

53-71 Plains Road East & 1025 Cooke Boulevard – Ward 1

Ontario Land Tribunal (OLT) Appeal Update- July 13, 2022

At its meeting of July 12, 2022 Burlington City Council approved the recommendation of Confidential Legal Report L-29-22 to accept an offer to settle the issues in dispute between Burlington 71 Plains 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-29-22 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 Burlington 71 Plains Inc. resolves the issues in dispute between the City and Burlington 71 Plains 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:

- Two separate buildings – the building on the west side of the property (1025 Cooke Blvd & 53 Plains Rd E) consists of an 18-storey tall building at the north-west corner of the property with an eleven storey base fronting Plains Rd E. The building on the east side (71 Plains Rd E) consists of a 9-storey mid-rise building.
- 2,072 square metres (approx. 22,300 square feet) of ground floor commercial / retail space (1,446 square metres in westerly building and 626 square metres in easterly building).
- A 0.2 hectare (0.5 acre) unencumbered public park at the north-west corner of the site.
- A 15-metre-wide mid-block pedestrian connection between the buildings which provides pedestrian access to adjacent retail / commercial space and a pedestrian connection between Plains Rd E and the proposed park space.
- General compliance with the City’s Tall Building Guidelines and the Mixed Use and Residential Mid-Rise Buildings;

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 October 21, 2022?

The City and Burlington 71 Plains Inc. will be requesting that the OLT convert the hearing that is scheduled to commence on October 31, 2022 to a settlement hearing. At that settlement hearing, the City and Burlington 71 Plains Inc. will be requesting that that the OLT approve the revised Official Plan and Zoning By-law amendments to permit the revised development plan.