Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: May 8, 2025 **CASE NO.:** OLT-22-004149

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

Applicant/Appellant:	Millcroft Greens Corporation
Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description:	to permit the redevelopment of parts of a golf course to permit a total of 90 single family units in four areas
Reference Number:	510-02/20
Property Address:	2155 Country Club Drive and 4274 Dundas Street
Municipality/UT:	Burlington/Halton
OLT Case No:	OLT-22-004151
OLT Lead Case No:	OLT-22-004149

BEFORE:

ERIC S. CROWE & D. CHIPMAN MEMBERS	)	Thursday, the 8th
	)	
	)	day of May, 2025

THIS MATTER having come on for a public hearing and the Tribunal having issued its Decision and Order on June 12, 2024 (the "**Decision**") as follows:

- To allow the appeal with respect to the Official Plan Amendment, and the City of Burlington Zoning By-law, as amended, be approved in accordance with Attachment A attached to the Decision (the "**Zoning By-law**");
- To allow the appeal with respect to the Zoning By-law Amendment, and the City of Burlington Zoning By-law, as amended, be approved in accordance with Attachment B attached to the Decision (the "**Zoning By-law**");

• The proposed Draft Plan of Subdivision be approved in accordance with Attachments C, D and E attached to the Decision (the "**Draft Plan of Subdivision**"), and subject to the Conditions of Draft Plan of Subdivision Approval contained therein (the "**Draft Plan Conditions**").

AND THE TRIBUNAL having Issued its Final Order for Areas A through D on March 20, 2025;

AND THE TRIBUNAL having subsequently been notified by the Applicant for Millcroft Greens Corporation (the "**Applicant/Appellant**") that the Zoning By-law Amendment for Area E (the "**Area E ZBLA**") has been finalized, as set out in this Order as Schedule A;

AND THE TRIBUNAL ORDERS that pursuant to section 51(56.1) of the *Planning Act*, the final approval of the proposed Plan of Subdivision, as amended in accordance with this Order, for the purposes of section 51(58) of the *Planning Act* is to be given by the City of Burlington.

"Euken Lui"

EUKEN LUI

ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

BY-LAW NUMBER 2020.503, SCHEDULE 'A'

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.503

A By-law to amend By-law 2020, as amended;
File No.: 505-07/20 & 520-07/20

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS on June 12, 2024, the Ontario Land Tribunal approved an amendment to the City's existing Zoning By-law 2020, as amended, to permit the option of townhouses or an apartment building;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. Zoning Map Number 24-E and 24-W of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.

2. The lands shown as "Area A" on Schedule "A" attached hereto are hereby rezoned from O1 to H-RM3-558.

-

3. PART 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

-

#94	H-RM3-558	Map 24-W and 24-E	Resolution:
The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been completed: 1. The Owner submits a Record of Site Condition that indicates the site is suitable for the proposed land use, to the satisfaction of the Director of Community Planning.			

2. That the Owner enters into a Regional Servicing Agreement for the design, construction and financing for the extension and connection of and to municipal services to the subject lands, to the satisfaction of Halton Region.

•

4. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 558 as follows:

Exception 558	Zone H-RM3	Map 24-E and 24W	Amendment 2020.503 OLT-22-004149	Enacted June 12, 2024

1. <u>Regulations applying to an Apartment Building on Diagram 558:</u>

a) Front Yard:
   i) To building: 2.8 m
   ii) To Below-grade parking structure: 1 m

b) South Side Yard:
   i) To building: 20 m
   ii) To Below-grade parking structure: 6 m

c) East Side Yard:
   i) To building: 5 m
   ii) To Below-grade parking structure: 1 m

d) Rear Yard:
   i) To building: 48 m
   ii) To Below-grade parking structure: 10m

e) Maximum Density: 220 units/ha

f) Maximum Building Height: 8 storeys up to 25 m, including mechanical penthouse and rooftop amenity

g) Amenity Area: 25 m² per unit

h) Privacy Area: None Required

i) Landscape Area abutting Dundas Street: 2.8 m

2. <u>Regulations applying to Townhouse Buildings and Back-to-Back Townhouses on Diagram 558:</u>

a) Regulations for Townhouse Buildings from External Property Lines:

