

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



ISSUE DATE: May 14, 2018

CASE NO(S): PL141202

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:	Castles of Caledon Corp.
Subject:	Request to amend the Official Plan - Failure of the Town of Caledon to adopt the requested amendment
Existing Designation:	“Policy Area” – Residential and “Special Study Area B”
Proposed Designation:	Residential Low Density 2, Open Space and Environmental Policy Areas
Purpose:	To permit a residential subdivision of detached, linked and townhouse dwellings with associated park and environmental protection areas
Property Address/Description:	89 Walker Road West
Municipality:	Town of Caledon
Approval Authority File No.:	POPA 13-06
OMB Case No.:	PL141202
OMB File No.:	PL141202
OMB Case Name	POPA 13-06, Castles of Caledon

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

Applicant and Appellant:	Castles of Caledon Corp.
Subject:	Application to amend Zoning By-law No. 87-250 – Neglect of application by the Town of Caledon
Existing Zoning:	Rural (A2)
Proposed Zoning:	R1-E (one family residential exception), R2-E

(Two family residential exception); RT-5
(Townhouse residential special), OS-17 and
OSA-26(Open Space Special) and HL-5
(Hazard Land Special)

Purpose: To permit a residential plan of subdivision
Property Address/Description: 89 Walker Road West
Municipality: Town of Caledon
Municipal File No.: RZ 13-14
OMB Case No.: PL141202
OMB File No.: PL141203

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

Applicant and Appellant: Castles of Caledon Corp.
Subject: Proposed Plan of Subdivision - Failure of the
Town of Caledon to make a decision
Purpose: To permit 331 residential units in a draft plan
of subdivision
Property Address/Description: 89 Walker Road West
Municipality: Town of Caledon
Municipal File No.: 21T-13003C
OMB Case No.: PL141202
OMB File No.: PL141204

Heard: April 26, 2018 by Telephone Conference Call
("TCC")

APPEARANCES:

Parties

Counsel*/Representative

Castles of Caledon Corp. ("Applicant")	J. Spina*
Town of Caledon ("Town")	R. Ivanov*
Toronto and Region Conservation Authority ("TRCA")	Q. Hanchard

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON
APRIL 26, 2018 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] In September of 2015, the parties had reached a settlement with regard to the Applicant's development application seeking an Official Plan Amendment, Draft Plan of Subdivision, and Conditions of Draft Plan Approval, all of which were approved. Left outstanding was the Zoning By-law Amendment ("ZBA"), to enable further detailed technical consideration.

[2] Since that time, there have been a number of resubmissions to the approval authorities, and updates before the Tribunal: all attempting to finalize the ZBA.

[3] On April 20, 2018, counsel for the Applicant couriered to the Tribunal a red-lined Draft Plan of Subdivision (Exhibit 1), a draft ZBA (Exhibit 2), and a red-lined set of Conditions of Draft Plan Approval (Exhibit 3).

[4] In the TCC of April 26, 2018, the Tribunal heard *viva voce* expert opinion evidence from land use planner Paul King in support of the draft ZBA, the red-lined Draft Plan of Subdivision, and the red-lined Conditions of Draft Plan Approval.

[5] Counsel for the Applicant, counsel for the Town, and the representative of the TRCA, all recommended that the Tribunal accept the land use planning evidence of Mr. King, and grant approval to the ZBA, the red-lined Draft Plan of Subdivision, and the red-lined Conditions of Approval.

[6] For the reasons set out below, the Tribunal approved the ZBA, approved the red-lined Draft Plan of Subdivision, and the red-lined Conditions of Draft Plan Approval.

DECISION

[7] Based on the expert land use planning evidence of Mr. King and the submissions of the parties, the Tribunal finds that the ZBA (Exhibit 2), the red-lined Draft Plan of Subdivision (Exhibit 1), and the red-lined Conditions of Draft Plan Approval (Exhibit 3) to

take into account the matters of provincial interest under s. 2 of the *Planning Act*, are consistent with the Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe, conform to both the Regional and Town Official Plan, represent good planning and are in the public interest.

[8] Thus the Tribunal will allow the appeal by the Applicant in part with regard to the ZBA, and approve the ZBA (Exhibit 2), and will approve the red-lined revisions to the Draft Plan of Subdivision (Exhibit 1) and will approve the red-lined Conditions of Draft Plan Approval (Exhibit 3).

[9] In so doing, the new lapsing date for the Draft Plan of Subdivision shall be as set out in Exhibit 3.

[10] As previously provided in the Tribunal's decision of September 25, 2015, the Town shall be responsible for the final approval of the draft plan.

[11] The Tribunal may be spoken to if concerns arise with regard to any red-lined revisions, changes to the Conditions of Draft Plan Approval or the fulfilling of the Conditions of Draft Plan Approval.

[12] This is the Order of the Tribunal.

"Blair S. Taylor"

BLAIR S. TAYLOR
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

A constituent tribunal of Environment and Land Tribunals Ontario

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