

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



**ISSUE DATE:** January 08, 2021

**CASE NO(S):**

PL190004

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:	Homes by DeSantis (Downtown) Inc.
Subject:	Request to amend the Official Plan – Failure of the Town of Grimsby to adopt the requested amendment
Existing Designation:	Downtown Main Street
Proposed Designated:	Site specific exception
Purpose:	To permit the development of a four storey mixed-use building
Property Address/Description:	21, 23 Main Street East and 6 Doran Avenue
Municipality:	Town of Grimsby
Approval Authority File No.:	26OP-16-1703
LPAT Case No.:	PL190004
LPAT File No.:	PL190004
LPAT Case Name:	Homes by DeSantis (Downtown) Inc. v. Grimsby (Town)

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

Applicant and Appellant:	Homes by DeSantis (Downtown) Inc.
Subject:	Application to amend Zoning By-law No. 14-45 – Refusal or neglect of the Town of Grimsby to make a decision

Existing Zoning:	Downtown Main Street (DMS) Zone
Proposed Zoning:	Site Specific Downtown Main Street (DMS) Zone
Purpose:	To permit the development of a four storey mixed-use building
Property Address/Description:	21, 23 Main Street East and 6 Doran Avenue
Municipality:	Town of Grimsby
Municipality File No.:	26Z-16-1710
LPAT Case No.:	PL190004
LPAT File No.:	PL190005

**Heard:** October 20, 2020 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Town of Grimsby

J. Doherty  
T. Neill

Homes by DeSantis (Downtown) Inc. J. Cheng

**DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER**

[1] This was the third Case Management Conference (“CMC”) in these matters.

[2] Homes by DeSantis (Downtown) Inc. (“DeSantis”) wishes to develop a four-storey mixed use building on lands at 21 and 23 Main Street East and 6 Doran Avenue in the Town of Grimsby (“Town”). In support of this intention, DeSantis applied for an official plan amendment and associated zoning by-law amendment. The Town failed to make a decision on these applications and DeSantis appealed these matters to the Tribunal.

[3] The Tribunal was advised that the Parties have reached a settlement in these matters and related litigation before the Ontario Superior Court regarding Lane No. 313 in the Town. The settlement requires, among other items, vesting orders from the Court

regarding Lane No. 313.

[4] The Tribunal was advised that all necessary steps have now been completed. The hearing, scheduled previously to begin on January 19, 2021, may now be used to hear the settlement. The parties were advised and signalled their understanding that conversion of the hearing to a settlement hearing was subject to the parties taking the usual and appropriate steps for a settlement hearing as required, including completing the appropriate Tribunal forms and filing any necessary affidavits for evidence at the settlement hearing.

*“Susan de Avellar Schiller”*

SUSAN de AVELLAR SCHILLER  
VICE-CHAIR

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248