

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: July 22, 2020

CASE NO(S): PL190468

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Spruce Partners Inc. and Amico Properties Inc.
Subject:	Request to amend the Official Plan - Failure of City of Burlington to adopt the requested amendment
Existing Designation:	Downtown Residential Medium and High Density
Proposed Designated:	Downtown Residential Medium and High Density – Site Specific Exception
Purpose:	To permit a seniors living campus
Property Address/Description:	1157 - 1171 North Shore Boulevard East
Municipality:	City of Burlington
Approval Authority File No.:	505-05/18
LPAT Case No.:	PL190468
LPAT File No.:	PL190468
LPAT Case Name:	Amico Properties Inc. v. Burlington (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Spruce Partners Inc. and Amico Properties Inc.
Subject:	Application to amend Zoning By-law No. 2020 - Refusal or neglect of City of Burlington to make a decision
Existing Zoning:	Downtown High Density Residential
Proposed Zoning:	Downtown High Density Residential with site-specific exception
Purpose:	To permit a seniors living campus
Property Address/Description:	1157 - 1171 North Shore Boulevard East
Municipality:	City of Burlington

Municipality File No.: 520-07/18
LPAT Case No.: PL190468
LPAT File No.: PL190469

Heard: July 20, 2020 by video conference call

APPEARANCES:

Parties

Counsel

Spruce Partners Inc. and Amico
Properties Inc.

Denise Baker

City of Burlington

Blake Hurley

**MEMORANDUM OF ORAL DECISION DELIVERED BY M.A. SILLS ON JULY 20,
2020 AND ORDER OF THE TRIBUNAL**

[1] This was the second Case Management Conference (“CMC”) in the matter of appeals by the Spruce Partners Inc. and Amico Properties Inc. (the “Appellants”) from the failure of the City of Burlington (the “City”) to adopt a requested amendment to the Official Plan (“OPA”), and the refusal or neglect by the City to make a decision respecting an application to amend Zoning By-law No. 2020 (“ZBA”) for the lands known municipally as 1157 – 1171 North Shore Boulevard East (the “Site”).

[2] The purpose and effect of the proposed OPA and ZBA is to facilitate the development of a seniors living campus, consisting of a 17-storey tower fronting onto North Shore Boulevard, together with a 12-storey mid-rise element, and stepping down to a six-storey and a two-storey low-rise element at the north end of the Site adjacent to an existing low-rise residential neighbourhood. The applications propose 419 units comprised of 55 memory care units, 155 assisted living units and 209 independent living suites.

[3] The three individual local residents that were granted Participant status at the first CMC, Terence Rose, Claudette Mancini and Cathy Berry, as well as others joined

the conference at various times.

[4] Subsequent to the initial CMC, the Tribunal received a further Participant Status Request Form from Sara Kelly, also a resident of the local residential neighbourhood. Ms. Kelly explained that she was unable to attend or otherwise participate in the initial CMC as she was out of the County on vacation at the time. On consent, the Tribunal granted Participant status to Ms. Kelly.

[5] All Participants are reminded that they are permitted only to make written submissions, and the said written submissions must be pre-filed with the Tribunal and all of the parties to the proceeding no later than a date to be established in the forthcoming Procedural Order, which will be subsequently issued once it has been approved by the Tribunal.

[6] The parties have indicated that a five-day hearing is expected to be required. Ms. Baker expressed a preference for an in-person hearing but emphasized her willingness to accept any mode of hearing format in order to secure an earliest-possible hearing date, ideally in January or February 2021.

[7] Mr. Hurley advised that as municipal buildings currently remain closed to the public, and given the expressed public interest and anticipated attendance, the City is not presently in a position to provide space suitably able to accommodate the required social distancing criteria for either an in-person or a hybrid video hearing.

[8] Ms. Baker has agreed to canvass Mr. Hurley's availability for the scheduling of the hearing on the merits and to contact the Case Coordinator having carriage of this file (Brandon Stevens) for scheduling purposes.

[9] The Tribunal will not consider any additional requests for Participant status in this matter. Any further requests for party status must be brought by motion.

[10] This Member is not seized of the hearing on the merits but will remain available

for case management purposes.

"M.A. Sills"

M.A. SILLS
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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