

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



**ISSUE DATE:** July 29, 2019      **CASE NO(S):** PL140495      PL170037  
PL141235      PL170983  
PL141244

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: 2087875 Ontario Inc.  
 Appellant: Greater Ottawa Home Builders' Association  
 Appellant: Gibson Patterson  
 Appellant: Taggart Group Of Companies; and others  
 Subject: Proposed Official Plan Amendment No. 140  
 Municipality: City of Ottawa  
 OMB Case No.: PL141235  
 OMB File No.: PL141235  
 OMB Case Name: Gibson Patterson v. Ottawa (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Urbandale Corporation  
 Subject: By-law No. 2014-343  
 Municipality: City of Ottawa  
 OMB Case No.: PL141244  
 OMB File No.: PL141244  
 OMB Case Name: Urbandale Corporation v. Ottawa (City)

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

Appellant: Ontario Stone, Sand & Gravel Association  
 Appellant: R.W. Tomlinson Ltd.  
 Appellant: Taggart Group Of Companies  
 Subject: Proposed Official Plan Amendment No. 179  
 Municipality: City of Ottawa  
 OMB Case No.: PL170037  
 OMB File No.: PL170037  
 OMB Case Name: Ontario Stone, Sand & Gravel Association 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:** July 12, 2019 by telephone conference call

**APPEARANCES:**

**Parties**

**Counsel**

City of Ottawa (“City”)

Timothy C. Marc

Greater Ottawa Home Builders Association (“GOHBA”),  
Riverside South Development Corporation (“Riverside”),  
KNL Developments (“KNL”)  
2087875 Ontario Ltd. (“2087875”), and  
Urbandale Corporation (“Urbandale”)

Ursula Melinz

Tartan Land Consultants Ltd.  
 (“Tartan”)

Philip Osterhout by his agent Ursula Melinz

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID L. LANTHIER ON  
JULY 12, 2019 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] The Tribunal was today presented with a motion (the “Motion”) brought by the City, to approve two modified schedules to the Official Plan arising from Official Plan Amendment No. 140 (“OPA 140”) and Official Plan Amendment No. 150 (“OPA 150”) and to thereby finalize the Transportation Phase of the Appeals.

[2] The Appeals in these Tribunal Case Files were divided into eight phases, and this Motion relates to the Transportation phase of the OPA 140 and OPA 150 appeals in Tribunal Case File Nos. PL140495 and PL170983 as set out in the Decision and Order of the Tribunal issued on September 21, 2018 (as governed by the Procedural Order at Attachment F to that Decision and Order). That Procedural Order stipulated the specific matters that were before the Tribunal in that Phase, and this Decision and Order determines those same identified matters in the Transportation Phase of the Appeals which are:

(a) Items 2b(iii) and 2(s) as set out in the matters identified in OPA 140; and

(b) Items 246, 326, 328 and 333 as set out in the Table titled “Policy Changes – Official Plan Review 2013” in OPA 150.

The identified items in the OPAs included reference to Schedule C “Primary Urban Cycling Network”, Schedule E “Urban Road Network”, and Schedule J “Cycling, Multi-Use Pathways and Scenic Entry Routes (Rural)” of the Official Plan.

[3] In approving the Schedules to the City’s Official Plan, the Motion if granted, will otherwise result in no other modifications to the Official Plan and will dismiss all appeal matters identified above, in the Transportation Phase, that were set for hearing leaving only the Urban Expansion Phase of the Appeals to be determined.

[4] The Motion is consented to by the City, Tartan, 2087875, the GOHBA, Riverside, Urbandale and KNL who have agreed to the resolution of matters under appeal as proposed by the City. The Tribunal is advised that Mattamy and the Taggart Group have not expressed any objection to the proposed resolution as explained herein and they did not respond to, or appear at, the Motion.

[5] The Tribunal received submissions from the parties, through counsel for the parties, and supporting affidavit evidence from Mr. Bruce Finlay, who was, upon the evidence provided, and with the executed Acknowledgement, accepted by the Tribunal as an expert qualified to provide expert land use planning evidence in support of the proposed amended schedules to the Official Plan.

## **BACKGROUND**

[6] The City adopted OPA 150 on December 11, 2013, which made modifications to a number of Schedules to the City’s Official Plan including those relating to transportation, a process that was informed by the Transportation Master Plan (“TMP”) that was eventually updated. Mr. Finlay has explained that changes to the Transportation Schedules arising from the updates to the TMP were not incorporated

before OPA 150 was approved by the Minister without modifications. OPA 150 was then appealed in its entirety.