   i) Front Yard: 2.5 m

   ii) Rear Yard: 20 m

iii) South Side Yard: 12 m

iv) East Side Yard: 3 m

v) Maximum Density: 65 units/ha

vi) Landscaped Area abutting Dundas Street: 1.5 m

vii) Amenity Area: None Required

viii) Privacy Area: None Required

ix) Driveway Length:

i) Rear Lane Townhouses: 0.75 m
ii) All other townhouses: 5.5 m

x) Parking Spaces and Driveways:
i) For townhouses and back-to-back townhouses, driveways and parking lots shall be set back 2 m from a wall of a building containing windows of habitable rooms, except where a parking space and driveway is for the exclusive use of the unit occupant the setback shall not apply.

b) Notwithstanding Part 1, Subsection 2.33, the following regulations shall apply for Townhouse Buildings on POTLs:

i) Rear lane townhouse buildings are deemed to be through lots. The front lot line abuts the condo road and the rear lot line abuts Dundas Street.

ii) Front Yard:
i) Rear Lane Townhouses: 0.75 m
ii) Back-to-back townhouses: 2.5 m
iii) All other townhouses: 2.5 m

iii) Rear Yard:
i) Rear Lane Townhouses: 6 m
ii) Back-to-back townhouses: 2 m
iii) All other townhouses: 6 m

iv) Interior Side Yard: 0 m

v) Exterior Side Yard 2.0 m

vi) Street Side Yard: 2.0 m
vii) Driveway Length:
iii) Rear Lane Townhouses: 0.75 m

iv) All other townhouses: 5.5 m

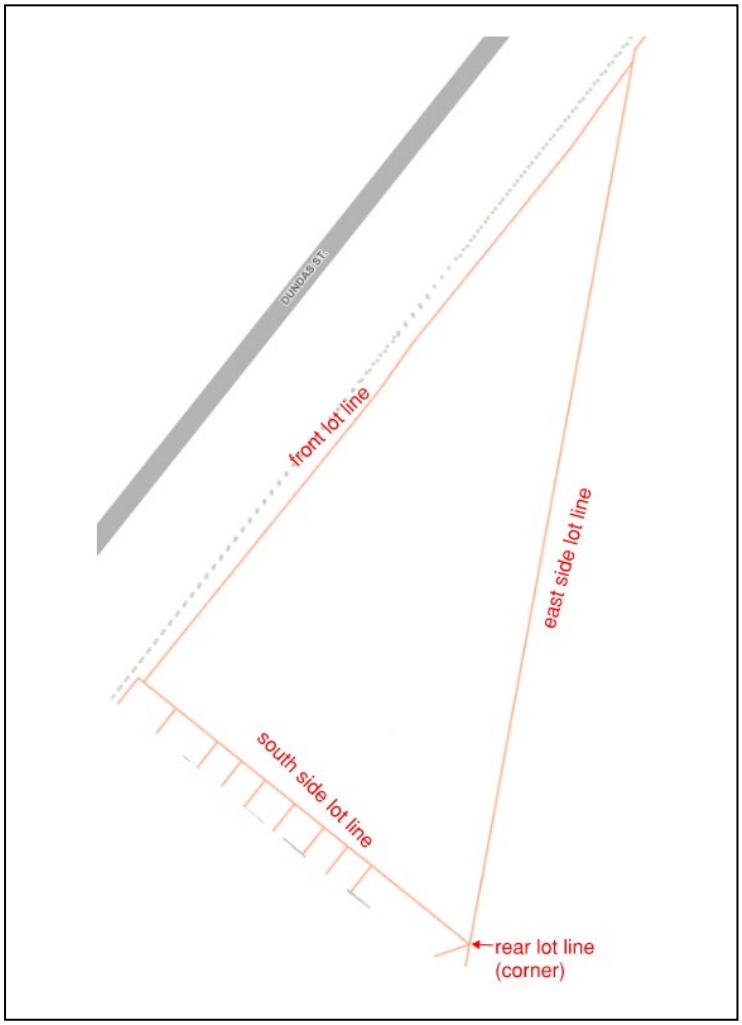
viii) Encroachments into Yards:

