

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



**ISSUE DATE:** September 05, 2019

**CASE NO(S):** PL140495  
PL141235  
PL141244  
PL170037  
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 and 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 and 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:** June 11, 2019 by telephone conference call

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

City of Ottawa

T. Marc and G. Schromm

Richcraft Homes Ltd.  
Urbandale Corporation  
KNL Developments Inc.  
Riverside South Development  
Corporation

U. Melinz

Greenspace Alliance of Canada's  
Capital (Greenspace Watch)

E. Dreessen\*

Taggart Group of Companies

S. Zakem

Mattamy Homes Ltd.

M. Flowers

Ontario Stone, Sand and Gravel  
Association  
R.W. Tomlinson Ltd.

G. Meeds

**MEMORANDUM OR ORAL DECISION DELIVERED BY C.J. BRYSON ON JUNE 11,  
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 Systems, 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 150 Natural Systems appeals and related OPA 179 appeals for the above-noted parties.

## **PROPOSED SETTLEMENTS**

[4] The City filed the Affidavits of Nick Stow and Bruce Finlay in support of the proposed settlement of the appeals of OPA 179 and OPA 150. Both Mr. Stow and Mr. Finlay were qualified to provide expert opinion evidence in land use planning without objection. Their affidavits were marked as Exhibits 1 and 2 respectively.

[5] Council adopted OPA 179 in December 2016, which amended the definition of significant woodlands in Policy 1.c.iii of Section 2.4.2 of the City OP and amended references to significant woodlands in Policy 6b of Section 3.11 – Urban Expansion Area and Policy 3b of Section 3.12 – Developing Community (Expansion Area), to be consistent with the new definition. The appellants claimed the new definition exceeded the intent and requirements of the Provincial Policy Statement, 2014 (“PPS”).

[6] The proposed settlement alters the definition of significant woodlands in Policy 1.c.iii of Section 2.4.2 of the City OP to address woodlands within the urban boundary that have been in place for at least 60 years instead of 40 years. Further, it amends the criteria for need for an Environmental Impact Statement under Policy 3 of Section 2.4.2 of the City OP to include consideration of rehabilitation of aggregate resource operation lands in assessing negative impact.

[7] City Council also changed the Significant Woodlands Guidelines in furtherance of the settlement and the process for consideration of them in future urban boundary changes through the added Annex 16 – Core Natural Areas and Natural Landscape Linkages to the City OP. Neither of these items require Tribunal approval for they are not part of the City OP beyond for information purposes.

[8] OPA 150 was adopted by City Council on December 11, 2013. It modified policies and mapping for the City Natural Heritage Systems through amendment to Policy 3 of Section 2.4.2 and updates to Schedules L1, L2 and L3 per the City Natural Landscape Linkage Analysis.

[9] The proposed settlement of the OPA 150 appeals beyond the measures taken addressed in paragraph [7] that do not require Tribunal approval, engages amendment to Schedule L3 – Natural System Overlay to conform with existing development approvals of the appellants. The settlement proposes to revise Schedule L3 to conform to the registered KNL Phase 8 Plan of Subdivision, the land use plans and registered plans of subdivision in the Riverside South Community Design Plan area, and the City OP changes in Schedule B approved via Kanata Highlands Urban Expansion Area, OPA 222. The OPA 150 appellants also appealed items 334, 335 and 336 of the amendment but the proposed amendments to the Schedule L3 resolve these disputes by depicting the Natural Heritage System for the City as a whole. Those items are no longer in dispute.

[10] Upon the affidavit evidence of Mr. Stow and Mr. Finlay and the submissions of the Parties, the Tribunal approved the proposed amendments to OPA 179 and OPA 150. The Tribunal accepted that the uncontested planning evidence that the proposed amendments are consistent with the PPS, have sufficient regard to matters in s. 2 of the *Planning Act* and otherwise conform to the intent of the City OP.

## **ORDER**

[11] The Tribunal orders that the appeals comprising the Natural Systems Phase of

the consolidated City of Ottawa Official Plan Amendments appeals are hereby granted in part and that the balance of the appeals raised in the Natural Systems phase are hereby dismissed.

[12] Schedule S37 to City of Ottawa Official Plan Amendment 150, being an amendment to Schedule L3 of the City of Ottawa Official Plan, is replaced with a revised Schedule S37 as shown at Exhibit 8, Document 2 to the Affidavit of Bruce Finlay sworn May 27, 2019 and appended to this Order as Attachment 2;

[13] Item 2(a) of City of Ottawa Official Plan Amendment 179, being an amendment to the definition of “Significant Woodlands” contained in the City of Ottawa Official Plan at Section 2.4.2, Policy 1(c)iii., is amended by replacing “40 years” with “60 years” such that the said policy reads:

1. [...]

c. Significant woodlands defined as the following.

