

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



**ISSUE DATE:** June 17, 2019

**CASE NO(S):** PL180373

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:	Chelten Developments Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Burlington to adopt the requested amendment
Existing Designation:	Residential – Medium Density with site-specific policy
Proposed Designated:	Mixed Use Corridor
Purpose:	To permit the development of a 6-storey mixed use building with commercial and office uses on ground floor with 50 residential units on floors above
Property Address/Description:	92 Plains Road East
Municipality:	City of Burlington
Approval Authority File No.:	505-02/16
OMB Case No.:	PL180373
OMB File No.:	PL180373
OMB Case Name:	Chelten Developments 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:	Chelten Developments Inc.
Subject:	Application to amend Zoning By-law No. 2020 - Refusal or neglect of the City of Burlington to make a decision
Existing Zoning:	RM1-346
Proposed Zoning:	MXG-exception
Purpose:	To permit the development of a 6-storey mixed use building with commercial and office uses

Property Address/Description: on ground floor with 50 residential units on  
floors above  
92 Plains Road East  
Municipality: City of Burlington  
Municipality File No.: 520-03/16  
OMB Case No.: PL180373  
OMB File No.: PL180374

**Heard:** April 26, 2019 by Telephone Conference Call

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

Chelten Developments Inc. (“Chelten”) Aaron Platt

City of Burlington (“City”) Blake Hurley

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID L. LANTHIER  
ON APRIL 26, 2019 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION/BACKGROUND**

[1] This is a further Pre-Hearing Conference (“PHC”) in these appeals, conducted in accordance with the directive of the Tribunal at the PHC conducted on January 22, 2019 in Burlington.

[2] The Tribunal then indicated that ongoing settlement discussions were continuing but that the parties might alternatively be required to provide a draft procedural order and list of issues. For this reason the further PHC was scheduled for today in order to determine the manner in which the hearing of the appeals would proceed.

[3] The Tribunal is today advised jointly by Chelten and the City that a settlement has indeed been reached and the parties are requesting a single day hearing to provide evidence and submit the proposed resolution to the Tribunal for consideration and approval.

[4] Mr. Tom Muir, one of the participants granted status by the Tribunal, was in attendance on the call and indicated that he, and other members of the public, were not aware of the details of the agreement reached between the City and Cheltenham and might wish to address the Tribunal on the scheduled settlement hearing. The parties were invited to share the particulars of the resolution with the participants in advance of the hearing.

[5] In order to assist the panel in considering and expediting the settlement hearing, and in the issuance of a decision, to the extent possible, the parties are encouraged to provide hard copies or electronic versions of any supporting materials relating to the proposed settlement to the Tribunal at least three weeks in advance of the scheduled hearing, including: any witness evidence outlines; any particularly relevant supporting documents (excluding voluminous planning policy instruments); and the draft form of the Order that will be requested (including the particulars of any request to hold the issuance of the Order if such a request is to be made).

## **HEARING**

[6] The settlement hearing of these Appeals is set for one day commencing at **10 a.m. on Wednesday, September 18, 2019** at:

**Halton Provincial Offence Office  
Hearing Room 202  
4085 Palladium Way  
Burlington, ON L7M 2A6**

[7] The Panel Member is not seized and there will be no further notice.

*“David L. Lanthier”*

DAVID L. LANTHIER  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
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