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**File No. O-7668**  
**Planner: B. Debbert**

<b>TO:</b>	<b>CHAIR AND MEMBERS - PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>LONDON PSYCHIATRIC HOSPITAL RESOLUTION OF OMB APPEAL MEETING ON NOVEMBER 26, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the appeal of Official Plan Amendment No. 510 – London Psychiatric Hospital Secondary Plan by the Fairmont Lawn Bowling Club:

- a) The Minutes of Settlement attached hereto as Appendix “A” **BE APPROVED** at the Municipal Council meeting on December 11, 2012;
- b) The Mayor and the City Clerk **BE DIRECTED** to execute the Minutes of Settlement attached on behalf of the City;
- c) The Ontario Municipal Board **BE REQUESTED** to allow the Appeal in part, by amending paragraph 3 of Section 20.4.3.3.3.ii) by deleting the words “on the rear portion of” and replacing them with the word “within” in accordance with the Minutes of Settlement attached.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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March 26, 2012 – Report to Planning & Environment Committee regarding Notice of Appeal to the Ontario Municipal Board

<b>BACKGROUND</b>
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On April 17, 2012, the City, Infrastructure Ontario and representatives of the Fairmont Lawn Bowling Club attended a pre-hearing conference to the Club appeal. Discussions included the possibility of a settlement of the appeal, or if a settlement could not be reached, the expectation that the City and Infrastructure Ontario would jointly bring a Motion to Dismiss the Club’s appeal without a hearing. The Board’s Decision, dated April 27, 2012, set January 22, 2013 as the date to hear the Motion to Dismiss without a hearing.

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In the intervening time, a settlement has been reached which is attached as Appendix "A" to this report. The settlement has the effect of recognizing the existing use of a lawn bowling club at its current location. The settlement has been executed by Infrastructure Ontario and the Fairmont Lawn Bowling Club.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>BARB DEBBERT SENIOR PLANNER COMMUNITY PLANNING AND DESIGN SECTION</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

