

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



ISSUE DATE: January 23, 2019

CASE NO(S): PL180264

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

Applicant and Appellant:	2186121 Ontario Inc.
Subject:	Application to amend Zoning By-law No. Z. -1 - neglect of City of London to make a decision R1-7
Existing Zoning:	R1-7
Proposed Zoning:	Site Specific to be determined
Purpose:	To permit a special provision of height for 15 meters
Property Address/Description:	1148 Byron Baseline Road
Municipality:	City of London
Municipality File No.:	Z-8847
OMB Case No.:	PL180264
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OMB Case Name:	2186121 Ontario Inc. v. London (City)

Heard: October 29-30, 2018 in London, Ontario

APPEARANCES:

Parties

2186121 Ontario Inc.

City of London

Counsel

A. Baroudi

A. Anderson

DECISION BY S. JACOBS AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] 2186121 Ontario Inc. (the “Applicant”) wishes to redevelop three former single-detached residential lots, now assembled as 1148 Byron Baseline Road in London (the “subject property”) into a four-storey, 38-unit apartment building. To facilitate its proposed development, the Applicant applied to the City of London (the “City”) for a zoning by-law amendment (the “ZBA”) to By-law No. Z.-1 (the “Zoning By-law”) and the City failed to make a decision on the application within the statutory time period. The applicant therefore appeals to the Local Planning Appeal Tribunal (the “Tribunal”) pursuant to s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13 as it read on April 2, 2018 (the “Act”), prior to the proclamation of *Bill 139, Building Better Communities and Conserving Watersheds Act, 2017*.

[2] The City appeared at the hearing of the appeal in opposition to the proposed ZBA. The Tribunal granted participant status and heard testimony from five area residents who agree with the City and oppose the ZBA: Greg Thurston, Dan Doroshenko, Terry Wisniewski, Jacquelin Burkell, and Fran Webster.

[3] Over the course of the two-day hearing, the tribunal heard evidence from two witnesses it qualified to provide opinion evidence in the area of land use planning: Ric Knutson, retained by the Applicant, testified in support of the proposed ZBA, and Michelle Knieriem, a planner with the City, testified in support of the City’s position. The Tribunal also heard evidence from Benjamin Billings, retained by the Applicant, whom the Tribunal qualified to provide opinion evidence in land use planning, recognizing that Mr. Billings could speak to urban design from a planning policy perspective. Finally, the Tribunal qualified Britt O’Hagan to provide opinion evidence in the area of urban design on behalf of the City.

The Subject Property and Surrounding Area

[4] The subject property is located on the south side of Byron Baseline Road, an arterial road, between Griffith Street and Colonel Talbot Road / North Street. While the

City witnesses describe its location as 'mid-block', there is one single detached dwelling located at the southeast corner of Byron Baseline Road and Griffith Street, and the subject property begins with the next lot to the east. The rectangular-shaped property has an area of approximately 0.54 hectares ("ha"), with frontage of approximately 74 metres ("m") and depth of approximately 65 m. Being the assembled product of three former residential lots, the subject property is currently vacant but contains two residential garages that are no longer in use. There is a downward slope to the rear of the subject property, though the frontage along Byron Baseline Road is at an elevation higher than those properties across from it on the north side of Byron Baseline Road.

[5] There is a cedar hedge located at the rear of the subject property, between it and the rear of its adjacent lots on September Lane. The Tribunal heard conflicting evidence regarding the state of this hedge, though it appears to have a height of approximately 6 m.

[6] By all accounts, the area immediately surrounding the subject property is an established low-profile residential neighbourhood. This immediately surrounding area consists of single detached homes, ranging between one and two storeys, with the dwellings fronting Byron Baseline Road being primarily one-storey dwellings. The neighbour of the subject property at the corner of Griffith Street and Byron Baseline Road is a 2.5 storey single-detached dwelling that is listed on the City's heritage register, though not designated under the *Ontario Heritage Act*. The three properties immediately to the east contain single-detached dwellings, though these three properties are designated as Multi-Family, Medium Density Residential in the City's 1989 Official Plan (the "OP"). The next property to the east, at the intersection of Byron Baseline Road and Colonel Talbot Road / North Street, is a cluster townhouse development with one- and two-storey dwellings.

