

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 3, 2022

CASE NO(S): OLT-21-001950

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: 2601622 Ontario Inc.
Subject: Request to amend the Official Plan - Failure of the Town of Aurora to adopt the requested amendment "Promenade General – Special Design Area"
Existing Designation: "Promenade General – Special Design Area"
Proposed Designation: To implement a site-specific policy in the existing designation for the purpose on increasing the maximum building height from 5-storeys to 7-storeys and to reduce the size of the Urban Square from 215.35 square metres (2,318 square feet) (3% of the net developable site area) to 50 square metres (538.19 square feet)
Purpose: To permit the development of a 7-storey mixed-use residential building with 356 units
Property Address/Description: 26, 30, 32, 34-38 Berczy Street
Municipality: Town of Aurora
City of Aurora File No.: OPA-2020-01
OLT Case No.: OLT-21-001950
OLT File No.: OLT-21-001950
OLT Case Name: 2601622 Ontario Inc. v. Aurora (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: 2601622 Ontario Inc.
Subject: Application to amend Zoning By-law No. 6000-17, as amended – Neglect of application by the Town of Aurora
Existing Zoning: "E1 (10) Employment Zone"
Proposed Zoning: "PDS1 – Promenade Downtown Shoulder Exception Zone"

Purpose: To permit the development of a 7-storey mixed-use residential building with 356 units
 Property Address/Description: 26, 30, 32, 34-38 Berczy Street
 Municipality: Town of Aurora
 City of Aurora File No.: ZBA-2020-01
 OLT Case No.: OLT-21-001950
 OLT File No.: OLT-21-001951

Heard: May 24, 2022 by video hearing

APPEARANCES:

Parties

2601622 Ontario Inc.

Town of Aurora

Atria Developments

Counsel

Naomi Mares and Eileen Costello

Chantal deSereville

Max Laskin

MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON MAY 24, 2022 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] On May 24, 2022, the Tribunal held a Case Management Conference (“CMC”) regarding appeals brought by 2601622 Ontario Inc. (“Appellant”) with respect to the failure of the Town of Aurora (“Town”) to make decisions on the Appellant’s applications for official plan and zoning by-law amendments to facilitate a development on the lands located at 26, 30, 32 and 34-36 Berczy Street (“subject property”).

[2] At the CMC, the Tribunal addressed requests for Party and Participant status, the preparation of a draft Procedural Order and Issues List, the identification of opportunities for settlement discussions, and the scheduling of a further CMC and the hearing.

REQUESTS FOR STATUS

[3] Atria Developments (“Atria”) requested Party status. Atria owns lands that are adjacent to the subject property to the south, which are the subject of a separate development application. Neither the Town nor the Appellant objected to Atria’s request for status. The Tribunal found that Atria has a genuine interest in the proceeding, would be directly impacted by its outcome, and could assist the Tribunal in making its decision. The Tribunal found that there are reasonable grounds for adding Atria as a Party and granted it Party status as requested.

[4] Jessica Weaver and Nicholas Harding each requested Participant status. They each made their request in writing. Neither attended the CMC. None of the Parties objected to their requests for status. The Tribunal has reviewed their requests for status and granted each of them Participant status as requested.

[5] Ron Weese expressed an interest in possibly seeking Party or Participant status, but was not sure of his plans at the time of the CMC. He said a local ratepayers’ association will consider at its meeting in June 2022 whether it will seek status in the proceeding. He said his decision will depend on what the ratepayers’ association decides to do. The Parties stated that they envision the holding a further CMC in the Fall and agreed that further requests for status could be made at that time, provided that the persons requesting status confirm their intent and identify their proposed issues to the Parties on a timely basis. The Tribunal requested Mr. Weese to inform the Parties on a timely basis whether he and/or the ratepayers’ association will be seeking status, and, if either plans to seek Party status, to inform the Parties of the issues that he and/or the association seeks to raise.

IDENTIFICATION OF ISSUES

[6] The Appellant stated that it would likely be filing an appeal under the *Ontario Heritage Act* relating to the subject property and would be requesting that this new proceeding be consolidated with the present official plan and zoning by-law amendment appeal proceeding. It requested that a further CMC be held in the Fall by which time

the new appeal will have been filed and at which its request for consolidation may be considered. Neither the Town nor Atria objected to this proposal and the Tribunal scheduled a further CMC for October 2022.

[7] The Tribunal requested that the Parties file a final draft Procedural Order and Issues List with the Tribunal prior to the next CMC.

IDENTIFICATION OF OPPORTUNITIES FOR SETTLEMENT DISCUSSIONS

[8] The Parties expressed an openness to holding discussions to resolve or narrow the issues, which the Tribunal encouraged.

ORDER

[9] The Tribunal orders that Atria Developments is a Party in this proceeding.

[10] The Tribunal orders that Jessica Weaver and Nicholas Harding are Participants in this proceeding.

[11] The Tribunal orders that a further CMC will be held by video hearing on **Wednesday, October 19, 2022 commencing at 10 a.m.** at which the request for consolidation of proceedings, requests for status, the finalization of the draft Procedural Order and Issues List, and the setting of hearing dates will be addressed.

[12] The Parties and Participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

GoTo Meeting: <https://meet.goto.com/709076365>

Access code: 709-076-365

[13] The Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>

[14] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line:

Audio-only telephone line: +1 (647) 497-9373 or (Toll-Free) 1(888) 299-1889
The Access Code is as indicated above.

[15] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the video hearing to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[16] There will be no further notice.

[17] This Member is not seized.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

Ontario Land Tribunal

Website: www.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.