- i. Any treed area meeting the definition of woodlands in the Forestry Act, R.S.O. 1990, c. F.26 or forest in the Ecological Land Classification for Southern Ontario; and
- ii. In the rural area, meeting any one of the criteria in the Natural Heritage Reference Manual, as assessed in a subwatershed planning context and applied in accordance with Council-approved guidelines, where such guidelines exist; or
- iii. In the urban area, any area 0.8 hectares in size or larger, supporting woodland 60 years of age and older at the time of evaluation;

[14] Item 94 of City of Ottawa Official Plan Amendment 150, being an amendment to the City of Ottawa Official Plan at Section 2.4.2, Policy 3, is amended by adding, in addition to the change effected by that Official Plan amendment, the two underlined sentences indicated below, such that the amended policy reads:

3. Regardless of whether the features are designated in this Plan, an Environmental Impact Statement is required for development proposed within or adjacent to features described in policy 1 above, with the

exception of surface and groundwater features. Development and site alteration within or adjacent to these features will not be permitted unless it is demonstrated through an Environmental Impact Statement that there will be no negative impact on the feature or its ecological functions. Where the proposed development or alteration is for the establishment or expansion of mineral aggregate operations within or adjacent to a significant woodland, the demonstration of no negative impact may take into consideration final rehabilitation of the mineral aggregate operation, including any on- or off-site compensation. Rehabilitation of the mineral aggregate operation would need to be planned to occur as soon as possible and be suited to the local natural environment. The Policies regarding Environmental Impact Statements and the definition of terms are contained in Section 4.7.8.

*“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.

