

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



**ISSUE DATE:** May 08, 2019

**CASE NO(S):** PL140495  
PL170983

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 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants: See Attachment 1  
Subject: Proposed Official Plan Amendment No. 150  
Municipality: City of Ottawa  
OMB Case No.: PL140495  
OMB File No.: PL140495  
OMB Case Name: Dolan v. Ottawa (City)

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

Applicant and Appellant: 6980848 Canada Corporation & 7657315 Canada Corporation  
Subject: Proposed Plan of Subdivision - Failure of the City of Ottawa to make a decision  
Purpose: To permit residential development  
Property Address/Description: Part of Lot 7, Concession 3 (1566 Stagecoach Road) in the Geographic Township of Osgoode now in the City of Ottawa  
Municipality: City of Ottawa  
Municipality File No.: D07-16-10-0015  
OMB Case No.: PL140495  
OMB File No.: PL101449  
OMB Case Name: 6980848 Canada Corporation & 7657315 Canada Corporation v. Ottawa (City)

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	2356349 Ontario Inc.
Appellant:	City of Ottawa
Appellant:	Claridge Homes (Elgin) Inc. Et Al
Appellant:	Glendon Moore; and others
Subject:	Proposed Official Plan Amendment No. 180
Municipality:	City of Ottawa
OMB Case No.:	PL170983
OMB File No.:	PL170983
OMB Case Name:	Glendon Moore v. Ontario (Municipal Affairs)

**Heard:** April 18, 2019 by telephone call conference

#### **APPEARANCES:**

##### **Parties**

##### **Counsel**

City of Ottawa

T. Marc

Claridge Homes (Elgin) Inc. and  
Conroy Road Developments Inc.

E. Blanchard

Thomas Cavanaugh Construction  
Ltd. and 2325482 Ontario Inc.

U. Melinz

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY C.J. BRYSON ON APRIL 18, 2019 AND ORDER OF THE TRIBUNAL**

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#### **BACKGROUND**

[1] The City of Ottawa (“City”) passed Official Plan Amendment No. 150 (“OPA 150”) in 2013 upon the City’s five-year comprehensive review of its Official Plan (“OP”). OPA 150 was appealed in its entirety. After Land Evaluation and Area Review (“LEAR”) and Employment Lands studies were completed in 2015, the City passed the further Official Plan Amendment No. 180 (“OPA 180”) in 2017. Several portions of OPA 180 were also appealed.

[2] At the second pre-hearing conference (“PHC”) on May 4, 2018, regarding the consolidated OPA 150 and OPA 180 appeals, Vice-Chair Makuch issued an Order setting hearing dates for most of the appeals, divided by land use designation topics: Mineral Aggregates, Agriculture, Employment Lands, Natural System, Rural Servicing, Transportation, and Urban Expansion. The Order issued by Vice-Chair Makuch was accompanied by Procedural Orders (“POs”) for each identified subset of appeals set down for hearing.

[3] This Telephone Conference Call (“TCC”) was scheduled for hearing of a proposed settlement of OPA 180 Employment Lands appeals for the above-noted parties. The other Employment Lands appeals as found in Attachment 5 to the PO for Employment Lands appeals have been withdrawn or otherwise resolved by the Tribunal.

## **PROPOSED SETTLEMENTS**

[4] The Tribunal was provided with the Affidavit of Royce Fu, a professional planner with the City, in support of the settlement proposal for the OPA 180 appeals of Claridge Homes (Elgin) Inc. (“Claridge”) and Conroy Road Developments Inc. (“Conroy”). The Affidavit of Mr. Fu is marked as Exhibit 1. There were no objections to the Affidavit or qualifications of Mr. Fu in providing expert planning opinion evidence to the Tribunal in support of this settlement. Further, all Parties consented to the addition of Schedule E14 to OPA No. 180 as found at Exhibit 9 to the Affidavit of Mr. Fu and the addition of policy 3.6.1 to OPA No. 180 as found at Exhibit 10 to the Affidavit of Mr. Fu, which are attached to this Decision as Attachments 2 and 3 respectively.

[5] Counsel for the City explained that there was no information on the site identified by the proposed Schedule E14 at the time OPA 180 was adopted in January 2017. A later planning rationale report was prepared by Novatech Engineers, Planners & Landscape Architects (“Novatech”) in support of the request of Claridge and Conroy to convert their designation Employment Lands identified in Attachment 2 to a General

Urban designation. The Novatech report indicated that the soil conditions on the Claridge and Conroy site were soft silt and clay, resulting in drainage issues and a lack of suitability for Employment Lands purposes, which often engage slab on grade development. The report supported the proposed conversion of these Employment Lands to General Urban lands to allow Claridge and Conroy to build an ice arena and single detached and townhouse residences on the site. The proposed residences will be connected to a geothermal district energy system that will reuse waste heat from the proposed ice arena to heat the homes.

