

Mattamy (Monarch) Limited – 2082, 2086, and 2090 James Street – Ward 2

LPAT Appeal Update – February 22, 2021

At its meeting of February 16, 2021 Burlington City Council approved the recommendation of Confidential Legal Report L-02-21 to accept an offer to settle the issues in dispute between Mattamy (Monarch) Limited (“Mattamy”) and the City with respect to Mattamy’s appeals currently before the Local Planning Appeal Tribunal (“LPAT”). As part of this approval, Council approved the recommendation that the planning analysis attached as Appendix ‘B’ to L-02-21 be released publicly and posted on the City’s webpage under Planning and Development Applications for Ward 2, while retaining solicitor/client privilege over the balance of this matter in its entirety.

The settlement between the City and Mattamy resolves the issues in dispute between the City and Mattamy on the basis that Mattamy and the City will seek LPAT approval of a revised development concept and related Official Plan and Zoning By-law amendments for the site. The revised development proposes a residential apartment building of 13-storeys in height, not including rooftop outdoor amenity area and mechanical penthouse. The revised development has reduced the height of the proposed tall building (down from 17 storeys to 13 storeys). This has resulted in a reduction in the number of units being proposed (down from 164 units to 150) and the building is now proposed as a single-use residential development whereas previously ground-floor commercial uses were proposed. The City and Mattamy have also settled Mattamy’s appeal of its application for site plan approval. The City and Mattamy will request that the LPAT not make a decision on the site plan application at this time, in order to provide time for the City and Mattamy to work out the details and required conditions of site plan approval. Once the City and Mattamy have worked through the site plan details and required conditions, the City and Mattamy will present the site plan for LPAT’s consideration.

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 April 19, 2021?

The City and Mattamy will be requesting that the LPAT convert the hearing that is scheduled to commence on April 19, 2021 to a settlement hearing. At that settlement hearing, the City and Mattamy will be requesting that the LPAT approve the revised Official Plan and Zoning By-law amendments to permit the revised development concept, and that LPAT defer consideration of the site plan approval of the development until the City and Mattamy have had the opportunity to work through the site plan details and conditions. The City and Mattamy would then appear before the LPAT at a later date at which time the LPAT will consider the site plan appeal.