



Date: September 4, 2024

To: Mayor and Council

Author: William Good, Manager of Legal Services

RE: Ontario Land Tribunal Appeal – 183 Main Street

RECOMMENDED ACTION

That Council **AUTHORIZE** a settlement of the appeal before the Ontario Land Tribunal related to 183 Main Street (Lead Case Number: OLT-23-001148; Related Case Number: OLT-23-001149), on terms and conditions satisfactory to the Manager of Legal Services.

BACKGROUND

On or about August, 2023, Brotto Investments Ltd. (“Brotto”) submitted an application for a Zoning By-law Amendment for their lands located at 183 Main Street East (“Brotto Lands”).

On September 25, 2023, the Town passed an area-wide Official Plan Amendment being By-law 57-2023 and an area-wide Zoning By-law Amendment being By-law 58-2023.

At the October 23, 2023, Regular Council Meeting, Council considered ZBA-2023-14 – Application for Zoning By-law Amendment for 183 Main Street – Brotto Investments Ltd. (“Brotto”). Council did not approve the Zoning By-law Amendment.

After issuing the Notice of Refusal, the Town received notice from the Ontario Land Tribunal acknowledging receipt of an appeal of said Zoning By-law Amendment by Brotto on the following grounds:

- 1) A site-specific appeal that relates exclusively to the zoning provisions of the Brotto lands.
- 2) An area-wide appeal that impacts the specific zoning rules for the entire Main Street Corridor.

The matter is currently before the Ontario Land Tribunal and scheduled to heard on December 2, 2024.

The Ontario Land Tribunal (OLT) is an independent adjudicative tribunal responsible for resolving appeals and applications on a variety of potentially contentious municipal and land use planning matters. The OLT operates under the Ontario Land Tribunal Act, as

well as its own rules of practice and procedure. It reports administratively to the Ministry of the Attorney General. In dealing with land use planning matters under the Planning Act, its main role in community planning is to resolve disputes related to planning documents, such as official plans and zoning bylaws.

DISCUSSION

The Town has received a settlement offer from Brotto which would result in Brotto withdrawing their site-specific and area-wide appeals in exchange for the Town's approval to construct a stepped 5 to 6 storey building.

The Manager of Legal Services, in consultation with external legal counsel, has provided legal advice to Council in Closed Session with details, terms and conditions.

As a result of the proposed settlement, the Town would gain certainty on the four-storey area-wide height limits in the surrounding area. There are no other appeals to the Official Plan or Zoning Bylaw Amendments affecting height limits and therefore the municipality will be in a stronger position in the future to defend against any future appeal of height restrictions.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations resulting from the settlement, however, legal and administrative costs have been incurred as a result of this appeal.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

John Norton, CAO
Richard Wyma, Director of Planning and Development
Angela Toole, Acting Manager of Municipal Governance & Clerk

PREPARED BY:

William Good

William Good, BA (Hons), JD
Manager of Legal Services

REVIEWED BY:

A handwritten signature in black ink, appearing to read 'John Norton', with a long horizontal stroke extending to the right.

John Norton
CAO