

Agenda Item #	Page #

**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>APPLICATION BY: INFRASTRUCTURE ONTARIO (FORMERLY ONTARIO REALTY CORPORATION)</b>  <b>LONDON PSYCHIATRIC HOSPITAL SECONDARY PLAN</b>  <b>DECISION ON APPEAL TO THE ONTARIO MUNICIPAL BOARD</b>  <b>MEETING ON JULY 23, 2013</b>

<b>RECOMMENDATION</b>
-----------------------

That, on the recommendation of the Managing Director, Planning and City Planner, the following report on the decision by the Ontario Municipal Board relating to the appeal by Robert Malpass, President of the Fairmont Lawn Bowling Club, on behalf of the Fairmont Lawn Bowling Club, relating to Official Plan Application No. O-7668 concerning the London Psychiatric Hospital Secondary Plan described as 840 and 850 Highbury Avenue North and 1414 and 1340 Dundas Street and lands without municipal address east of 850 Highbury Avenue North and bounded by the Canadian Pacific and Canadian National Railways, **BE RECEIVED** for information.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
--

December 12, 2005 – Information report to Planning Committee regarding a process for planning the redevelopment of the London Psychiatric Hospital Lands.

April 21, 2009 – Meeting to table the draft London Psychiatric Hospital Lands Area Plan Terms of Reference and circulate it for comment.

June 22, 2009 – Public Meeting for consideration of the adoption of the London Psychiatric Hospital Lands Area Plan Terms of Reference.

June 13, 2011 – Public Meeting for consideration of endorsement of the Secondary Plan and Stormwater Management Class Environmental Assessment.

September 26, 2011 – Public Meeting for consideration of approval of the Secondary Plan and Stormwater Management Class Environmental Assessment.

January 16, 2012 – Staff report seeking direction on the appeal of the Secondary Plan to the Ontario Municipal Board by the Fairmont Lawn Bowling Club.

March 19, 2013 – Staff report on the progress of resolution of the OMB appeal.

<b>BACKGROUND</b>
-------------------

Agenda Item #	Page #

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

The attached Ontario Municipal Board Decision relates to the component of the London Psychiatric Hospital (LPH) Secondary Plan which designated the Provincial lands currently occupied by the Fairmont Lawn Bowling Club for commercial uses and which provided an opportunity for the Lawn Bowling Club to be relocated on lands further to the north within the subject site in the future.

In October, 2011, Council adopted the LPH Secondary Plan. On November 3, 2011, an appeal was submitted by Bob Malpass on behalf of the Fairmont Lawn Bowling Club. Following a prehearing conference held on April 17, 2012 and on Council's direction of December 11, 2012, a settlement was reached between the City, Infrastructure Ontario and the Lawn Bowling Club.

The Ontario Municipal Board hearing to resolve the appeal was conducted by teleconference on January 22, 2013. The Decision issued on March 13, 2013, changed the wording of the policy pertaining to the future location of the Lawn Bowling Club to clarify that the policies would also allow it to remain in its current location. The Decision is attached as Appendix A.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>BARB DEBBERT SENIOR PLANNER COMMUNITY PLANNING AND DESIGN</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>	

