

5135, 5155 Fairview Street and 720,735,740 Oval Court – Ward 5 Ontario Land Tribunal (OLT)

Appeal Update – October 17, 2023

At its meeting of October 17, 2023 Burlington City Council approved the recommendation of Confidential Legal Report L-60-23 to accept an offer to settle the issues in dispute between Branthaven Development Corporation (Branthaven) 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-60-23 be released publicly and posted on the City’s webpage under Planning and Development Applications for Ward 5, while retaining solicitor/client privilege over the balance of this matter in its entirety.

The settlement between the City and Branthaven resolves the issues in dispute between the City and Branthaven on the basis these parties will seek OLT approval of a revised development proposal and related Official Plan and Zoning By-law Amendment for the site. The revised development proposes the following:

1. Remove the extension of Oval Court to the north;
2. Removed the Oval Court Plaza from within limits of Sherwood Forest Park;
3. Increased the setback from below grade parking structures to the east lot line to ensure the protection of the cedar hedge located in Sherwood Forest Park;
4. Increased the stepback above the 3rd storey to 3 metres for buildings fronting on to Fairview Street;
5. Establishes a pedestrian promenade linking Sherwood Forest Park to the proposed development; and
6. Provide design flexibility of the proposed towers while limiting height and location of towers abutting Sherwood Forest Park
7. Establishes Urban Design Guidelines for the site

A copy of the planning analysis of the revised proposal 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 November 20, 2023?

The Parties to the hearing will be requesting that the OLT convert the hearing that is scheduled to commence on November 20, 2023 to a settlement hearing should all parties reach a settlement with Branthaven. If the hearing is converted to a settlement hearing, the Parties will be requesting that that the OLT approve the revised Official Plan and Zoning By-law amendments to permit the revised development plan.

For up-to-date information on the status of the appeals, and for information about upcoming hearing dates, visit the [OLT webpage](#) for this appeal. Questions about the appeal process can be directed to the Case Co-ordinator using the contact information on the OLT webpage.