[6] Mr. Fu opines the conversion of the Claridge and Conroy lands identified in Attachment 2 and the proposed development are consistent with the Provincial Policy Statement, 2014 (“PPS”), have sufficient regard to the matters of provincial interest in s. 2 of the *Planning Act* (“Act”) and conform to the intent of the City OP. He opines the Novatech planning rationale report satisfactorily addresses all criteria of the PPS and OP relating to the conversion of Employment Lands and that the conversion would leave 816.4 hectares of Employment Lands in the City, which is above the forecast of 805 hectares of projected demand to 2036. He further opines that the proposed development would allow for an assessment of the benefits and challenges of a geothermal district energy system for one has not yet been developed in the City. Accordingly, he recommends the re-designation of the Claridge and Conroy lands from Employment Lands to General Urban, as identified in Attachment 2, and the site-specific policy addition to the City OP as found in Attachment 3.

[7] The Tribunal was also provided with the Affidavit of Bruce Finlay, a professional planner with the City, in support of the settlement proposal for the OPA 180 Employment Lands appeals of Thomas Cavanaugh Construction Ltd. (“Cavanaugh”) and 2325482 Ontario Inc. (“2325482”). The Affidavit of Bruce Finlay is marked as Exhibit 2. There were no objections to the Affidavit or qualifications of Mr. Finlay in providing expert planning opinion evidence to the Tribunal in relation to this proposed settlement. All Parties further consented to the proposed revision to OPA No. 180 policy 15 under section 3.6.1

– General Urban Area as found in Document 1 of Exhibit 5 to the Affidavit of Bruce Finlay, which is attached to this Decision as Attachment 4.

[8] Counsel for the City explained OPA 180 set out a requirement for an 11.1 gross hectare district park southwest of Highway 417 and the Palladium Drive interchange, west of the property of Cavanaugh and 2325482 at 195 Huntmar Drive. After OPA 180 was adopted, the City determined the soil conditions of the proposed district park site were problematic and began to work with Cavanaugh and 2325482 on possible alternative locations for the district park. One alternative, collocation of the park with a new high school in the area, was put to and received support of the public and received approval of Council on February 27, 2019.

[9] Mr. Finlay explains that the proposed amendment to OPA 180 will permit the approval of a district park as agreed to by Cavanaugh and 2325482 and the City. The proposed revision to policy 15 of section 3.6.1 of the City OP maintains the size of the proposed district park, identifies its specific location as 195 Huntmar Drive and allows for a stand-alone district park of 11.1 gross hectares or a district park of this size to be collocated with a new high school. The collocation option would reduce the Cavanaugh and 2325482 required portion of the district park to 5.9 gross hectares.

[10] Mr. Finlay opines the proposed modification to policy 15 of section 3.6.1 of the City OP as found in Attachment 4 is necessary for the appropriate development of the park, is consistent with the PPS, has sufficient regard to matters of provincial interest in s. 2 of the Act and represents good planning.

[11] Upon the affidavit evidence of Mr. Fu and Mr. Finlay and the submissions of the Parties, the Tribunal approved the proposed amendments to OPA 180. The Tribunal accepted that the proposed amendments are consistent with the PPS, have sufficient regard to matters in s. 2 of the Act and conform to the intent of the City OP.

**ORDER**

[12] Against this background, the Tribunal ordered the Appeals of Claridge Homes (Elgin) Inc. and Conroy Road Developments Inc. are allowed in part. The Ottawa Official Plan Amendment No. 180 is ordered modified in accordance with Exhibits 9 and 10 to the Affidavit of Royce Fu, which are Attachments 2 and 3 to this Decision, and as modified is approved.

[13] The Tribunal ordered the Appeals of Thomas Cavanaugh Construction Ltd. and 2325482 Ontario Inc. are allowed in part. The Ottawa Official Plan Amendment No. 180 is ordered amended in accordance with Document 1 in Exhibit 5 to the Affidavit of Bruce Finlay, which is Attachment 4 to this Decision, and as modified is approved.

[14] The remaining appeals of the Claridge Homes (Elgin) Inc., Conroy Road Developments Inc., Thomas Cavanaugh Construction Ltd. and 2325482 Ontario Inc., in this phase, the City of Ottawa OPA No. 180 appeals are dismissed.

