

**Date:** 2020-01-23

**Subject:** OLT Status Report

**Contact:** Steven Ross, Deputy City Solicitor  
905-874-3345

**Report Number:** Legislative Services-2023-903

**Recommendations:**

1. That the report from Steven Ross, Deputy City Solicitor, Real Estate and Planning Law, Legislative Services dated November 23, 2023 to the City Council Meeting of December 6, 2023 re: Ontario Land Tribunal Appeals Status Update Report, be received.

**Overview:**

- **This report provides a status update on Ontario Land Tribunal (formerly appeal proceedings including updates of active and concluded appeals).**
- **10 OLT proceedings (16 appealed instruments) have concluded through hearing, settlement or withdrawal since last reporting on October 20, 2022.**
- **There are 34 active OLT proceedings (50 appealed instruments).**

**Background:**

Council directed staff to report annually with a status update regarding Tribunal appeal activity. This report provides an update regarding active and concluded proceedings since the last report dated October 20, 2022.

The City is engaged in a variety of appeals including:

- Regional Official Plan Amendments;
- City Official Plan, City-wide and site specific Official Plan amendments;
- Secondary plans and Block plans;
- Zoning by-law amendments and minor variances;
- Interim control by-laws;
- Draft plans of subdivision and/or draft plan of subdivision conditions;
- Consents;
- Site plans;
- Development charges and planning act fees; and
- Ontario Heritage Act.

Certain appeals - such as the City wide Official Plan proceedings – involve multiple stakeholders and extensive issues whereas Committee of Adjustment appeals are normally dealt with in one or two days. All appeal files require a significant amount of staff time and resources to complete and every reasonable effort is made to evaluate the potential for settlement before a hearing is necessary. In addition to handling Court and other Tribunal matters, legal staff spend significant resources on Ontario Land Tribunal matters including file review, drafting legal opinions, negotiating with stakeholders, meeting with staff, reporting to Council and representing the City regarding procedural matters, pre-hearing conferences, mediation and hearings.

### **Current Situation:**

Since last staff report, dated October 20, 2022, 10 Tribunal proceedings (16 appealed instruments) have concluded through withdrawal, negotiated settlement or hearing. There are 34 active Tribunal proceedings (50 appealed instruments) involving the City. Status updates are provided in this report for both concluded and active proceedings, the majority of which are handled by City staff.

The following case summaries are categorized by appealed planning instrument. The City file name, Tribunal number and status (active or concluded) is shown in the header for each matter.

The Tribunal website <https://olt.gov.on.ca/appeals-process/case-status/> has scheduling information and decisions for all active Tribunal matters. The assigned Tribunal Case Number (Eg. OLT-22-002605), which is identified with each case summary below, may be used to search the status of a particular appeal.

## ***Regional Official Plan Amendments***

Peel ROPAs 16/24/26 – Application to Amend the Official Plan – OLT-22-003238 (Formerly PL130110) – Administratively Closed at OLT

The proceeding has been adjourned since June 6, 2016 and is closed pending further direction from the parties. The Region's ROPAs are moot due to the adoption of the new Regional Official Plan and will not be litigated.

Halton ROPA 43 – Application to Amend the Official Plan – OLT-22-333174 (Formerly PL140744) – Administratively Closed at OLT

The proceeding has been adjourned since 2018 and is closed pending further direction from the parties.

Town of Halton Hills Application to Amend the Official Plan and Zoning By-law – OLT-22-003253 and OLT-22-002146 (Formerly PL080424 and PL100931) – Administratively Closed at OLT

The Town of Halton Hills Official Plan and Comprehensive Zoning By-law appeals involving corridor protection issues have been adjourned since 2010 and are closed pending further direction from the parties.

## ***City Initiated Official Plan Amendments***

Brampton 2006 Official Plan – Application to Amend the Official Plan – OLT-22-003172 (Formerly PL080248) – All Wards – Administratively Closed at OLT

The proceeding was administratively closed with the OLT on September 26, 2022.

