

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 06, 2022

CASE NO(S): PL200364

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

Applicant and Appellant: Transmetro Limited
Subject: Request to amend the Official Plan - Failure of Town of Orangeville to adopt the requested amendment

Existing Designation: Employment Area
Proposed Designated: Site Specific (To be determined)
Purpose: To permit four (4), six (6) storey mixed-use buildings

Property Address/Description: Block 94 & 98, Plan 7M-70
Municipality: Town of Orangeville
Approval Authority File No.: OPZ 3/19
OLT Case No.: PL200364
OLT File No.: PL200364
OLT Case Name: Transmetro Limited v. Orangeville (Town)

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

Applicant and Appellant: Transmetro Limited
Subject: Application to amend Zoning By-law No. 22-90 - Refusal or neglect of Town of Orangeville to make a decision

Existing Zoning: General Industrial Zone (M1)
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit four (4), six (6) storey mixed-use buildings.

Property Address/Description: Block 94 & 98, Plan 7M-70
Municipality: Town of Orangeville
Municipality File No.: OPZ 3/19
OLT Case No.: PL200364
OLT File No.: PL200365

Heard: December 17, 2021 by video hearing

APPEARANCES:**Parties****Counsel**

Transmetro Limited

Marisa Keating

Sarah Properties Ltd.

Mandy Ng

Town of Orangeville

Andrew Biggart

**MEMORANDUM OF ORAL DECISION DELIVERED BY JATINDER BHULLAR ON
DECEMBER 17, 2021 AND INTERIM ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This is a settlement hearing regarding appeals by Transmetro Limited (“Applicant/Appellant”). The two appeals were regarding an Official Plan Amendment (“OPA”) and a Zoning By-law Amendment (“ZBA”). Sarah Properties Ltd. is a non-appellant party.

[2] The Applicant/Appellant owns lands in the Town, municipally known as Blocks 94 and 98, Plan 7M-70. The applications for the OPA and ZBA were deemed complete by the Town as of July 2, 2019. The Applicant/Appellant appealed the failure of the Town to make a decision within the statutory timelines, pursuant to s. 22(7) and s. 34(11) of the *Planning Act* (“Act”).

[3] Prior to this hearing, the Tribunal was informed by the parties that the Town and the Applicant/Appellant reached a settlement and that Sarah Properties Ltd. has concurred with the settlement and had no further issues to be addressed in these appeals. At the start of the hearing, Sarah Properties Ltd. after stating their consent to the settlement sought leave to not attend the rest of the settlement hearing. This was granted by the Tribunal and Sarah Properties Ltd. did not attend the remainder of the video hearing.

EVIDENCE AND ANALYSIS

[4] Tyler Grinyer was called by the Applicant/Appellant. Mr. Grinyer was qualified by the Tribunal to provide expert opinion evidence in the area of land use planning. Mr. Grinyer has previously submitted an Affidavit, sworn on December 15, 2021 in support of the settlement, it was marked as Exhibit 3.

[5] The Town informed that they had reviewed Mr. Grinyer's Affidavit and concurred with his evidence and conclusions.

[6] The Town also informed the Tribunal that Town Planner, Brandon Ward, was in attendance and was available to provide assistance to the Tribunal if so needed.

[7] Mr. Grinyer reviewed the development plans for the Subject Site and described details regarding the requested OPA and ZBA. The Subject Site is located at the western edge of the Town of Orangeville, to the east of County Road 16, on the north side of Hansen Boulevard. The Site is 3.1 hectares in size and consists of two parcels of land on either side of Gibson Court, known as Blocks 94 and 98.

[8] Mr. Grinyer informed the Tribunal that to the immediate south and east of the Site, on the opposite side of Hansen Boulevard, are low-rise residential uses largely consisting of single detached dwellings with some townhouse dwellings, of which 16 back onto Hansen Boulevard. He stated that a planned easterly extension of Hansen Boulevard is anticipated to be constructed within the near future, providing an easterly connection to Blind Line and furthering the connectivity of the Site and surrounding neighbourhood.

OPA AND ZBA

[9] In reviewing the requested OPA, Mr. Grinyer stated that the Town Official Plan designates the Site as Employment Areas. The site is zoned M1-General Industrial, which permits uses that are generally limited to traditional industrial and employment

uses. Residential uses are not permitted. He stated that the Applicant/Appellant requests that the Subject Site be rezoned to the Neighbourhood Commercial (C2) zone, which permits residential and commercial uses.

[10] Mr. Grinyer stated that the Applicant/Appellant requests that the ZBA be approved which will include; site- specific provisions to permit a multiple dwelling use, a modest increase in height, reduced setbacks, and reduced parking requirements, all of which implement and conform with the policy directions of the Town Official Plan.

[11] In order to allow the Appeals, the Tribunal must be satisfied that the OPA and the ZBA meet the statutory tests as follows;

- a. Do these have regard for the Provincial interest?
- b. Are these consistent with the PPS?
- c. Do these conform with the Growth Plan?
- d. Do these conform with the Dufferin County Official Plan?
- e. Do these represent good land use planning?

[12] Additionally, for the ZBA, the Tribunal must be satisfied that the ZBA conforms with the Town Official Plan as amended.