[7] The subject property is designated Low Density Residential in the OP, as are the properties to its north, south, and west. The property is zoned Residential R1 (R1-7) in the City's Zoning By-law, which permits single detached homes.

[8] Beyond the immediately surrounding area, there are low-rise apartment buildings

located within a 400 m radius, and seven- and eight-storey buildings within an 800 m radius adjacent to the City's Springbank Park to the north. The appropriate radius of study and the character of each was matter of contention in the hearing, and will be discussed in more detail in the Tribunal's analysis of the proposed development and ZBA.

The Proposed Development and ZBA

[9] The Applicant is proposing to construct a four-storey apartment building with 38 units. The proposed ZBA allows a height of 15 m, whereas the Zoning By-law permits 13 metres, and includes a reduced front yard setback of 1.8 m, where a minimum of 8 m is required. The density of the proposed development is approximately 71 units per ha, and therefore does not require an amendment to the OP, which permits up to 75 units per ha, subject to OP requirements that will be discussed below.

[10] Subsequent to the Applicant's appeal being filed with the Tribunal, City Council considered the proposed ZBA at its August 28, 2018 meeting and resolved to direct City staff to attend the Tribunal hearing to oppose the application. The City witnesses indicated that staff may be willing to consider and potentially recommend a more modest intensification proposal for the subject property, such as a townhouse development. Mr. Knutson indicated that his client has considered such alternatives and has not pursued them due to financial viability.

ISSUES AND ANALYSIS

[11] When considering a ZBA, the Tribunal must determine whether it is consistent with the *Provincial Policy Statement, 2014* (the "PPS") and conforms with the OP. In this case, the planning witnesses agree that the proposed development generally accords with the intensification policies in the PPS, and that the main issue relates to conformity with the City's OP. In particular, while several OP policies are engaged, the core issue is one of compatibility with and character of the neighbourhood.

[12] The Tribunal notes that there was some discussion by the planning witnesses of

relevant policies in the London Plan, which is the City's new Official Plan that is under appeal before the Tribunal, and their application to the proposed ZBA. While helpful to understand the direction of the City in considering planning applications, many of these policies are not yet in force and the Tribunal was taken to no in-force London Plan policy that would determine this appeal in a way that differs from the application of the 1989 OP policies. The Tribunal's analysis accordingly focuses on the City's 1989 OP.

[13] While the OP generally encourages residential intensification, it is subject to a number of policies and criteria to ensure compatibility with the neighbourhood context in terms of general impact, and also from an urban design perspective. Accordingly, the Tribunal will first discuss the policies relating to residential intensification and compatibility, and will then determine the appropriate neighbourhood area against which these policies must be assessed. The Tribunal will then consider the OP's urban design policies as they relate to the proposed development.

Intensification and Compatibility in Low Density Residential Areas

[14] Section 2.3.1 of the OP provides general land use planning principles that are reflected throughout the OP, including promoting compatibility among land uses with respect to scale, intensity, and potential impacts (s. 2.3.1(ii)), as well as promoting building design that is sensitive to the scale and character of surrounding areas (s. 2.3.1(vii)). The general objectives for the residential land use designations in s. 3.1.1 similarly speak to impact and compatibility, as they purport to

vi) Encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services and facilities.

vii) Minimize the potential for land use compatibility problems which may result from an inappropriate mix of: low, medium and high density housing; higher intensity residential uses with other residential housing; or residential and non-residential uses.

[15] Residential intensification is specifically addressed in s. 3.2.3. The policy indicates that while such intensification may be permitted in the Low Density Residential designation, it is subject to various policy requirements of the OP:

3.2.3. Residential Intensification

Residential Intensification is a means of providing opportunities for the efficient use of land and encouraging compact urban form.

Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the following policies and the Planning Impact Analysis policies under Section 3.7. Where the subject lands are within a specific residential area identified under policy 3.5, the application of the following residential intensification policies will supplement those specific policies, but will not supercede them.

Residential Intensification projects shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood are maintained as outlined in policy 3.2.3.3. and 3.2.3.4.

