

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



ISSUE DATE: May 12, 2021

CASE NO(S).:

PL160268

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:	Eden Oak (Trailshedd) Inc
Subject:	Request to amend the Official Plan - Failure of the Town of The Blue Mountains to adopt the requested amendment
Existing Designation:	Residential/Recreation Area designation B3.7.6.17.
Proposed Designated:	Site specific to be determined
Purpose:	To permit a subdivision of semi-detached and townhouses and low rise multiple units and to increase the permissible unit yield.
Property	Pt Lots 158&173, Plan 529, Part 2, RP16R-1974, Etc.
Address/Description:	
Municipality:	Town of The Blue Mountains
Approval Authority File No.:	P1908
LPAT Case No.:	PL160268
LPAT File No.:	PL160268
LPAT Case Name:	Eden Oak (Trailshedd) Inc. v. The Blue Mountains (Town)

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

Applicant and Appellant:	Eden Oak (Trailshedd) Inc.
Subject:	Proposed Plan of Subdivision - Failure of the Town of The Blue Mountains to make a decision
Purpose:	To permit a subdivision of semi-detached and townhouses and low rise multiple units and to increase the permissible unit yield.
Property	Pt Lots 158&173, Plan 529, Part 2, RP16R-1974, Etc.
Address/Description:	

Municipality: Town of The Blue Mountains
Municipality File No.: 42T-2012-01
LPAT Case No.: PL160268
LPAT File No.: PL160270

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

Applicant and Appellant: Eden Oak (Trailshead) Inc
Subject: Application to amend Zoning By-law No. 83-40 -
Refusal or neglect of the Town of The Blue Mountains to
make a decision
Existing Zoning: R3 Zone and R3-h, OS1 and H Zones
Proposed Zoning: R4 and R7 Zones and R4-h, R6-h, R7-h, OS1, OS2 and
H Zones
Purpose: To permit a subdivision of semi-detached and
townhouses and low rise multiple units and to
increase the permissible unit yield.
Property Address/Description: Pt Lots 158&173, Plan 529, Part 2, RP16R-1974, Etc.
Municipality: Town of The Blue Mountains
Approval Authority File No.: P2278
LPAT Case No.: PL160268
LPAT File No.: PL160268
LPAT Case Name: Eden Oak (Trailshead) Inc. v. The Blue Mountains
(Town)

BEFORE:

RICK MAKUCH)
VICE-CHAIR) Wednesday, the 12th
) day of May, 2021
)

FINAL ORDER

WHEREAS THE TRIBUNAL issued a Decision respecting these appeals on September 6, 2017;

AND WHEREAS paragraph 69 of the Decision stated:

The Board orders that the appeal is allowed in part and the proposed Official Plan Amendment, Zoning By-law Amendment, and Conditions of Draft Plan

Approval and Plan of Subdivision as set out in Exhibit 1, Schedule A, Schedule B, and Schedule C respectively are **approved in principle**. The Board's final approval will be withheld until it receives notice from the Town of The Blue Mountains that an appropriate section 37 agreement has been executed.
[emphasis added];

AND WHEREAS THE TRIBUNAL having been advised by the Town that an appropriate section 37 agreement has been executed and registered on title of the Subject Property on March 26, 2021;

AND WHEREAS THE TRIBUNAL having been advised by the Appellant that it wishes to obtain at this time a final approval only as related to the draft plan of subdivision [PL160270];

AND UPON CONSENT of the Parties to the issuance of this Order;

THE TRIBUNAL HEREBY ORDERS that the appeal of the refusal or neglect of the County of Grey to make a decision regarding the proposed Plan of Subdivision [PL160270] is allowed, in part, and the draft plan of subdivision and conditions are approved as set out in Exhibit 1, Schedule C;

THE TRIBUNAL FURTHER ORDERS that the authority to issue final approval of the plan of subdivision be delegated to the County of Grey as per subsection 51(56.1) of the *Planning Act*;

THE TRIBUNAL FURTHER ORDERS that the appeals of the refusal or neglect of the Town of The Blue Mountains to make a decision regarding the site-specific Official Plan Amendment [PL160268] and the site-specific Zoning By-law Amendment [PL160269] continue to be approved in principle at this time;

AND THE TRIBUNAL FURTHER ORDERS that it may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

"Becky Fong"

BECKY FONG
REGISTRAR

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