*“C.J. Bryson”*

C.J. BRYSON  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

## ATTACHMENT 1

<b>No.</b>	<b>Appellant</b>	<b>*Solicitor/Representative</b>
1	Karen Wright et al	Joshua Moon
2	Claridge Homes Corporation	*Janet Bradley
3	Gib Patterson	*Janet Bradley
5	Richcraft Homes Ltd.	*Ursula Melinz
6	Greater Ottawa Home Builders Association	*Ursula Melinz
7	Building and Owners Association of Ottawa	*Ursula Melinz
8	Thomas Cavanagh Construction Limited	*Ursula Melinz
9	Phoenix Properties	*Michael Polowin
10	2024644 Ontario Inc.	*Michael Polowin
11	Walton Development and Management Ontario LP	*Michael Polowin
12	Taggart Group of Companies	*Steven Zakem
13	969113 Ontario Inc.	*Peter Vice
14	Groupe Claude Lauzon Ltee.	*Greg Meeds
15	Starwood Acquisitions Inc.	*Janet Bradley
16	536555 Ontario Limited and Embros Development Corporation ("Torgan")	*Janet Bradley
18	Sunset Lakes Developments et al	*Paul Webber
19	Taggart Realty Management	*Alan Cohen
20	Loblaws Properties Limited	*Alan Cohen
21	2398688 Ontario Inc.	*Alan Cohen
22	Bridgeport Realty	*Alan Cohen
23	Arnon Corporation	*Alan Cohen
24	McRae Avenue Development and the Estate of Carson Unsworth	*Alan Cohen
25	1716709 Ontario Inc.	*Alan Cohen
26	Laurentide Engineering Limited/Broccolini Laurentide Holdings Inc. et al	*Doug Kelly
27	Urbandale et al	*Ursula Melinz
28	Tartan Land Consultants Inc.	*Alan Cohen
29	Miller Paving Limited	Kim Horrigan
30	Greenspace Alliance	Erwin Dreessen
31	Shirley Dolan	-
32	Metcalf and District Citizens Association	Dal Brodhead

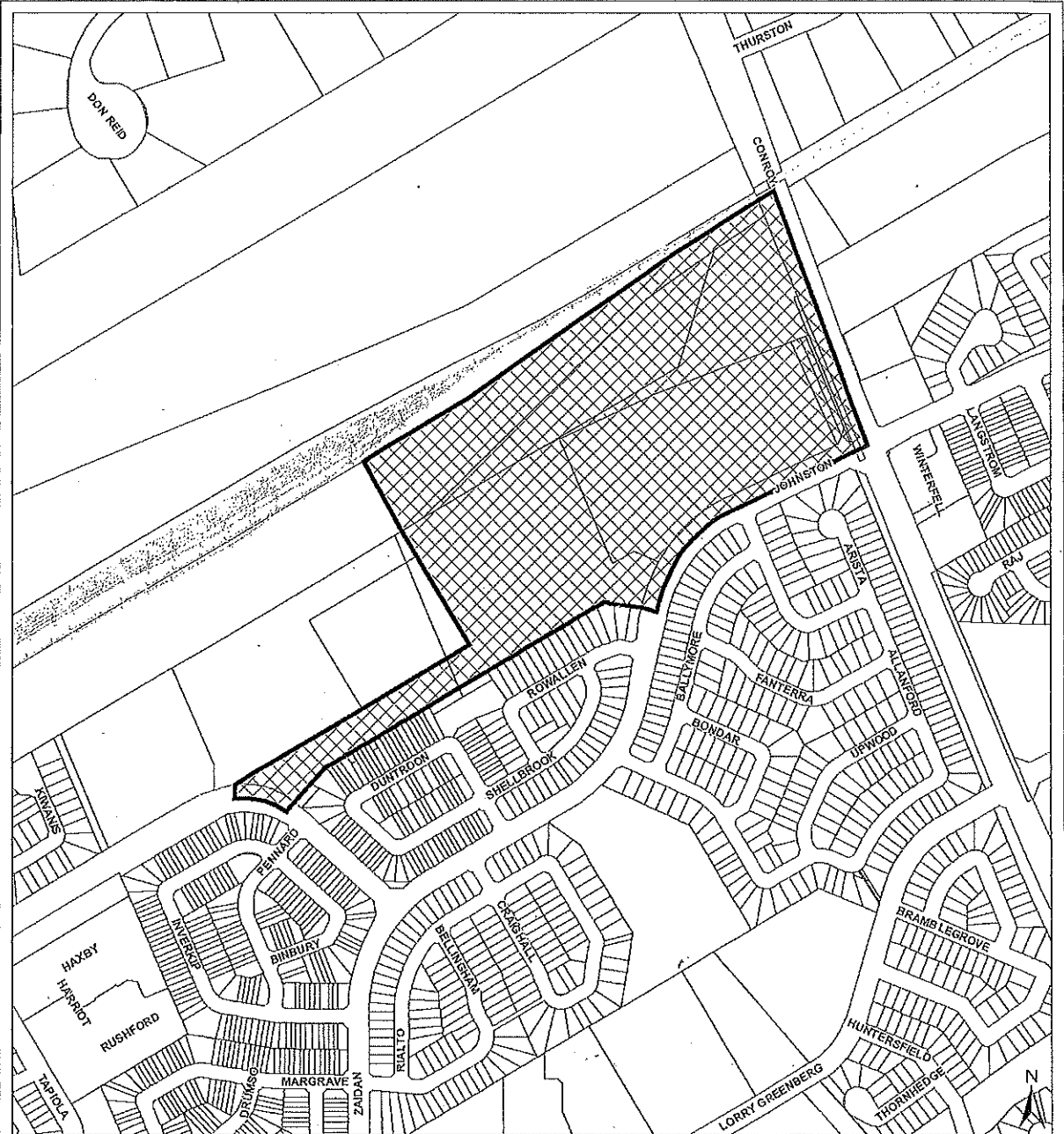
PL140495  
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## **ATTACHMENT 2**