[13] Mr. Grinyer reviewed the policies in s. 2 of the Act. He opined that the OPA and ZBLA has regard for the applicable matters of provincial interest set out in s. 2 including subsections (h) the orderly development of safe and healthy communities, (j) the adequate provision of a full range of housing, (p) the appropriate location of growth and development, (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians, and (r) the promotion of built form that is well-designed and encourages a sense of place.

[14] Mr. Grinyer reviewed policies 1.1.1, 1.1.2, 1.1.3.2, 1.1.3.4 and 1.6.7.4 opined that the proposal provides for a range and mix of housing choices, transit supportive specially with future extension of Hansen Boulevard to Blind Line. He added that the

proposal also supports intensification in area with accessible municipal infrastructure and services. He opined that the proposal is consistent with the Provincial Policy Statement 2020 (the “PPS”).

[15] Mr. Grinyer opined based on a review of the Altus Report that the site’s irregular shape and adjacency to open space conservation lands and residential uses would negatively affect the Site’s suitability for industrial uses but serve as assets for the residential and commercial uses proposed.

[16] Mr. Grinyer stated that the Veteran’s Way South Community policy which includes the Subject Site at present restricts the number of residential units across the policy area to 400. The proposed development will increase the number of residential units by 383. Mr. Grinyer opined that the requested approvals are for increasing the number of allowed residential dwelling units. Mr. Grinyer testified that this will also facilitate the identified conclusions reached by the Dufferin County and Orangeville Land Needs Assessment report which concluded that growth envisaged in the A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019, as amended on August 28, 2020 (the Growth Plan) could not be achieved within built up urban boundaries. He opined that the proposal contributes towards the achievement Town’s targets for residential dwellings and intensification. He further added that the proposal also allows for commercial development with contributions towards home based and traditional commercial space based employment opportunities. Mr. Grinyer concluded that the proposal conforms with the Growth Plan.

[17] Mr. Grinyer reviewed the Dufferin County Official Plan (“DCOP”) and Town’s Official Plan (“TOP”), referring to multiple policies in the Dufferin County Official Plan from his Affidavit (Exhibit 3), he opined that the OPA and ZBA conform to the DCOP, and in particular, policies that focus growth within urban settlement areas and which are to accommodate a broad range of uses, efficiently use land and infrastructure, promote redevelopment of vacant sites, contribute to the County’s minimum density targets, and will provide a range of housing types and densities to contribute to the creation of

complete communities.

[18] In reviewing the TOP, he stated that the Veteran's Way South Community policy which includes the Subject Site at present restricts the number of residential units across the policy area to 400. The proposed development will increase the number of residential units by 383. Mr. Grinyer opined that the requested approvals are for increasing the number of allowed residential dwelling units. Mr. Grinyer testified that this will also facilitate the identified conclusions reached by the Dufferin County and Orangeville Land Needs Assessment report which concluded that growth envisage in the Greater Golden Horseshoe Growth Plan 2020 (the Growth Plan) could not be achieved within built up urban boundaries.

[19] Mr. Grinyer stated that Schedule 'B' of the Official Plan identifies the Site within the Veterans' Way South Community, which supports the creation of strong live-work opportunities, the provision of commercial facilities to serve the immediate residential community, the need to consider areas for future intensification, a range of residential uses, types and affordability up to a maximum of 400 units, and compatibility with surrounding existing and planned development, amongst others.

[20] Mr. Grinyer provided evidence that Policy E.8.64.5.4.1 permits commercially-oriented uses through the approval of site-specific zoning by-law amendments and Policy E.8.64.5.4.3 permits residential uses above any commercial building.

[21] Mr. Grinyer concluded that the proposed ZBA conforms with the Town Official Plan as it contributes towards meeting the need for adding to residential dwelling types and their quantities. It facilitates commercial development coupled with employment while maintaining synergy with other existing and planned developments the south side of Hansen Boulevard.

[22] Mr. Grinyer submitted that the Proposal is sensitive to its surrounding context, providing appropriate setbacks from the street, locating parking and loading away from the public realm, and concentrating active at-grade uses in a location where the

greatest amount of pedestrian activity is anticipated from the neighbouring residential community to the south.

[23] Mr. Grinyer added that the Proposal's height and massing will fit harmoniously with the existing and planned built form context along Hansen Boulevard, providing a height that is compatible with the low-rise residential community to the south.

[24] Mr. Grinyer opined that the proposal thus represents good land use planning.

[25] The Town and the Applicant/Appellant informed the Tribunal that they will provide the final draft versions of the OPA and ZBA for Tribunal's review and issuance at the end of February 2022.

[26] Based on the uncontroverted oral testimony and uncontested written evidence and having regard for materials that are on file, the Tribunal finds that the requested OPA and ZBA have regard for the provincial interest, are consistent with the PPS, conform with the Growth Plan and the DCOP. The Tribunal further finds that the ZBA conforms with the TOP. The Tribunal determines that the proposed development as enabled through the requested OPA and ZBA, represents good land use planning.

INTERIM ORDER

[27] **THE TRIBUNAL ORDERS** that the appeals of Transmetro Limited and Cachet Developments (Orangeville) Inc. are allowed in part and the Revised ZBA and Revised OPA are approved in principle. Upon being advised that the Revised ZBA and Revised OPA have been finalized to the satisfaction of the Town, the Tribunal will issue its final order approving the Revised ZBA and Revised OPA in their final form.

[28] This Member will remain seized for these appeals and may be contacted through the Case Coordinator should issues arise.

“Jatinder Bhullar”

JATINDER BHULLAR
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.