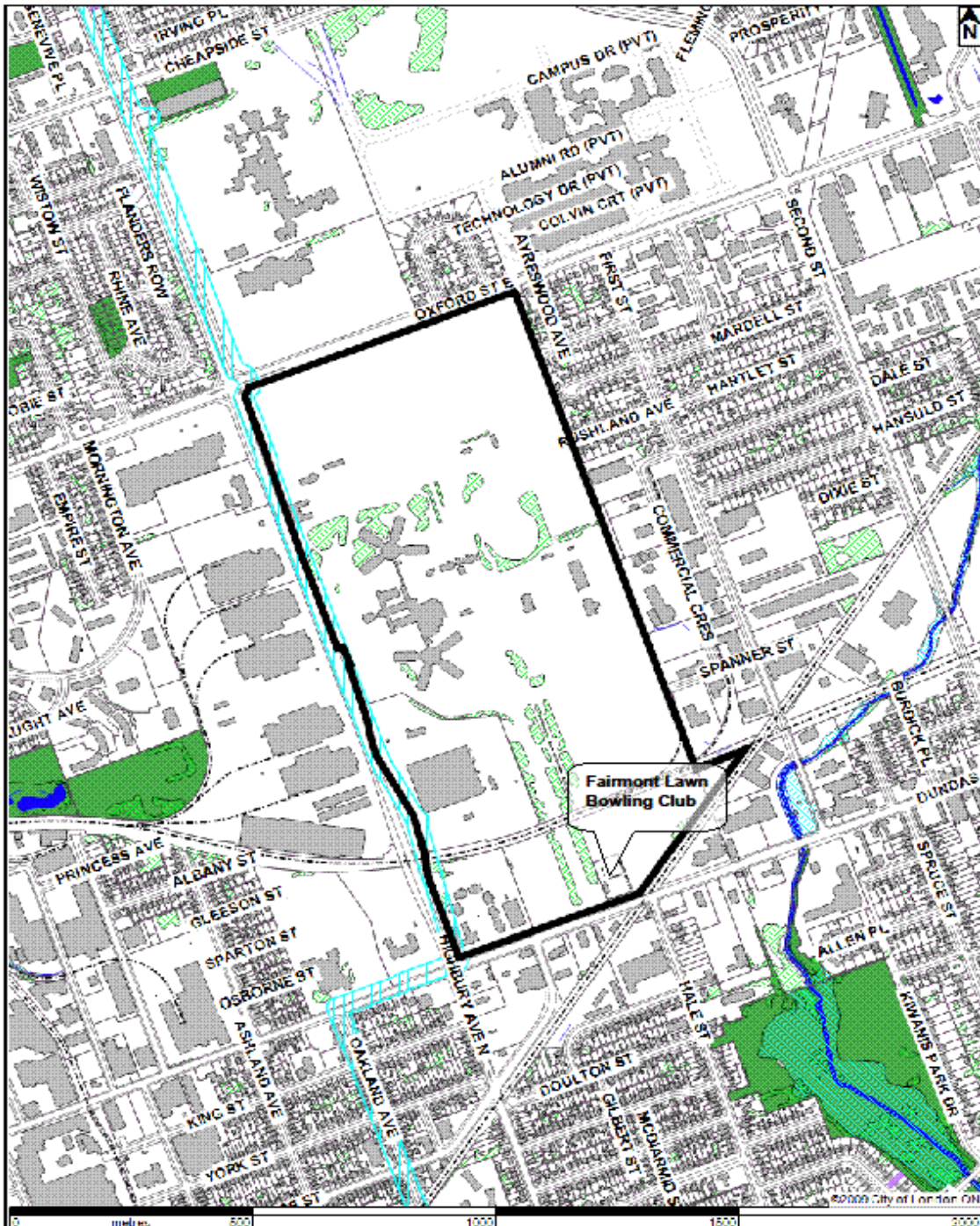
June 21, 2013

BD/

"Attach"

Y:\Shared\implemen\Area Plans\LPH Lands Area Plan\Ontario Municipal Board\7668O report to PEC OMB decision.docx

Location Map



<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> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">▭</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">▨</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">▧</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">▩</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table>	▭	Subject Site	▨	Parks	▧	Assessment Parcels	▩	Buildings	123	Address Numbers
▭	Subject Site										
▨	Parks										
▧	Assessment Parcels										
▩	Buildings										
123	Address Numbers										
<p>Corporation of the City of London          Prepared By: Planning and Development</p>											

Agenda Item #	Page #

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

**Appendix A – OMB Decision**

ISSUE DATE:  
**March 13, 2013**



PL111239

Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

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

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

City Clerk No. 0760  
Subject OPA 510 - PL111239  
Fairmont Lawn Bowling Club

**APPEARANCES:**

MAR 14 2013

**Parties**

**Counsel\*/Agent**

1589564 Ontario Inc. o/a  
Fairmont Lawn Bowling Club

Robert Malpass

City of London

David Munteer\*

Ref. J. Nethercott, J. Page  
C.C. C. Saunders OUB Group

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN STEFANKO ON JANUARY 22, 2013 AND ORDER OF THE BOARD**

[1] Council for the City of London ("City") adopted Official Plan Amendment 510 ("OPA 510") on or about October 3, 2011. OPA 510 was the culmination of the London Psychiatric Hospital Secondary Plan process which was undertaken on the basis of the Community Plan Process Guidelines and Official Plan Amendment 501 ("OPA 501"). OPA 501 permits the adoption of Secondary Plans as part of the Official Plan ("OP").

[2] OPA 510 affects a 77.1 hectare parcel of land on Highbury Avenue North between Oxford Street East and Dundas Street in the City. The Fairmont Lawn Bowling Club ("FLBC") leases 1414 Dundas Street which is within the area to which OPA 510 applies. The FLBC appealed OPA 510 because OPA 510 did not designate the property leased as a lawn bowling use and also because the City refused to designate the land leased as a heritage site.

Agenda Item #	Page #

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

- 2 -

PL111239

[3] The Parties have resolved their differences and, in that regard, have executed Minutes of Settlement ("MS"). This teleconference was held to approve the changes to OPA 510 which have been agreed upon.

[4] Barb Debbert, an Urban Planner with the City, filed an affidavit which, *inter alia*, referred to the MS and confirmed that recognizing the lawn bowling club in its existing location was consistent with the Provincial Policy Statement, 2005, is in keeping with Council's intent for the OP and represented good planning.

[5] Based on the evidence of Ms. Debbert, the submissions of the Parties and the MS, it is ordered that paragraph 3 of s. 20.4.3.3.3 (ii) of OPA 510 is amended by deleting the words "on the rear portion of" and replacing them with the word "within". For greater certainty, the amended paragraph 3 shall read as follows:

East of the Treed Allée the secondary uses noted above (for west of the Allée) may be permitted in a stand-alone commercial building. A lawn bowling facility, and community gardens (as shown in Schedule 2), may also be permitted within this designation.

[6] The appeal has therefore been allowed in part.

"Steven Stefanko"

STEVEN STEFANKO  
VICE CHAIR