



Environment and Land Tribunals Ontario
Local Planning Appeal Tribunal
 655 Bay Street, Suite 1500
 Toronto ON M5G 1E5
 Telephone: 416-212-6349
 Toll Free: 1-866-448-2248
 Website: www.elfto.gov.on.ca

Appellant Form (A1)

Receipt Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority

SEP 23 PM12:31

To file an appeal, select one or more below

- Appeal of *Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
- Second appeal of a *Planning Act* matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*, allows appeals to the Tribunal of some *Planning Act* matters previously determined by LPAT.
- Appeals of other matters, including Development Charges, *Education Act*, *Aggregate Resources Act*, *Municipal Act* and Ontario Heritage, proceed to Section 1C

1 A. Appeal Type (Please check all applicable boxes)

Subject of Appeal	Type of Appeal	Reference (Section)
<i>Planning Act Matters</i>		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 120 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 120 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	22(7)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 90 days	34(11)
	<input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 120 days where the application is associated with an Official Plan Amendment	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	34(11)
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)
Site Plan	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 120 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

1 B. Appeal Type (Please check all applicable boxes) Only for appeal(s) of a new decision or non-decision by municipality or Approval Authority following a previous LPAT Decision (i.e., second appeal).

For matters subject to Bill 139 and the associated transition regulation (the second appeal).

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	<input type="checkbox"/> Appeal of a refusal within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12)
	<input type="checkbox"/> Appeal of a non-decision within 90 days by Council following a LPAT decision	
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal of a refusal within 90 days by Council following a LPAT decision	34(11) and 34(26.5)
	<input type="checkbox"/> Appeal of a non-decision within 90 days by Council following a LPAT decision	
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Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
Aggregate Resources Act Matters		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
<input type="checkbox"/> Revocation of licence	20(4)	
Municipal Act Matters		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	

Ontario Heritage Act Matters

Designation of Property	<input type="checkbox"/> Appeal a Notice of intention to designate property	29(11)
	<input type="checkbox"/> Appeal of an amendment to a by-law designating property	30.1(10)
	<input type="checkbox"/> Appeal a Notice of Intention to repeal a designating by-law or part of a designating by-law	31(9)
	<input type="checkbox"/> Appeal a council's decision to approve or refuse the repealing of a designating by-law or part of a designating by-law	32(7)/32(8)
	<input type="checkbox"/> Appeal council's decision to alter a heritage designated property	33(9)
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Act Matters

Subject of Appeal	Act/Legislation Name	Section Number

2. Location Information

Address and/or Legal Description of property subject to the appeal
[1157 - 1171 North Shore Boulevard East](#)

Municipality
[City of Burlington](#)

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name	First Name
-----------	------------

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
[Spruce Partners Inc.](#)

Email Address
paul@sprucepartnersinc.com

Daytime Telephone Number 416-543-8019	ext.	Alternate Telephone Number
--	------	----------------------------

Mailing Address

Unit Number	Street Number	Street Name	PO Box
	117	George Street	
City/Town	Province	Country	Postal Code
Oakville	Ontario	Canada	L6J 3B8

4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name
Baker

First Name
Denise

Company Name
WeirFoulds LLP

Professional Title
Barrister and Solicitor

Email Address
dbaker@weirfoulds.com

Daytime Telephone Number
416-947-5090

ext.

Alternate Telephone Number
905-829-8600

Mailing Address

Unit Number
10

Street Number
1525

Street Name
Cornwall Road

PO Box

City/Town
Oakville

Province
Ontario

Country
Canada

Postal Code
L6J 0B2

Note: If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Reasons

Municipal Reference Number(s)
520-07/18

For all appeal types, please outline the nature of the appeal and the reasons for your appeal.

[Please see attached correspondence](#)

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you intend on arguing one or more of the following:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement, issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If you intend on arguing on one or more of the above throughout a proceeding, please explain:

[Please see attached correspondence](#)

Oral/written submissions to council

If applicable, did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council

6. Related Matters

Are there other appeals not yet filed with the Municipality?

- Yes
- No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

- Yes
- No

If yes, please provide LPAT Case Number(s) and/or Municipal File Number(s)

505-05/18

7. Mediation

Mediation is a confidential process in which the parties to an appeal talk about their differences and, with the facilitative assistance of an impartial individual, a mediator, negotiate a consensual resolution of the appeal. Unless the Tribunal determines that there is a good reason for not addressing the appeal with mediation, all parties shall presume that their differences will first be addressed through a mediation directed by the Tribunal. As such, parties shall act and prepare accordingly, meaning good faith negotiation and collaboration are a priority and are expected by the Tribunal.

- I have read and understand the above statement.

8. Witness Information

Detail the nature and/or expertise of witnesses you will have available.

Traffic, Planning and Urban Design

For all other appeal types :

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.).

9. Required Fee

Total Fee Submitted \$

Payment Method ▶ Certified cheque Money Order Lawyer's general or trust account cheque

10. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Denise Baker		2019/09/20

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.