Brampton Growth Plan Conformity – Application to Amend the Official Plan – OLT-22-003223 (Formerly PL120151) – All Wards – Administratively Closed at OLT

The proceeding was administratively closed with the OLT on September 26, 2022.

Heritage Heights Secondary Plan – Application to Amend the Official Plan – OLT-22-003840 – Ward 6 - Active

CMC is scheduled for December 8, 2023. A ten day hearing has been set to commence on May 27, 2024.

Appeal by the Building Industry Land Development Association re: Bill 109 – OLT-23-000040 – Active

A CMC was scheduled for September 19, 2023. A subsequent CMC was scheduled for January 11, 2024. If the parties reach settlement by December 15<sup>th</sup>, CMC will be converted to a Settlement Hearing.

75-77 Eastern Avenue, Appeal of Official Plan Amendment OP2006-247 by Candeco Realty Limited, Major Transit Station Areas (MTSA) - OLT-23-000609 – Ward 3 - Active

CMC is scheduled for December 12, 2023.

### ***Site Specific Official Plan Amendments***

Highway 427 Industrial Secondary Plan Area 47 – Application to Amend the Official Plan – OLT-22-002169 (Formerly PL141189) – Ward 10 – Active

The most recent CMC was held on March 4, 2022, during which an existing party was substituted for a new owner. The timing for the next CMC depends on the progress of EA processes for the GTA West Corridor and associated transportation infrastructure.

10605 Coleraine Drive (Caveze Investments Limited) – Site Plan Appeal – OLT-22-002156 (Formerly PL171159) – Ward 10 – Active

A CMC scheduled for July 2022 was cancelled with no replacement date.

Churchville Heritage Conservation District – Applications to Amend the Official Plan, Zoning By-law and Draft Plan of Subdivision – OLT-22-003292 (Formerly PL070797 and PL170679) – Ward 6 – Active

The draft Procedural order is currently being worked on for upcoming Settlement Hearing in 2024.

Arlington Homes – Applications to Amend the Official Plan, Zoning By-law and Draft Plan of Subdivision and Plan of Condominium – PL110363 – Ward 7 – Concluded

Final order was issued by the Tribunal on November 24, 2021.

MCN (Heritage) Inc. – 12 Heritage Road – Application to Amend the Official Plan – OLT-22-002823 (Formerly PL171490) – Ward 6 – Active

No Tribunal appearances have been scheduled.

10244 Mississauga Road – Heathwood Homes (Brampton) Ltd. - Application to Amend the Official Plan – OLT-22-002824 (Formerly PL171491) – Ward 6 – Active  
No Tribunal appearances have been scheduled.

Bramalea Mobility Hub – 69 Bramalea Holdings Limited (Medallion) and 75 Bramalea Road (Mac Mor of Canada Ltd.) - Applications to Amend the Official Plan and Zoning By-law – OLT-22-002855 (Formerly PL190557) – Ward 7 – Active

Parties have requested a Settlement Hearing.

1965-1975 Cottrelle Boulevard - Applications to Amend the Official Plan and Zoning By-law – OLT-22-002047 (Formerly PL210289) – Ward 8 – Concluded

The Tribunal issued its decision on March 23, 2022. This matter is closed.

10785, 10799, 10807 & 10817 McLaughlin Road – Applications to Amend the Official Plan and Zoning By-law – OLT-22-002605 – Ward 2 – Active

A 7 day hearing has been scheduled to commence in May 2023. The hearing was adjourned on May 8, 2023 to facilitate settlement discussions, which are ongoing.

151 Main Street North – Luxor Development Corporation – Applications to Amend the Official Plan and Zoning By-law – OLT-22-004403 – Ward 1 – Administratively Closed

The Tribunal has not scheduled any hearings and the matter remains administratively closed pending an update from the parties.