In this case, the fundamental disagreement between the parties relates to whether the proposed development employs innovative and creative urban design techniques to ensure maintenance of the neighbourhood's character and compatibility.

[16] The theme of compatibility and fit within the neighbourhood is repeated throughout the section 3 policies. While s. 3.2.3.2 provides that residential intensification will be considered in the Low Density Residential designation in a range of up to 75 units per ha, including low rise apartment buildings, it further provides that

Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area.

The importance of assessing neighbourhood character is reflected in the OP's requirement for an applicant to submit a Neighbourhood Character Statement, with a detailed physical inventory of the neighbourhood:

3.2.3.3. Neighbourhood Character Statement

An inventory of the urban design characteristics of the structures and the natural environment within a neighbourhood shall be undertaken by the applicant, as outlined in section 3.7.3.1. of the plan. The physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment are some of the elements that collectively determine much of the character of a neighbourhood and its streetscape. A well organized and documented understanding of a neighbourhood's character is an effective tool in assessing the appropriateness of a proposed change and the implications the change may have on the character of a neighbourhood. [Emphasis added].

There is no dispute that the Applicant provided the required Neighbourhood Character Statement; at issue is the Applicant's conclusion that the proposed development is appropriate given the character of this particular neighbourhood. The OP provides additional requirements for an applicant to address compatibility in s. 3.2.3.4:

3.2.3.4. Compatibility of Proposed Residential Intensification Development

As part of an application for residential intensification, the applicant shall be required to provide an adequately detailed statement of the compatibility, where it is clearly demonstrated that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments as outlined in section 3.7.3.1. of the plan. [Emphasis added].

What is the Surrounding Neighbourhood?

[17] All of the witnesses agree that compatibility and fit within the neighbourhood are crucial for a proposal for residential intensification like what is proposed here. The planning witnesses, however, disagree as to the appropriate neighbourhood against which such an assessment must be made. Both Mr. Knutson and Ms. Knieriem referred the Tribunal to section 3.7, which details the purpose, scope, and required information to be addressed through City staff's Planning Impact Analysis of applications for official plan or zoning amendments. Again, compatibility and impact is a common theme throughout this section as reflected in its purpose provision (s. 3.7.1) and in its defined scope (s. 3.7.2). In order to assist staff in carrying out the Planning Impact Analysis, an applicant is required to provide both a Neighbourhood Character Statement and a Compatibility Report. The description of the Neighbourhood Character Statement in s. 3.7.3(a) provides guidance as to the appropriate area to be studied:

Neighbourhood Character Statement. A detailed statement of the character of the existing neighbourhood that demonstrates how the proposed development respects the character of the existing neighbourhood shall be submitted by the applicant. This inventory of urban design characteristics shall include a review of structures and the natural environment within the surrounding neighbourhood. Although the extent of the area to be reviewed will be established at the preconsultation stage, it shall include an area consisting of 120 metres radius from the subject site. The conceptual design of the project needs to be based on specific built

form principles which guide what it is that the project wants to achieve.
[Emphasis added].

[18] Mr. Knutson and Ms. Knieriem disagree as to the proper interpretation and application of the radius to be included in the Neighbourhood Character Statement. Both agree that there was no additional study area defined during the preconsultation stage, which is contemplated to occur in s. 3.7.3(a). In Mr. Knutson's opinion, because the City did not define a particular study area, it was appropriate for him to consider two traditional radii that reflect a 5- and 10-minute walkable area: 400 m and 800 m, respectively. Ms. Knieriem, in contrast, believes that the language of s. 3.7.3(a) requires an applicant to first study the 120 m radius from the site.

[19] The Tribunal agrees that the language "shall include" the 120 m radius area indicates that this is to be an area of study in the Neighbourhood Character Statement, and that an additional area may be defined by the City through preconsultation. As no additional area was defined by the City for this particular application, the Tribunal does not see the consideration of a broader context of a 400 m and 800 m area being problematic for assessing the proposed ZBA, and the Tribunal will consider these areas below. However, the primary area of consideration, as required by s. 3.7.3(a) of the OP, is the 120 m radius from the subject property. This is consistent with the previously referenced OP policies that emphasize the importance of a proposal's compatibility with its surrounding neighbourhood. The policies cited previously also include impact as a theme and it is an accepted principle of land use planning that adverse impact is most likely to be experienced by the area immediately surrounding a proposed development. The Tribunal will turn now to consider the proposal within the context of the 120 m, 400 m, and 800 m radii.