[7] Although the numerical hierarchy of the OPAs might suggest that OPA 140 chronologically followed OPA 150, in fact, OPA 140 was adopted after OPA 150 on September 10, 2014. OPA 140 was intended to correct obvious errors in the text of OPA 150 and to reflect changes in the naming for the hierarchy and alignment of cycling routes on Schedule C which was the Primary Urban Cycling Network. Due to an inadvertent technical error the updated version of Schedule C was not included when the instrument was adopted. OPA 140 was then appealed in its entirety by the Appellants to OPA 150.

[8] After a number of appeals were withdrawn (following the Minister's approval of OPA 180, which addressed a number of matters at issue) Mr. Finlay confirms that there were three items that remained under appeal:

- 1) Schedule C setting out the Primary Urban Cycling Network under OPAs 140 and 150;
- 2) Schedule E representing the Urban Road Network under OPA 150; and
- 3) Schedule J – Cycling, Multi-use Pathways and Scenic Entry Routes (Rural), amended under OPA 140.

Other than the schedules, no other policy issues remained to be determined in the Transportation Phase of the Appeals.

[9] Mr. Finlay explains that there are no longer identified issues with Schedule J, and the Motion does not relate to the approval of a modified version of that schedule, but Schedule J technically remains under appeal subject to approval of Schedules C and E. The outstanding issues relating to Schedules C and E relate to uncertainties as to the realignment of Leitrim Road and “mismatches” between proposed major and minor collector roads, and alternative routes, as shown on Schedule E.

## **THE RESOLUTION OF THE TRANSPORTATION PHASE AND PROPOSED CHANGES**

[10] The basics of the resolution of this Phase of the appeals, and the proposed revisions to Schedules C and E as presented to the Tribunal, as outlined by Mr. Finlay, are as follows:

- (a) The suburban cycle routes in Schedule C previously shown on the schedule in OPA 150 have now been reconfigured to correctly follow the path of relocated Collector roads or reconfigured to conform with new road alignments that have been approved since OPA 150 was adopted. The revised Schedule C in Exhibit 3 to Mr. Finlay's Affidavit is submitted for approval by the Tribunal and modifies the Schedule originally proposed by OPA 140 to include the updated alignments for roads approved since OPA 140 was adopted.
- (b) As a result of the completion of an Environmental Assessment, the approved defined route for the Leitrim Road by-pass has now been confirmed. The revised Schedule E in Exhibit 4 to Mr. Finlay's Affidavit is submitted for approval by the Tribunal and modifies the Schedule to show this defined route for Leitrim Road.
- (c) The revised Schedule E in Exhibit 4 also updates the location of other Collector Roads that have been relocated since OPA 150 was adopted, thus referencing the most up-to-date location of these roads.

Exhibits 7 and 9 to Mr. Finlay's Affidavit are the final recommended form of Schedules C and E that identify the changes referred to above. Exhibit 3 is the final complete version of Revised Schedule C, as modified. Exhibit 4 is the final complete version of Revised Schedule E, as modified.

[11] Mr. Finlay confirms in his Affidavit evidence that the two revised Schedules, as they are consented to by the parties, have been approved by City Council and are

consistent with other decisions agreed to by the City in other planning approval processes.

[12] On this basis, Mr. Finlay is of the opinion that the proposed revisions to Schedules C and E, as they have resulted from the processes undertaken since the appeals were first brought, clearly identify the proposed transportation system necessary to support orderly growth in the City. As such, it is Mr. Finlay's opinion that the proposed Schedules as contained in Exhibits 3 and 4, address the Provincial interests in Section 2 of the *Planning Act*, are consistent with the Provincial Policy Statement, 2014 and reflect good planning. Mr. Finlay's recommendation to the Tribunal is that it accordingly approve the revised Schedules and dismiss the appeals of those matters relating to the appeals in this Phase of the Appeals.

## **FINDINGS**

[13] Having regard to the resolution reached between the City and the Appellants leading to this settlement, and upon Mr. Finlay's uncontradicted expert planning evidence, the Tribunal accordingly finds that the proposed modified Schedules sufficiently address the Provincial interests as set out in the *Planning Act*, are consistent with the Provincial Policy Statement, 2014, represent good planning. The Tribunal accordingly approves the identified Schedules, confirms that the matters identified in paragraph 2 of this Decision take effect, and dismisses the balance of the appeals in this Phase as they have related to the matters identified in paragraph 2 of this Decision.