227 & 229 Main Street OPA 2006-243 ZBA 26-2023 (Vaibhav Sharma) – Adoption of Official Plan Amendment OP2006-234 (By-law 26-2023) and Zoning By-law 27-2023 – OLT23-000180 Ward 3 - Concluded

Motion to dismiss materials were filed with City support and the appellant elected to withdraw the OPA and ZBA appeals. The matter is concluded.

Appeal by Turkstra Mazza Associates, on behalf of Branthaven Creditview Inc. – Glen Schnarr & Associates Inc. – 8940 Creditview Road – OLT-23-000261-262-263 – Ward 4 - Active

A contested Settlement Hearing scheduled for November 15 to 17, 2023 has been adjourned to facilitate settlement.

1857 Queen Street West, Brampton City of Brampton File No. OZS-2021-0018 Appeal of Official Plan Amendment and Rezoning Applications – OLT-23-000295 Ward 4 - Active

A seven-day hearing has been scheduled for April 22 to April 20, 2024.

### ***Zoning By-law Amendments***

10194 Heart Lake Road (Vandyk) - Application to Amend the Zoning By-law and Draft Plan of Subdivision – OLT-22-002192 (Formerly PL171333) – Ward 2 – Active

The Tribunal issued its decision on November 24, 2021 but withheld the Final Order pending clearance of conditions.

8331 Heritage Road – Application to Amend the Zoning By-law and proposed Draft Plan of Subdivision – OLT-22-002419 (Formerly PL200603) – Ward 6 – Active

A hearing scheduled for 14 days beginning October 31, 2022 was cancelled in favour of a settlement hearing held on November 7, 2022. The decision was issued on November 30, 2022.

Fieldgate Developments (1692310 Ontario Limited) – Application to Amend the Zoning By-law and Draft Plan of Subdivision - PL171032 – Ward 4 – Concluded

A settlement hearing was held on October 1, 2021. The Tribunal's decision has not yet been issued.

31-33 George Street N & 18-28 Elizabeth Street N, Appeal by LCBO Pursuant to Subsection 34(19) of the Planning Act By-Law 216-2022 – OLT-22-004634 - Ward 1 - Active

CMC was scheduled for March 15, 2023 wherein a ten day hearing was scheduled for February 5, 2024 to February 16, 2024.

Appeal by Davies Howe LLP on behalf of Essence Holdings Inc. Gagnon Walker Domes Ltd. Zoning By-law Amendment and Draft Plan of Subdivision, 0 & 8265 Churchville Rd. - OLT-23-000363 – Ward 4 - Active

In the process of drafting the Draft Procedural Order and expect to set down a nine day hearing commencing April 9, 2024.

7, 11 & 15 Sun Pac Boulevard, Appeal by Miller Thompson LLP, on behalf of Peel Standard Condominium Corp. No. 1046 of City Initiated Zoning By-Law Amendment 144-2022 - OLT-22-004524 - Ward 8 - Concluded

The appeal was withdrawn by the applicant on May 11, 2023. This matter is concluded.

5254 Old Castlemore Road Appeal by 47-1 Country Properties Limited and Castlemore Country Zoning By-law Amendment - Active

No hearing dates have been scheduled.

### ***Site Plans***

Interim Control By-law 72-2019 – 10044 Heritage Road – OLT-22-002828 (Formerly PL190280) – Ward 6 – Active

The Tribunal ordered approval of the portion of By-law 72-2019. The remainder is still under appeal.

8925 Torbram Road Appeal by McCarthy Tetrault LLP on behalf of bclMC Realty Corporation on Site Plan Application - OLT-22-004634 – Ward 8 - Concluded

A Decision from the Tribunal was issued on September 21, 2023. This matter is concluded.

### ***Committee of Adjustment***

Consent Application B17-016 - 7875 Mayfield Road – OLT-22-003571 (Formerly PL180076) – Ward 6 – Administratively Closed

This appeal has been administratively closed since September 2023.

Minor Variance Application and Consent Application A18-028, A18-029, and B18-006 – 52 Marysfield Drive – OLT-22-003588 (Formerly PL180206) – Ward 10 – Administratively Closed

This appeal has been administratively closed by the OLT.