Within 120 m of the Subject Property

[20] As noted earlier in the Tribunal's description of the area immediately surrounding the subject property, the 120 m radius consists primarily of single detached homes. These are one- and two-storey dwellings, with the dwellings fronting on Byron Baseline Road being primarily one-storey in height (these dwellings have height permissions of up to 10.5 m in the Zoning By-law). According to Ms. Knieriem, the buildings on Byron

Baseline Road typically have a generous front-yard setback that exceeds the 8 m requirement of the Zoning By-law. An exception to the majority of single detached dwellings in this surrounding area is the cluster townhouse development located at the southeast corner of Byron Baseline Road and North Street / Colonel Talbot Road. It is a medium density development and the townhouses are one- and two-storeys in height. There are also semi-detached dwellings located at the northwest corner of Byron Baseline Road and Colonel Talbot Road / North Street. Nowhere within the 120 m radius is there a low-rise apartment building.

[21] Mr. Knutson provided limited evidence regarding the 120 m radius surrounding the subject property, as his focus was on the 400 and 800 m radii. He acknowledged the low-rise residential scale of this area and noted that the cedar hedge at the rear of the proposed development, along with the siting the proposed building at a significant distance from the adjacent dwellings to the rear, will address potential compatibility issues with the properties located on September Lane. He also noted that, with respect to the proposed reduced front-yard setback, the City has planned a road widening for Byron Baseline Road that necessitates the reduced setback in order to maintain the cedar hedge. While he also acknowledged that the 15 m height of the proposed development exceeds the low-scale heights of the surrounding neighbourhood, he noted that the 15 m height applies only to the proposed building's parapet detail, and that the building is more accurately described as 13.46 m in height. He also explained that the subject property slopes downward to the rear, and so the building will not present as its true height. He therefore viewed no adverse impacts or compatibility issues within the immediately surrounding area.

[22] Ms. Knieriem disagrees, and is of the opinion that both the height and front yard setback are out of character for this neighbourhood and are not compatible. In her view, the reduced front yard setback represents a dramatic shift from the existing setbacks on Byron Baseline Road and is not a good fit for this neighbourhood. Similarly, the height of 15 m is out of character for this low rise residential area, especially considering that the subject property is not located at an intersection where greater heights are generally expected. This accords with the urban design evidence provided by Ms. O'Hagan,

which the Tribunal will address in its analysis of the OP's urban design policies.

Within 400 m of the Subject Property

[23] Mr. Knutson provided the Tribunal with a depiction of a 400 m radius from the subject property that he subsequently corrected during cross-examination, as it was not properly centred on the subject property. The Tribunal therefore prefers and relies in its analysis on the radius depictions provided by Ms. Knieriem in her evidence.

[24] Mr. Knutson and Ms. Knieriem agree that, while the 400 m radius is primarily comprised of one- and two-storey single detached dwellings, the area yields some examples of low-rise apartment buildings, as well as a variety of uses, including a resource extraction site, a church, and an office building on Boler Road. The nearest comparable development to the subject property is a complex of three apartment buildings at the northeast corner of Byron Baseline Road and Colonel Talbot Road / North Street. The buildings appear to be three-storeys in height, and Ms. Knieriem indicated that they have been constructed at a height less than the 13 m permission for the site. She and Ms. O'Hagan also noted that a downward slope of the property gives the appearance of a lower building height. There is one six-storey apartment building in the 400 m radius, located near North Street and Commissioners Road West, with a 15 m height permission.