## **ORDER**

[14] The Tribunal orders that the appeals are allowed in part, and the following modifications are made to OPA 140 and OPA 150:

- (a) Official Plan Amendment No. 140 is modified such that Schedule C, "*Primary Urban Cycling Network*" to the Official Plan for the City of Ottawa shall be in accordance with Attachment 2 to this Decision and Order; and

(b) Official Plan Amendment No. 150 is modified such that Schedule E, “*Urban Road Network*” to the Official Plan for the City of Ottawa shall be in accordance with Attachment 3 to this Decision and Order.

[15] The Tribunal orders that with such approvals of Attachments 2 and 3 to this Decision and Order, Items 2b(iii) and 2(s) as set out in the matters identified in OPA 140 and Items 246, 326, 328, and 333 as set out in the Table titled “*Policy Changes – Official Plan Review 2013*” in OPA 150, including Schedule J, are in force and effect.

[16] The Tribunal orders that all other appeals of Tartan Land Consultants Ltd, 2087875 Ontario Ltd., the Greater Ottawa Homebuilders Association, Riverside South Development Corporation, Urbandale Corporation, KNL Developments, and Taggart Group of Companies, in the Transportation Phase of the OPA 140 and OPA 150 Appeals relating to Items 2b(iii) and 2(s) as set out in the matters identified in OPA 140 and Items 246, 326, 328 and 333 as set out in the Table titled “*Policy Changes – Official Plan Review 2013*” in OPA 150, are hereby dismissed.

“*David L. Lanthier*”

DAVID L. LANTHIER  
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	Loblaw 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

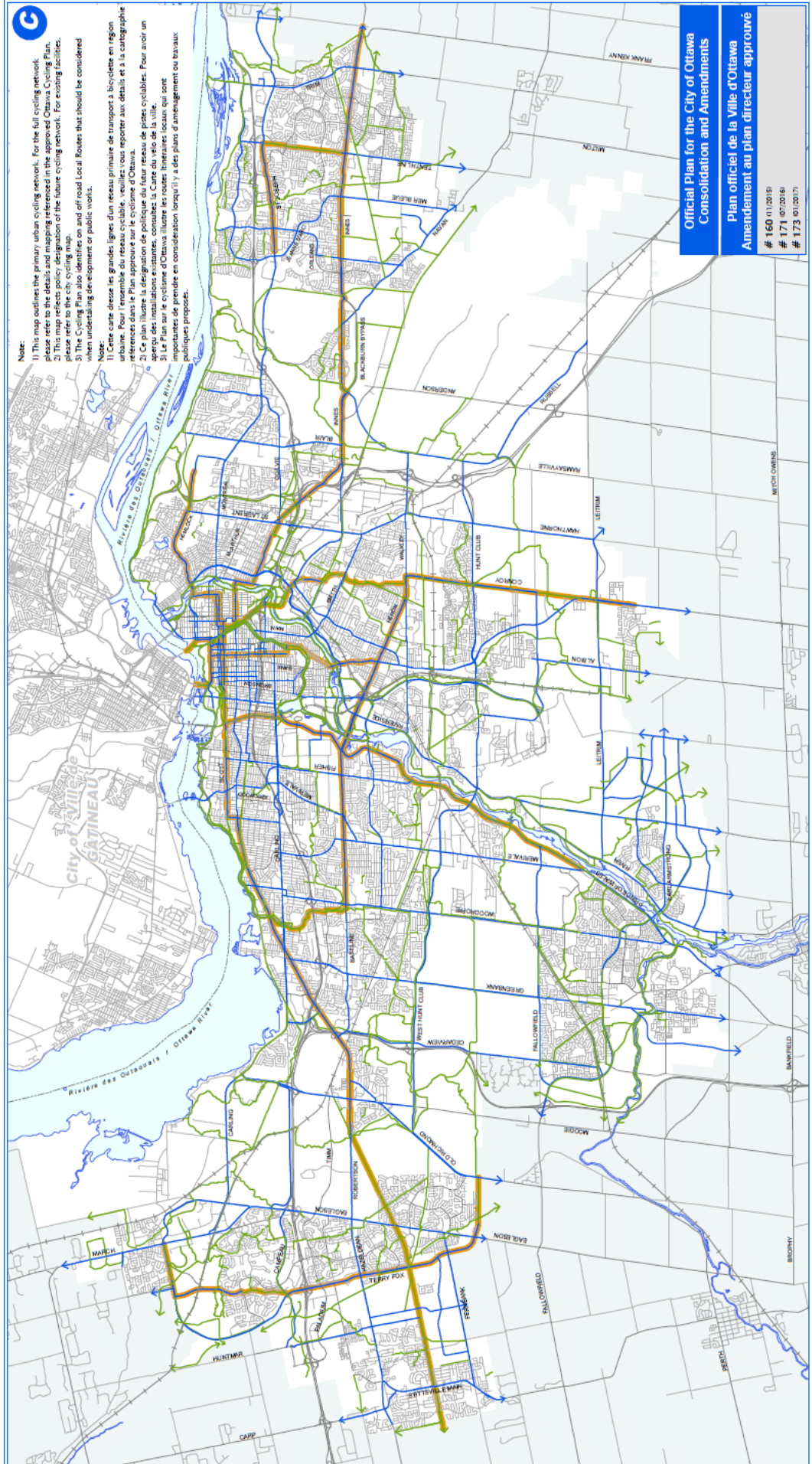
26	Laurentide Engineering Limited/Broccolini Laurentide Holdings Inc. et al	Doug Kelly
27	Urbandale et al	Ursula Melinz
28	Tartan Land Consultants Inc.	Alan Cohen
29	Miller Paving Limited	Kim Horrigan*
30	Greenspace Alliance	Erwin Dreessen*
31	Shirley Dolan	-
32	Metcalf and District Citizens Association	Dal Brodhead*

