

40-70 Plains Road East – Ward 1

Ontario Land Tribunal (OLT) Appeal Update- December 14, 2022

At its meeting of December 13, 2022 Burlington City Council approved the recommendation of Confidential Legal Report L-50-22 to accept an offer to settle the issues in dispute between Infinity (Plains Road) Corporation & Infinity (Aldershot) Developments Inc. and the City with respect to the non-decision appeal currently before the Ontario Land Tribunal (“OLT”). As part of this approval, Council approved the recommendation that the planning analysis attached as Appendix ‘B’ to L-50-22 be released publicly and posted on the City’s webpage under Planning and Development Applications for Ward 1, while retaining solicitor/client privilege over the balance of this matter in its entirety.

The settlement between the City and Infinity (Plains Road) Corporation & Infinity (Aldershot) Developments Inc. resolves the issues in dispute between the City and Infinity (Plains Road) Corporation & Infinity (Aldershot) Developments Inc. on the basis these parties will seek OLT approval of a revised development proposal and related Official Plan and Zoning By-law amendments for the site. The revised development proposes the following:

- A mixed-use mid-rise building with a height of 12 storeys;
- 389 residential units with a total residential gross floor area of 28,143m²;
- Ground floor retail / commercial space measuring 1,027 m²;
- Introduction of a 15-metre built form separation above the 6th storey between the upper built form elements;
- General compliance with the City’s Mixed Use and Residential Mid-Rise Buildings Guidelines;

A copy of the planning analysis is available on the development application webpage, along with a copy of the conceptual site plan for the revised development.

How does this impact the hearing scheduled to commence on January 23, 2023?

The City and Infinity (Plains Road) Corporation & Infinity (Aldershot) Developments Inc. will be requesting that the OLT convert the hearing that is scheduled to commence on January 23, 2023 to a settlement hearing. At that settlement hearing, Infinity (Plains Road) Corporation & Infinity (Aldershot) Developments Inc. and the City will be requesting that that the OLT approve the revised Official Plan and Zoning By-law amendments to permit the revised development plan.