

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



ISSUE DATE: December 19, 2018

CASE NO(S): PL171234

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: First Capital (Appleby) Corporation
Subject: Request to amend the Official Plan - Failure of the City of Burlington to adopt the requested amendment
Existing Designation: Community Commercial
Proposed Designated: Site specific – *To be determined*
Purpose: To permit two 17 storey residential condominium (apartment) buildings to be integrated with existing commercial development
Property Address/Description: 5111 New St
Municipality: City of Burlington
Approval Authority File No.: 505-01/14
OMB Case No.: PL171234
OMB File No.: PL171234
OMB Case Name: First Capital Corporation 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: First Capital (Appleby) Corporation
Subject: Application to amend Zoning By-law No. 2020 - Neglect of the City of Burlington to make a decision
Existing Zoning: CC1- 402
Proposed Zoning: CC1 - Modified
Purpose: To permit two 17 storey residential condominium (apartment) buildings to be integrated with existing commercial development

Property Address/Description: 5111 New St
 Municipality: City of Burlington
 Municipality File No.: 520-05/14
 OMB Case No.: PL171234
 OMB File No.: PL171235

Heard: October 30, 2018 in Burlington, Ontario

APPEARANCES:

Parties

Counsel

First Capital (Appleby)
 Corporation

Eileen Costello

City of Burlington

Blake Hurley

Loblaw Companies Limited

Victor Wong

**MEMORANDUM OF ORAL DECISION DELIVERED BY L.M. BRUCE ON
 OCTOBER 30, 2018 AND ORDER OF THE TRIBUNAL**

[1] This is the second Pre-Hearing Conference (“PHC”) of the Tribunal respecting an appeal by First Capital (Appleby) Corporation (the “Applicant”) of the neglect of the City of Burlington (the “City”) to make a decision on its application to amend Zoning By-law No. 2020 within the statutory timeframe.

[2] The Applicant proposes to construct two multi-storey residential condominium/apartments to be integrated with the existing commercial development located on the northeast corner of Appleby Line and New Street.

[3] Eileen Costello indicated that discussions have continued with the City and that the Applicant is preparing a resubmission which they intend to submit without prejudice. Ms. Costello stated that they have looked at the information submitted by the local residents and intend in the future to take a revised proposal out for communication and discussion with the residents. The Applicant is looking to return to the Tribunal in the

spring of 2019 having either resolved or narrowed outstanding issues and at that point the Applicant hopes to be able to set a hearing date.

[4] Blake Hurley indicated that the City is in support of Ms. Costello's approach and expects to be receiving, without prejudice, the revised application in early November. At that time, he indicated it will be reviewed internally and then a report to Council will be prepared. He confirmed that the revised information will be shared with residents before the third PHC.

[5] Victor Wong who appeared on behalf of Loblaw Companies Limited ("Loblaw") concurred with this approach.

[6] The Tribunal orders that a third PHC is scheduled for **Tuesday, April 2, 2019**, at **10 a.m.** at:

**Burlington Municipal Building
Room 247
426 Brant Street
Burlington, Ontario**

[7] No further notice will be given.

[8] This member is not seized but may be spoken to for the purpose of case management.

"L.M. Bruce"

L.M. BRUCE
MEMBER

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

Local Planning Appeal Tribunal

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