**ATTACHMENT 2**  
Revised Schedule C  
“Primary Urban Cycling Network”

C

**Note:**

- 1) This map outlines the primary urban cycling network. For the full cycling network, please refer to the details and mapping referenced in the approved Ottawa Cycling Plan.
  - 2) This map reflects policy designation of the future cycling network. For existing facilities, please refer to the city cycling map.
  - 3) The Cycling Plan also identifies on and off road Local Routes that should be considered when undertaking development or public works.
- 1) Cette carte détermine les grandes lignes d'un réseau primaire de transport à bicyclette en région urbaine. Pour l'ensemble du réseau cyclable, veuillez vous reporter aux détails et à la cartographie référencés dans le Plan approuvé sur le cyclisme d'Ottawa.
- 2) Ce plan illustre la désignation de politique du futur réseau de pistes cyclables. Pour avoir un aperçu des installations existantes, consultez la Carte du vélo de la ville.
- 3) Le Plan sur le cyclisme d'Ottawa illustre les routes (locales) locales qui sont susceptibles de prendre en considération lorsqu'il y a des plans d'aménagement ou travaux municipaux proposés.



**Official Plan for the City of Ottawa  
Consolidation and Amendments**

**Plan officiel de la Ville d'Ottawa  
Amendement au plan directeur approuvé**

# 160 (11/2019)  
# 171 (07/2019)  
# 173 (01/2017)



**PRIMARY NETWORK**

- Spine Route
- Multi-use Pathway
- Cross-Town Bikeway

**RÉSEAU PRINCIPAL**

- Circuit principal
- Sentier polyvalents
- Voie cyclable transurbaine

**OFFICIAL PLAN - Schedule C**

**PRIMARY URBAN CYCLING NETWORK**

**PLAN OFFICIEL - Annexe C**

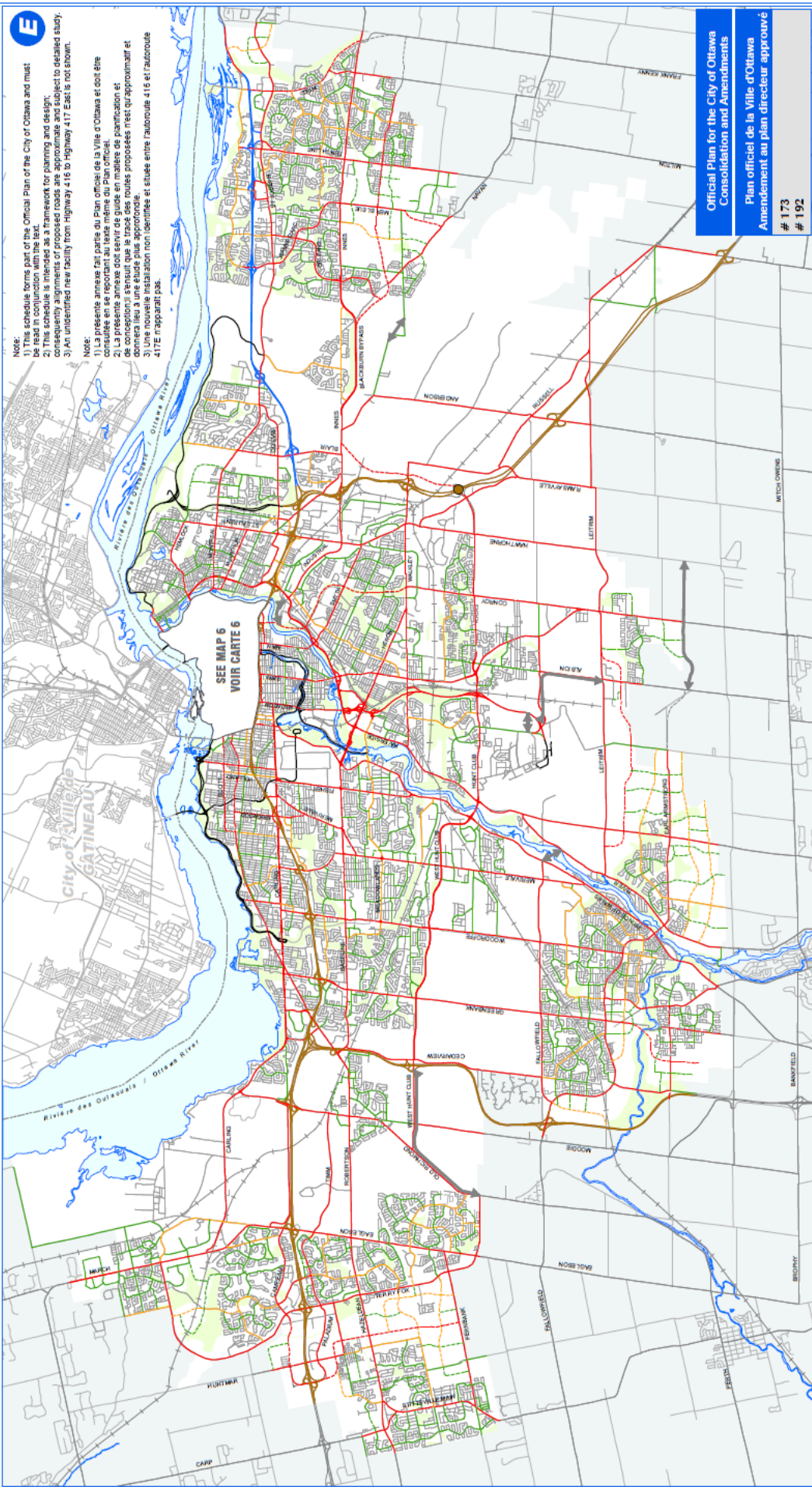
