Tribunal was satisfied that it was appropriate for the Applicants to have party status, in particular in relation to their ability to engage fully in settlement discussions, and granted party status to Bev and John McRae.

MOTIONS

[7] There were no motions brought at this CMC.

MEDIATION AND SETTLEMENT

[8] As required by s. 39(2) of the LPATA the Tribunal addressed with the parties the opportunities for settlement and the possibility of mediation as a means to resolve the appeals. The Tribunal stood down to allow the parties the opportunity to discuss the possibility of settlement of the appeal.

[9] The parties all agreed that their discussions were fruitful; however more time was required to determine whether a full settlement could be reached.

FACTS, ISSUES, ADMISSIONS, DISCLOSURE

[10] The Tribunal made inquiries with the Parties with a view to identifying the facts or evidence that might be agreed upon and identifying the issues arising in the appeal.

[11] The Appellants noted that their appeal was supported by an affidavit from a professional planner that was engaged by the Local Appeal Planning Support Centre ("LPASC"), however since the time of their appeal and this CMC, the LPASC has been disbanded. The Appellants intend to rely upon this evidence and requested that the Tribunal consider whether the affiant would require a summons from the Tribunal should this matter proceed to a hearing.

FORMAT OF HEARING

[12] The Applicants requested that the Tribunal set down a hearing date; however, the Tribunal declined to do so in order to allow the parties the opportunity to continue to pursue settlement discussions.

FURTHER CMC

[13] The Tribunal directed that a further CMC shall be conducted by telephone conference call on **Wednesday, June 26, 2019**, commencing at **10 a.m.** Parties will call in to **1-866-633-0848** or **416-212-8012** and, when prompted, enter the **code 1006967**. 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 John Norris, the Tribunal's Case Coordinator, at 416-326-6798. The parties are to provide an update on the settlement discussions and to address the further requirements of the CMC.

[14] The Panel Member for this CMC shall remain seized for the purposes of continuing case management and the conduct of the further CMC.

HEARING DATE

[15] The hearing date has not been set.

"Helen Jackson"

HELEN JACKSON
MEMBER

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

Local Planning Appeal Tribunal

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