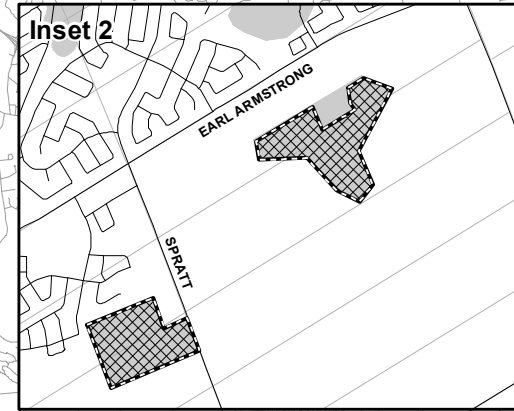
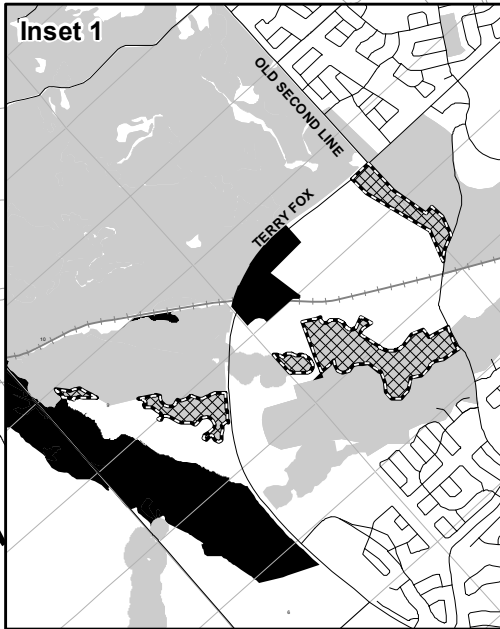
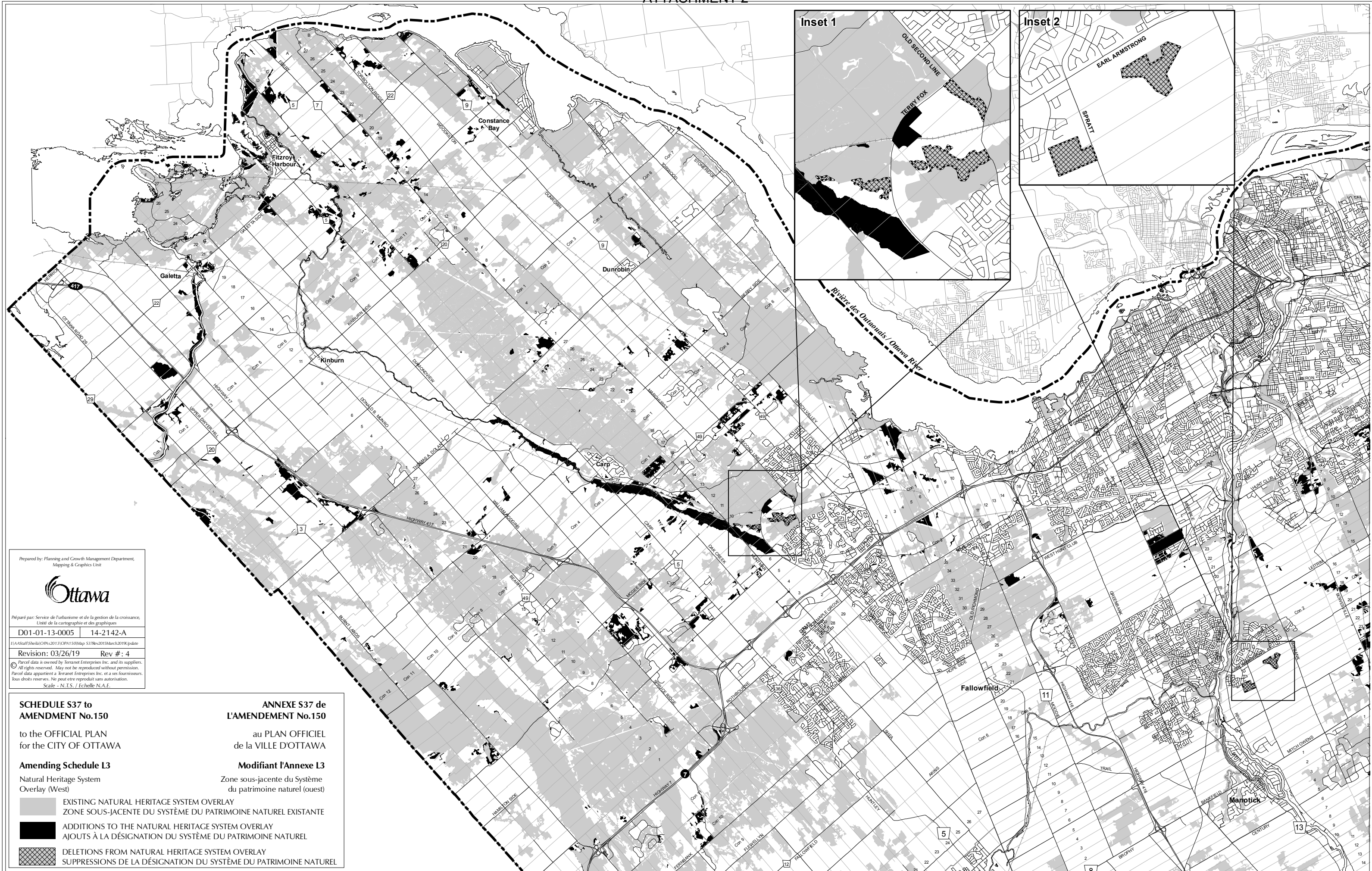
**Local Planning Appeal Tribunal**

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

No.	Appellant	*Solicitor/Representative
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





Prepared by: Planning and Growth Management Department,  
Mapping & Graphics Unit



Préparé par: Service de l'urbanisme et de la gestion de la croissance,  
Unité de la cartographie et des graphiques

D01-01-13-0005 14-2142-A

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Revision: 03/26/19 Rev #: 4

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**SCHEDULE S37 to AMENDMENT No.150**

to the OFFICIAL PLAN for the CITY OF OTTAWA

**Amending Schedule L3**




Natural Heritage System Overlay (West)

**ANNEXE S37 de L'AMENDMENT No.150**

au PLAN OFFICIEL de la VILLE D'OTTAWA

**Modifiant l'Annexe L3**

Zone sous-jacente du Système du patrimoine naturel (ouest)

-  EXISTING NATURAL HERITAGE SYSTEM OVERLAY  
ZONE SOUS-JACENTE DU SYSTÈME DU PATRIMOINE NATUREL EXISTANTE
-  ADDITIONS TO THE NATURAL HERITAGE SYSTEM OVERLAY  
AJOUTS À LA DÉSIGNATION DU SYSTÈME DU PATRIMOINE NATUREL
-  DELETIONS FROM NATURAL HERITAGE SYSTEM OVERLAY  
SUPPRESSIONS DE LA DÉSIGNATION DU SYSTÈME DU PATRIMOINE NATUREL