**PLAN DU RÉSEAU URBAIN DE PISTES CYCLABLES PRINCIPALES**

**ATTACHMENT 3**  
Revised Schedule E  
“Urban Road Network”

**E**

**NOTE:**  
 1) This schedule forms part of the Official Plan of the City of Ottawa and must be read in conjunction with the text.  
 2) Proposed alignments for planning and design; consequently alignments of proposed roads are approximate and subject to detailed study.  
 3) An unidentified new facility from Highway 416 to Highway 417 East is not shown.

**Note:**  
 1) Les présentes annexes font partie du Plan officiel de la Ville d'Ottawa et doivent être lues en conjonction avec le texte.  
 2) Les tracés proposés pour la planification et le design; par conséquent, les tracés des routes proposées sont approximatifs et sont sujets à une étude plus approfondie.  
 3) Une nouvelle installation non identifiée se situe entre l'autoroute 416 et l'autoroute 417E (à l'écart) n'est pas montrée.



Official Plan for the City of Ottawa  
 Consolidation and Amendments  
 Plan officiel de la Ville d'Ottawa  
 Amendement au plan directeur approuvé  
 # 173  
 # 192

OFFICIAL PLAN - Schedule E  
 URBAN ROAD NETWORK  
 PLAN OFFICIEL - Annexe E  
 RÉSEAU ROUTIER - URBAIN

Provincial Highway  
 Federally Owned Road  
 City Freeway  
 Autoroute de ville

Arterial - Existing  
 Arterial - Proposed (alignment defined)  
 Arterial - Conceptual (alignment undefined)  
 Major Collector - Existing  
 Major Collector - Proposed  
 Collector - Existing  
 Collector - Proposed  
 New Interchange

Arbre - Établi  
 Arbre - Proposé (alignement déterminé)  
 Arbre - Conceptuelle (alignement à déterminer)  
 Grande collectrice - Établi  
 Grande collectrice - Proposé  
 Collectrice - Établi  
 Collectrice - Proposé  
 Nouvel échangeur