**Exhibit 9**  
**Of Affidavit of Royce Fu**

**Proposed Land Use Modification**





Prepared by:  
Planning, Infrastructure and Economic Development Department  
GIS and Data Management

Préparé par: Services de la planification,  
de l'infrastructure et du développement économique,  
SIG et Gestion des données

D01-01-16-0014 | 19-0010-A

EWAS2019/01/2019/01/180 Map E14.mxd

Revision: | Rev #:

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Scale - 1:1 TS, Echelle N.A.E

**SCHEDULE E14 to  
AMENDMENT NO.180**

to the OFFICIAL PLAN  
for the CITY OF OTTAWA

**Amending Schedule B**  
Urban Policy Plan

**ANNEXE E14 de  
L' AMENDEMENT No.180**

au PLAN OFFICIEL  
de la VILLE D'OTTAWA

**Modifiant l'Annexe B**  
Plan des politiques en milieu urbain

LANDS REDESIGNATED FROM "EMPLOYMENT AREA" TO "GENERAL URBAN AREA"  
TERRES DONT LA DÉSIGNATION EST PASSÉE DE « SECTEUR D'EMPLOI » À « ZONE URBAINE GÉNÉRALE »

**ATTACHMENT 3**

**Exhibit 10  
Of Affidavit of Royce Fu**

**Proposed New Site-Specific  
Official Plan Policy**

## Official Plan Policy Addition

### Section 3.6.1 – General Urban Area (Conroy/Claridge)

#### *Site-Specific Exceptions*

(to be appropriately numbered)

- X. Notwithstanding policy 1 above, residential uses shall be on a district energy system for lands having an area of approximately 19.4 hectares and located west of Conroy Road, north of Johnston Road, east of the Greensboro Turtlehead Natural Area, and south of the CN Rail corridor as shown in Schedule E14 to Official Plan Amendment No. 180.

## ATTACHMENT 4

### Document 1 - Proposed Settlement Policy

Item	Section	Amendment 180	Proposed Revised Policy
11	<b>3.6.1 - General Urban Area</b>	<p>Add the following new Site Specific Exception policy at the end of Section 3.6.1:</p> <p><b>“15. A district park of 11.1 gross hectares shall be provided southwest of the Highway 417 and Palladium Drive interchange.”</b></p>	<p>Add the following new Site Specific Exception policy at the end of Section 3.6.1:</p> <p><b>“15. A district park, with a minimum size of 11.1 gross hectares, shall be located within lands known municipally as 195 Huntmar Drive. Where the district park is co-located with the Ottawa Carleton District School Board Secondary School site, the minimum park size may be reduced to 5.9 gross hectares.”</b></p>

**ATTACHMENT 5**

**MATTERS AT HEARING**

1. OPA 180, Item 12 c
2. Designation of Taillefer Estates lands
3. Designation of Huntington Properties Lands
4. Designation of Conroy Road Developments Inc. and Claridge Homes (Elgin) Inc. lands