Within 800 m of the Subject Property

[25] The 800 m radius around the subject property is also primarily comprised of single-detached dwellings, however, it contains more examples of low- and mid-rise apartment buildings. To the northwest, at the intersection of Commissioners Road and Boler Road are apartment buildings of seven and eight storeys. There is a five-storey apartment building located nearer to the subject property at the intersection of North Street and Commissioners Road West, with a height permission of 14.4 m. It is important to note, as Ms. Knieriem pointed out, that the area along Commissioners Road generally consists of higher densities and heights due to its location adjacent to the City's Springbank Park. Heights and densities also increase at the commercial

nodes located at the intersections of Commissioners Road and Boler Road and Byron Baseline Road and Boler Road.

[26] The Tribunal recognizes that 'compatible' does not mean 'the same as.' In order to find that a proposal is compatible with its surrounding area, the Tribunal need not find that it is identical to its neighbours. Rather, the proposal must be able to coexist harmoniously with its surrounding context. Additionally, in this case, the City's OP emphasizes the critical importance of maintaining a neighbourhood's character. It is clear to the Tribunal that the character of the primary area of study, the 120 m radius, is of a low scale residential nature. Even when moving into the 400 m radius, this is still the primary character, and even so at the 800 m radius. While there are low- and mid-rise apartment examples within the 800 m radius, the Tribunal cannot ignore the location of these in proximity to intersections, commercial nodes, and the City's Springbank Park. As a general proposition, the proposed development, which is not located at an intersection and is located among single detached dwellings, would appear to be drastically out of character with its surrounding area. However, in order to fully assess the ZBA's conformity with the City's OP, it is necessary to consider the OP's urban design policies and how they apply to the proposed development.

Urban Design Policies and Considerations

[27] In ensuring that compatibility and character with the surrounding neighbourhood are maintained, the OP requires the use of "innovative and creative urban design techniques" in s. 3.2.3. The Tribunal heard extensive evidence from Ms. O'Hagan in support of her opinion that such techniques are not used in the proposed development. Mr. Billings disagrees and believes that the design of the proposed building is compatible with the neighbourhood and an appropriate fit.

[28] With respect to s. 3.2.3 of the OP, Ms. O'Hagan explained that while this policy contemplates residential intensification with densities up to 75 units per ha, it is not always appropriate to allow the maximum density and all contemplated forms of development within the Low Density Residential designation. In her view, s. 3.2.3 requires applicants to demonstrate compatibility with the scale and character of the

surrounding neighbourhood through both zoning provisions and innovative urban design responses. In reviewing the Planning Impact Analysis provisions contained in s. 3.7 of the OP, she reiterated that the proposed development is out of scale with its surrounding context. While she agreed with Mr. Knutson and Mr. Billings that the three properties adjacent to the subject property to the east are designated for medium density and could redevelop over time, she pointed out that the majority of the surrounding neighbourhood consists of single detached dwellings and is unlikely to change over time. In her view, the proposed development overpowers its neighbouring uses.

[29] Ms. O'Hagan recognized that a building that is taller than its neighbours could be considered compatible in the neighbourhood; however, in the case of the proposed development, it is her opinion that the proposal makes no attempt to respond to its neighbours from an urban design perspective. In particular, the proposal does not include any stepbacks which could serve to mitigate the apparent mass of the building and shadow impacts along the streetscape. Like Ms. Knieriem, Ms. O'Hagan's view is that the proposed development represents overdevelopment of the subject property, as reflected by the substantially reduced front-yard setback, parking layout, and driveway proposed to be located within a municipal servicing easement.

[30] Ms. O'Hagan referred the Tribunal to the specific urban design policies contained in Chapter 11 of the OP, which, as noted in the section preface, are used primarily for guideline purposes. Section 11.1.1 further indicates that "Council shall promote the use of the following urban design principles in the preparation and review of development proposals." While the Tribunal recognizes that these are guidelines, it finds it is appropriate to consider these principles in conjunction with s. 3.2.3, which mandates the use of innovative and creative urban design techniques in residential intensification proposals.