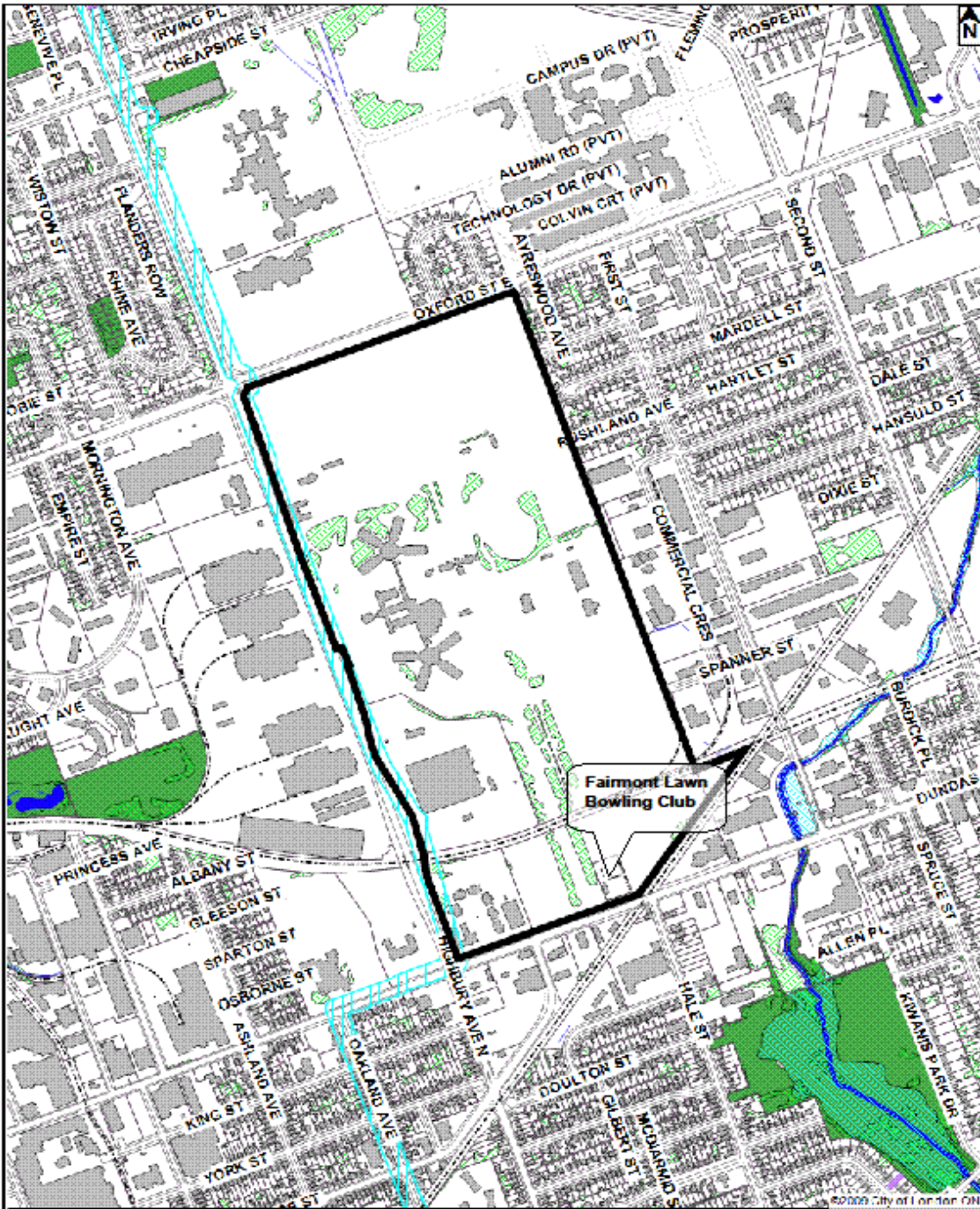
November 15, 2012

BD/  
"Attach"

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<p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: London Psychiatric Hospital Area Plan                  Applicant: City Of London                  File Number: O-7668                  Planner: Barb Debbert                  Created By: Barb Debbert                  Date: 2012-01-05                  Scale: 1:10100</p>	<p style="text-align: center;"><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 2px solid black; margin-right: 5px;"></span> Subject Site</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black; margin-right: 5px;"></span> Assessment Parcels</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #cccccc; border: 1px solid black; margin-right: 5px;"></span> Buildings</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Address Numbers</li> </ul>
<p>Corporation of the City of London                  Prepared By: Planning and Development</p>	

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**Appendix "A" – Minutes of Settlement**

PL111239

ONTARIO MUNICIPAL BOARD

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

Appellant: Fairmount Lawn Bowling Club  
 Subject: Proposed Official Plan Amendment No. 510  
 Municipality: City of London  
 OMB Case No.: PL111239  
 OMB File No.: PL111239

MINUTES OF SETTLEMENT

WHEREAS Infrastructure Ontario ("IO") applied to The Corporation of the City of London (the "City") for an official plan amendment for the purpose of adopting a secondary plan on lands municipally known as 1414 Dundas Street East;

AND WHEREAS City Council for the City approved IO's application and passed By-law No. C.P.-1284(rp)-283 on October 3, 2011 for the purpose of adopting Official Plan Amendment No. 510 ("OPA 510");

AND WHEREAS on November 1, 2011, Fairmont Lawn Bowling Club ("Fairmont") filed an appeal to OPA 510 (the "Appeal");

AND WHEREAS the City, IO and Fairmont have agreed to resolve the Appeal in accordance with these Minutes of Settlement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the premises, covenants and agreements hereinafter and the sum of TWO DOLLARS (\$2.00) now paid by the Owner to the City, the sufficiency of which is hereby acknowledged:

1. The parties agree to request the Ontario Municipal Board for an order allowing the Appeal in part, by amending paragraph 3 of Section 20.4.3.3.3.ii) by deleting the words "on the rear portion of" and replacing them with the word "within". For greater certainty, the parties agree that the amended paragraph 3 of Section 20.4.3.3. ii) shall read as follows:

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East of the Treed Allée the secondary uses noted above (for west of the Allée) may be permitted in a stand-alone commercial building. Multiple stand-alone commercial buildings shall not be permitted. A lawn bowling facility, and community gardens (as shown in Schedule 2), may also be permitted within this designation.

2. The parties agree that the City shall lead planning evidence before the Ontario Municipal Board in support of the amendment proposed in paragraph 1 above.
3. The parties acknowledge and agree that the amendment proposed in paragraph 1 above is a full and final settlement of all appeals by Fairmount to OPA 510.
4. The parties agree that these minutes of settlement may be executed in separate counterpart.

Signed in London this            day of            ,2012.

THE CORPORATION OF THE CITY OF LONDON

\_\_\_\_\_  
 Joe Fontana, Mayor

\_\_\_\_\_  
 Catharine Saunders, City Clerk

Signed in London this            day of            ,2012.

1589564 Ontario Inc. o/a Fairmount Lawn  
 Bowling Club

\_\_\_\_\_ c/s  
 Name:  
 Position:  
 I/we have authority to bind the Corporation

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Signed in Toronto this            day of            ,2012.

Infrastructure Ontario

\_\_\_\_\_ c/s

Name:

Position:

I/we have authority to bind the Corporation

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