

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



ISSUE DATE: July 19, 2018

CASE NO(S): PL141245

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 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Sherway Limited
Subject: Proposed Official Plan Amendment No. OPA 596
Municipality: City of London
OMB Case No.: PL141245
OMB File No.: PL141245
OMB Case Name: Sherway Limited v. London (City)

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

Appellant: Sherway Limited
Subject: By-law No. Z-1-142343/OZ-7921
Municipality: City of London
OMB Case No.: PL141245
OMB File No.: PL141246

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 1705825 Ontario Ltd.
Subject: Proposed Plan of Subdivision - Failure of the City of London to make a decision
Purpose: To permit a residential subdivision
Property Address/Description: 2054 Adelaide Street N.
Municipality: City of London
Municipality File No.: 39T-11502
OMB Case No.: PL141245
OMB File No.: PL160702

Heard: May 2, 2018 in London, Ontario

APPEARANCES:

Parties

Counsel

Peter Sergautis and Sherway Limited A. Ferreira

City of London N. Hall

MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON MAY 2, 2018 AND ORDER OF THE TRIBUNAL

[1] Sherway Limited (“Sherway”) wishes to develop a subdivision at its property located at 2054 Adelaide Street North in London (the “subject property”). While the City of London (the “City”) amended its Official Plan (the “OPA”) and Zoning By-law (the “ZBA”) in response to Sherway’s application, Sherway did not find these instruments to be satisfactory and appealed to the Ontario Municipal Board (the “Board”), now continued as the Local Planning Appeal Tribunal (the “Tribunal”), pursuant to s. 17(24), 34(19), and 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the “Act”).

[2] The parties arrived at a settlement and this hearing was convened as a settlement hearing. Sherway circulated notice of the hearing in accordance with the Tribunal’s direction, however, no one other than Sherway and the City appeared at the hearing.

[3] As a result of the settlement, the parties proposed the modifications to the OPA, ZBA, and draft plan of subdivision as detailed in Attachment 1.

[4] The Tribunal qualified Nancy Pasato to provide opinion evidence in the area of land use planning; Ms. Pasato provided evidence in support of the proposed instruments by affidavit, filed as Exhibit 2.

[5] Based on Ms. Pasato’s uncontested planning evidence, the Tribunal is satisfied

that the proposed instruments are consistent with the *Provincial Policy Statement, 2014*, that the ZBA conforms with the City's Official Plan, that the draft plan of subdivision has appropriate regard for the matters set out in s. 51(24) of the Act, and that all of the instruments represent good land use planning. The Tribunal will therefore allow the appeals in part.

ORDER

[6] The Tribunal orders that the appeals are allowed in part.

[7] The Tribunal orders that City of London Official Plan Amendment No. 596 is modified in accordance with Appendix B of Attachment 1 to this Order.

[8] The Tribunal further orders that City of London Zoning By-law No. Z.-1-142343 is amended in accordance with Appendix C of Attachment 1 to this Order.

[9] The Tribunal further orders that the draft plan of subdivision shown in Appendix A of Attachment 1 to this Order is approved subject to the fulfillment of the conditions set out in Appendix A of Attachment 1 to this Order.

[10] And the Tribunal orders that pursuant to s. 51(56.1) of the *Planning Act*, the City of London shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the Act. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

“S. Jacobs”

S. JACOBS
MEMBER