[31] While Ms. O'Hagan was thorough in her analysis of the urban design principles contained in section 11.1.1, the Tribunal will focus on those most relevant to the issues of compatibility and neighbourhood character. The Tribunal notes that the planning and

urban design witnesses agree that the proposed location of the building close to Byron Baseline Road is generally considered positive from the standpoint of the pedestrian experience. However, in the opinion of the City's witnesses, the issues relating to compatibility and fit outweigh what might be considered a potential urban design benefit. For example, with respect to the principle of open views to landmarks (s. 11.1.1), Ms. O'Hagan's opinion is that the unique height and form of the corner heritage listed property next to the subject property creates an identifiable landmark in the community, and that the reduced front-yard setback and location of the proposed building blocks views to this landmark building. She believes that the proposed building should therefore incorporate a full or partial setback toward the west to maintain visual connection to its neighbour.

[32] On a similar note, s. 11.1.1(v) calls for "continuity and harmony in architectural style with adjacent uses" of cultural heritage value or interest. In Ms. O'Hagan's view, the proposed development makes no attempt, in its massing or conceptual design, to provide continuity with its neighbour. She suggests several techniques that could have been employed, including the continuation of datum lines across the building, breaking down the mass with articulation, incorporating similar roof form to its neighbours, material application, and rhythm and pattern of fenestration. Mr. Billings provided no evidence to indicate an attempt to include any urban design measures to provide architectural continuity.

[33] Ms. O'Hagan also raised concerns with respect to access to sunlight (s. 11.1.1(ix)), opining that the height and setback of the building is likely to create shadow impact on the streetscape to the north of the building. She notes that the proposal does not include urban design approaches that could mitigate such impact, such as height reduction, setbacks, stepping back of building mass, or modification of the building's rectangular footprint. The Tribunal was not presented with a shadow study nor any evidence that could confirm whether there will or will not be shadow impact from the proposed development.

[34] Section 11.1.1(xiv) encourages the design and positioning of new buildings to

minimize the loss of privacy for adjacent residential properties. In Ms. O'Hagan's opinion, the proposal makes no attempt to protect the privacy of adjacent properties, and in particular those to the rear of the subject property, on September Lane. From an urban design perspective, she suggests that mitigating measures could include minimum rear and / or side yard setbacks in the ZBA, height limitations, and stepping down of mass toward adjacent properties. While Mr. Knutson and Mr. Billings point out that the cedar hedge provides some buffering for adjacent properties, the photos presented by Messrs. Thurston and Doroshenko suggest that this may not provide adequate screening, especially in winter months.

[35] Mr. Billings provided very limited evidence with respect to urban design considerations and policies and how these are incorporated into the proposed development. In his view, the proposed building, at four storeys, is an appropriate transition from its 2.5 storey neighbour to the west (the heritage-listed property) and the massing is appropriate within this neighbourhood. The Tribunal prefers the detailed evidence of Ms. O'Hagan with respect to the use of innovative and creative urban design techniques as they relate to the OP's urban design principles. The Tribunal agrees with Ms. O'Hagan that there has been very little, if any, attempt to make this proposal fit within the neighbourhood, nor does the proposal demonstrate sensitivity to its neighbours through urban design responses.

[36] Accordingly, the Tribunal finds that the proposed development does not conform with s. 3.2.3 of the OP. The Tribunal also finds that the proposed development in no way reflects the character of the surrounding, primarily single-detached residential neighbourhood, and cannot be considered maintain that character or to be compatible with this context. The Tribunal finds that the ZBA does not conform with the OP policies relating to residential intensification contained in Chapter 3 of the OP, cited above.

CONCLUSION

[37] There is no question that provincial planning policy encourages residential intensification, as does the City's OP. It is critical, however, to ensure that such intensification is compatible with and sensitive to its context. The proposed ZBA before

the Tribunal falls short of providing such a development, and does not conform with the OP's intensification or urban design policies. While the Tribunal must acknowledge, as the City witnesses did, that there may indeed be an opportunity for intensification on the subject property, it is clearly not in the form of what has been proposed here. However, the Tribunal understands, from Mr. Knutson's evidence, that an alternate proposal of lower height and density, such as a townhouse development, is not of interest to the Applicant, and, in any case, that is not the proposal that was before the Tribunal. Accordingly, the Tribunal will dismiss the appeal.

ORDER

[38] The Tribunal orders that the appeal is dismissed.

"S. Jacobs"

S. JACOBS
MEMBER

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

Local Planning Appeal Tribunal

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