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3. Appellant/Objector Information

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Last Name

First Name

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
 Spruce Partners Inc.

Email Address
 paul@sprucepartnersinc.com

Daytime Telephone Number
 416-543-8019

ext.

Alternate Telephone Number

Mailing Address

Unit Number	Street Number	Street Name	PO Box
	117	George Street	
City/Town	Province	Country	Postal Code
Oakville	Ontario	Canada	L6J 3B8

4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name
Baker

First Name
Denise

Company Name
WeirFoulds LLP

Professional Title
Barrister and Solicitor

Email Address
dbaker@weirfoulds.com

Daytime Telephone Number
416-947-5090

ext.

Alternate Telephone Number
905-829-8600

Mailing Address

Unit Number
10

Street Number
1525

Street Name
Cornwall Road

PO Box

City/Town
Oakville

Province
Ontario

Country
Canada

Postal Code
L6J 0B2

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Municipal Reference Number(s)
505-05/18

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- Oral submissions at a public meeting of council
 Written submissions to council

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- Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

- Yes No ▼

If yes, please provide LPAT Case Number(s) and/or Municipal File Number(s)

[520-07/18](#)

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- I have read and understand the above statement.

8. Witness Information

Detail the nature and/or expertise of witnesses you will have available.

[Traffic, Planning and Urban Design](#)

For all other appeal types :

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.).

9. Required Fee

Total Fee Submitted \$

Payment Method ▶ Certified cheque Money Order Lawyer's general or trust account cheque

10. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Denise Baker		2019/09/20

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.

September 20, 2019

Denise Baker
Partner
T: 416-947-5090
dbaker@weirfoulds.com

File 18948.00001

Via Email and Courier

Ms. Angela Morgan
City Clerk
City of Burlington
PO Box 5013
Burlington City Hall
426 Brant Street
Burlington, ON L7R 3Z6

SEP 23 PM12:30

Dear Ms. Morgan:

**Re: Notices of Appeal pursuant to subsection 22 (7) and subsection 34 (11) of the
Planning Act, R.S.O.1990, c. P.13. (the "Planning Act")**

1157-1171 North Shore Boulevard East, Burlington

Spruce Partners Inc. and Amico Properties Inc.

We are counsel to Spruce Partners Inc., with respect to applications they filed with the City of Burlington (the "**City**") together with Amico Properties Inc., for an Official Plan amendment and Zoning By-law amendment, (the "**Applications**"), for 1157-1171 North Shore Boulevard East, Burlington (the "**Subject Site**").

The Subject Site is located in Burlington's Downtown Urban Growth Centre and Downtown Mobility Hub. It is on the north side of North Shore Boulevard, east of the Queen Elizabeth (QEW) on ramp, at the western gateway to Downtown Burlington.

The Subject Site was initially proposed to be redeveloped with a senior living campus consisting of 475 suites contained in a 17-storey building near the south property line, two mid-rise 11 and 12 storey buildings, transitioning to a 2 storey base building near the north property line including townhouse forms along the north building face (the "**Proposal**").

On August 16, 2019, our client filed a resubmission with the City that revised the Proposal to respond to City and Regional staff comments and comments received from the community. The revision proposes a senior living campus consisting of 419 suites within a 17-storey building

near the south property line, one mid-rise 12 storey building, transitioning to a 3 storey base building near the north property line including townhouse forms along the north building face (the “**Revised Proposal**”).

On November 13, 2018, the City acknowledged that our client’s Applications were complete having received all of the required studies and supporting documentation. A neighbourhood meeting on the Applications was held on January 9, 2019. The Statutory Public meeting was held on February 5, 2019. Notwithstanding, to date, the City has not made a decision on the Applications.

Please accept this letter as the Notice of Appeal of the Applications on the basis that the City has failed to make a decision on the Applications within 120 days from the date the Applications were deemed complete.

Policy Background

Since the filing of the Application, there have been two notable changes from a policy perspective.

First, the City adopted a new official plan that was forwarded to the Region for approval (the “**2018 Official Plan**”). The Region has not yet approved the 2018 Official Plan, and has found that certain policies in the 2018 Official Plan does not conform with provincial and regional planning policy. The Region did not indicate in their correspondence that the policies pertaining to the Urban Growth Centre did not conform. Nevertheless, on all applications, irrespective of their location, City planning staff have taken the position that the 2018 Official Plan is not to be used in the evaluation of development applications.

Second, on March 5, 2019, City Council passed an interim control bylaw (the “**ICBL**”) for an area that covers the Downtown Urban Growth Centre and certain lands in proximity to the Burlington Go Station. The ICBL applies to the Subject Site. The Applications were well advanced through the City’s application review process prior to the passing of the ICBL. The City has advised that the ICBL was required because the Urban Growth Centre was needed to be studied further. That being said, the City indicated through their 2018 Official Plan processes referred to above that they had already studied their Urban Growth Centre, which was why staff could recommend and Council could adopt the policies they did within the 2018 Official Plan.