Minor Variance Application A-2022-0082 – 0 Goreway Drive – OLT-22-004184 – Ward 8 – Concluded

This matter has been closed as it did not meet transitional requirements under Bill 23.

Consent/Minor Variance B-2023-0001, A-2023-0033 And A-2023-0034 - OLT-23-000257-9 Rogers Road, Brampton – Ward 1 - Active

A one day hearing occurred on September 6, 2023 and will continue on January 30 and 31, 2023.

Consent And Minor Variance - B-2022-0025, B-2022-0372 And B-2022-0373 - Part of Lots 9 and 10, Concession 6 – Olt-23-000257 - 9893 Torbram Road- Active

A hearing was scheduled for September 13, 2023. The City did not attend the hearing.

6 Brookdale Cres, Jasbir Kaur, Arshdeep Pannu and Navneet Pannu (Noble Prime Solutions Ltd.) Zoning By-law Minor Variance - OLT-23-000715 - Ward 7 - Active

Settlement Hearing is scheduled for December 1, 2023.

37 West Street, Committee of Adjustments Appeal by NRB Holdings Limited re: Minor Variance – OLT-22-004718 - Ward 1 - Concluded

OLT issued a Decision on April 27, 2023. This matter is now concluded.

7780 Creditview Road, Appeal by Link Charity Canada Inc., Application for Consent and Minor Variance - OLT-23-000420 – Ward 10 – Concluded

The Tribunal's Decision of September 13, 2023 orders the appeal to be dismissed. This matter is concluded.

### ***Cash-in-Lieu***

Application Pursuant to Subsection 42(10) and 42(12) of the Planning Act – 826 Steeles Avenue West – OLT-22-002765 (Formerly MM190018) – Ward 4 – Active

No hearing dates have been set.

Application Pursuant to Subsection 42(10) and 42(12) of the Planning Act – 1-55 Summer Wind Lane – Mattamy (Mount Pleasant North) Limited – OLT-21-001234 - Ward 6 – Active

No hearing dates have been set.

Mattamy (Brampton North) Limited (PartLot14, Concession 4 West of Hurontario Street (Chinguacousy) Parts 1,2 and 3, etc.) OLT23-000088 – Active

No hearing dates have been set. Parties to update Tribunal in January 2024.



### ***Development Charges***

1 Coventry Road – Dancor Construction Limited – Development Charge Complaint – Appeal municipality’s decision regarding a complaint – OLT-22-002663 (Formerly DC200012) – Ward 7 - Active

No hearing dates have been set to allow the parties to discuss settlement. If the parties are unable to reach settlement, a hearing will be scheduled in 2024.

### ***By-Law Appeal***

Appeal by Appeal by Kagan Shastri LLP, on behalf of the Building Industry Land Development Association (BILD) of Parkland Dedication By-law 242-2022 - OLT-23-000099 - Active

The Case Management Conference scheduled for May 12, 2023 was adjourned indefinitely.

### ***Section 69. Fee Appeal***

241 Queen Street East, Fee Appeal by Hampton Development Corp. - OLT-OLT-23-000644 – Ward 3 - Concluded

The matter has been withdrawn and is now concluded.

0 Steeles Avenue West and 1735 Steeles Avenue West, Metrus Central Properties Limited, Appeal to Dispute the Amount of Application Fees - OLT-23-000587 – Ward 6 - Active

No hearings have been scheduled to date.

### **Corporate Implications:**

#### Financial Implications:

None

#### Other Implications:

None.

Purchasing Implications –

Communications Implications –

**Strategic Focus Area:**

**Conclusion:**

This report provides an update on all active and concluded Ontario Land Tribunal appeals from October 2022 to November 2023.

Authored by:

Approved by:

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Steven Ross, Deputy City Solicitor

Sameer Akhtar, Acting Commissioner of  
Legislative Services & City Solicitor