

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



ISSUE DATE: July 29, 2019

CASE NO(S):

PL170728

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 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Penta Properties Inc.
Subject:	Proposed Plan of Subdivision - Failure of City of Burlington to make a decision
Purpose:	To permit the development of a subdivision comprised of 27 lots for various employment and commercial land uses, and 8 stormwater and open space blocks
Property Address/Description:	1200 King Road
Municipality:	City of Burlington
Municipality File No.:	510-01/14
LPAT Case No.:	PL170728
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LPAT Case Name:	Penta Properties Inc. v. Burlington (City)

Heard: July 24, 2019 in Burlington, Ontario

APPEARANCES:

Parties

Counsel

Penta Properties Inc.

Scott Snider

City of Burlington

Blake Hurley

Regional Municipality of Halton

David Germain

DECISION OF THE TRIBUNAL DELIVERED BY SHARYN VINCENT

INTRODUCTION

[1] Penta Properties Inc. has appealed Council of the City of Burlington's failure to make a decision with respect to a plan of subdivision applying to all of the lands known as 1200 King Road.

[2] The draft plan of subdivision currently proposes to create 27 industrial/commercial lots, and six storm water management, open space and access blocks east of Falcon Creek.

[3] West of Falcon Creek, the draft plan depicts three future development blocks and the future westward extension of the South Service Road to the Aldershot GO Transit Station situated at the westerly limits of the lands.

[4] The Official Plan designations and zoning for the portion of the site lying east of Falcon Creek have been approved through the 2009 Minutes of Settlement which resolved various appeals of Official Plan Amendment ("OPA") 55 (PL080169). The designations and zoning of the westerly portion adjacent to the Aldershot GO Transit Station remain to be resolved with the ultimate disposition of OPA 55, together with the resolution of the more recent designation of the whole of the lands as being Provincially Significant Employment lands within the *A Place to Grow Act*, 2019 amendment to the Growth Plan for the Greater Golden Horseshoe. The meaning, effect and extent of the designation is currently subject of discussions with the Province.

[5] The Parties concur that the appeal of the Plan of Subdivision ultimately be heard together with the underlying appeals of the related designation and zoning under OPA 55, but in the interim, be adjourned to allow the process under PL020959 to come to an agreement amongst the Parties, or ultimately a determination before the Tribunal on the applicable policy regime.

[6] A telephone conference call to advise on the status of the discussions with the Province on the impacts of the Provincially Significant Employment lands designation will be co-ordinated by the Parties with the Tribunal Case Coordinator for the second week of December 2019.

[7] The member is not seized but may be called upon to assist in case management matters.

[8] No further notice is required.

“Sharyn Vincent”

SHARYN VINCENT
MEMBER

If there is an attachment referred to in this document,
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Local Planning Appeal Tribunal

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