THE SUBJECT SITE

The Subject Site has an overall area of approximately 1.21 hectares (3.01 acres), with frontage of approximately 74.18 metres on North Shore Boulevard and a depth of approximately 101.44 metres. The Subject Site is currently occupied with two 3 ½ storey slab-style co-op apartment buildings, known as Brant Park Co-Op. The Subject Site also contains surface parking spaces and single-storey garages extending along the majority of the northern property line. The existing buildings on the Subject Site are proposed to be demolished.

Immediately west of the Subject Site are MTO-owned lands buffering the Subject Site with large trees and shrubs, beyond which is the QEW. To the immediate east of the Subject Site is an existing 12-storey condominium building. This building is setback approximately 17 metres from its west lot line. Further east of the Subject Site and the existing 12-storey condominium building is a cluster of buildings which range in height from 9-14 storeys. Immediately north of the Subject Site is a low-rise neighbourhood consisting of single-storey detached dwellings. These detached homes are set back between 8.0 – 20.0 meters from the Subject Site's north property line. The Proposal near the Subject Site's north property line consists of the 3 storey (10 metre) base building. To the immediate south of the Subject Site is North Shore Boulevard, and beyond that, the Ontario Provincial Police detachment, Joseph Brant Hospital, McMaster Halton Family Health Centre and the Chartwell Brant Centre Long Term Care residences.

THE APPLICATIONS

As noted above, the Revised Proposal is for a senior living campus consisting of 419 suites within a 17-storey building near the south property line, one mid-rise 12 storey building, transitioning to a 3 storey base building near the north property line including townhouse forms along the north building face. The transition in height generally follows a 45 degree angular plane from the north property line. A total of 244 parking spaces are proposed to be provided underground. The senior living campus will provide a continuum of senior care including independent living suites, assisted living suites, and memory care suites, all of which will be rental in tenure. The Revised Proposal will create up to 260 new jobs.

As between the original Proposal and the Revised Proposal, other notable changes include:

- a reduction in the overall massing of the senior living campus through the reduction in the amount of stepping along the rear of the building;
- the rear easterly portion of the building has been further set back from the rear property line, increasing from 7.5 metres to 15 metres;
- the rear massing of the building has been broken into two distinct elements, reducing the overall length of the rear wall from one block with a length of 106 metres to two blocks with lengths of 62.45 metres for the westerly portion and 32.64 metres for the easterly portion;
- the 17 storey tower element has been reduced in height from 58.5 metres to 56 metres, the mid-rise element which was previously 39.0 metres and 42 metres is now 40.5 metres;
- a reduction in the floorplate of the 17 storey tower from 808 square metres to 750 square metres; and
- an increase in the parking provided from 220 spaces to 244 spaces.

The Official Plan amendment application is required to amend policy 5.5.5(b)ii of Part III of the City's in-force Official Plan. This policy permits "Ground or non-ground oriented housing units ranging between 26 and 185 units per net hectare, including assisted and special needs housing such as group homes, retirement homes and long-term care facilities" on the Subject Site. The Official Plan amendment application seeks to increase the permitted number of units per net hectare from 185 to 299. No other amendment to the in-force Official Plan is required to implement the Revised Proposal.

The Subject Site is zoned "DRH" in the City's in-force Zoning By-law No. 2020. This zone is for Downtown High Density Residential. The zoning by-law amendment application maintains the parent zoning currently applicable to the Subject Site, however seeks to create a site specific exception to permit an increase in permitted height and density to reflect the Revised Proposal. The site specific exception also seeks to modify certain yard requirements, parking requirements and certain regulations related to projections.

REASONS FOR APPEAL

The reasons for the appeal, include, but are not limited to the following:

1. The City has failed to make a decision regarding the Applications within 120 days of the date upon which these were deemed complete;
2. Approval of the Applications conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and in particular policies encouraging growth and intensification in 'strategic growth areas', including 'urban growth centres' and providing a diverse range and mix of housing options, in helping achieve complete communities;
3. Approval of the Applications is consistent with the Provincial Policy Statement, 2014 and conforms with the Region of Halton Official Plan;
4. The Revised Proposal would not cause any unacceptable adverse impacts on surroundings lands;
5. The Revised Proposal represents a height that generally follows a 45 degree angular plane and a density that is appropriate for the Subject Site, given its location within a strategic growth centre and gateway to the City's downtown;
6. The Applications would permit development on the Subject Site that represents good planning, is appropriate for the Subject Site and is in the public interest; and
7. Such further and other reasons as counsel may provide and this Tribunal may permit.

In satisfaction of the Tribunal's filing requirements, attached please find the following:

1. Two Tribunal appeal forms entitled "Appellant Form (A1)" duly completed and signed; and
2. Two firm cheques, each in the amount of \$300.00, payable to the Minister of Finance representing the Tribunal's filing fee for the two appeals herein.

In the interim, kindly acknowledge the receipt of this letter and advise that the appeals have been forwarded to the Tribunal in accordance with the provisions of the Planning Act.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/rk

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