i) A roofed over or screened but otherwise unenclosed 1-storey porch into a required yard: 1.5 m

ii) Bay window into a required side yard: 0.6 m

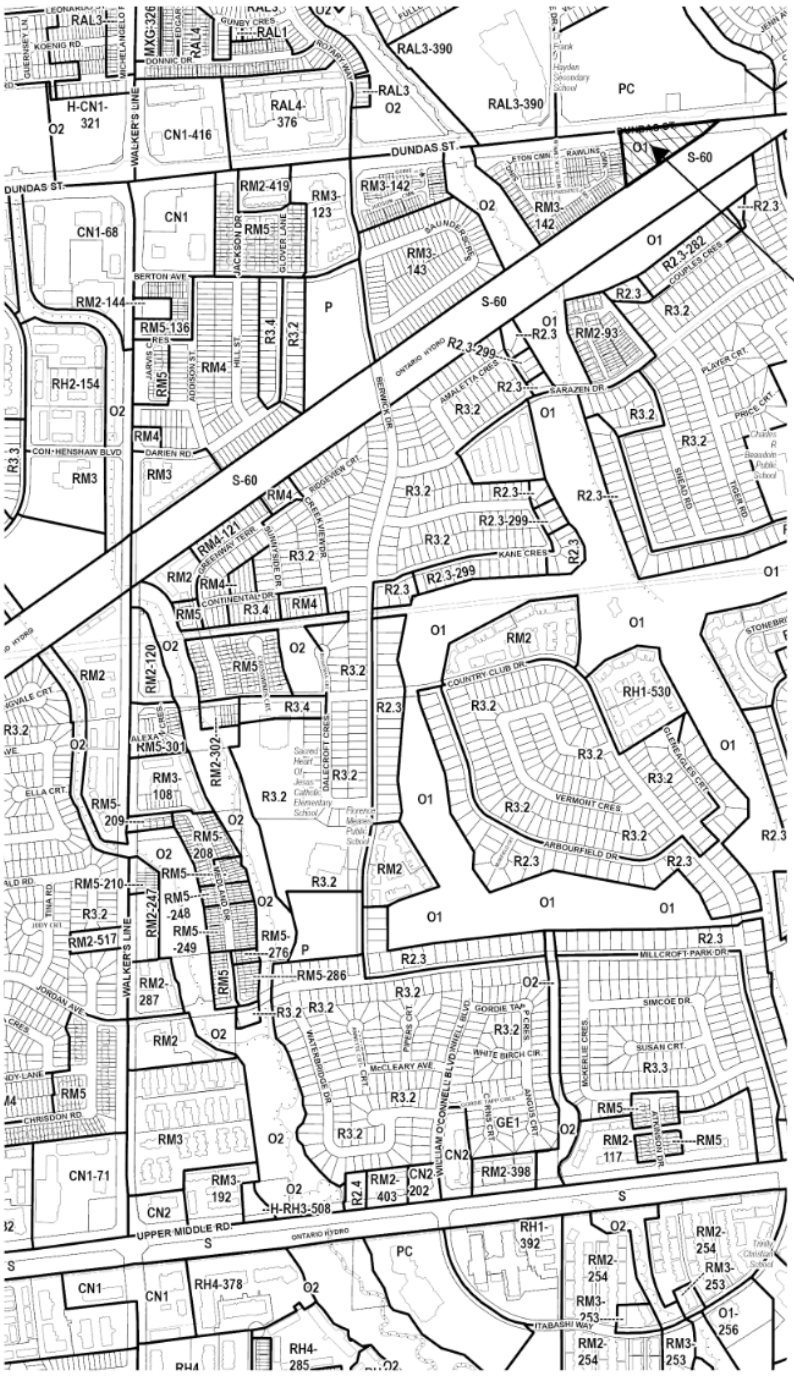
iii) Bay window into all other required yards: 1.6 m

Diagram 558



Except as amended herein, all other provisions of this By-law, as amended, shall apply.

SCHEDULE "A"



Schedule 'A' to By-law 2020.503 Amending Map Nos. 24-W & 24-E Part 15, By-law 2020 as Amended.
Enacted June 12, 2024 through OLT Decision OLT-22-004149

TERANET Burlington
Community Planning Department