

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



ISSUE DATE: November 28, 2019

CASE NO.: PL180874

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

Subject:	City of Waterloo Zoning By-law No. BL 2018-050
Appellant:	Schembri Property Management
Appellant:	508 Beechwood Inc.
Respondent:	City of Waterloo
Property:	115 Bridgeport Road East, Waterloo
Property:	508 Beechwood Drive and Adjacent Lands
Municipality (Lower Tier):	City of Waterloo
Municipality (Upper Tier):	Region of Waterloo
LPAT Case No.:	PL180874
LPAT File No.:	PL180874

BEFORE:

ANNE MILCHBERG)	Thursday, the 28 th
MEMBER)	
)	day of November, 2019

THE TRIBUNAL ORDERS that pursuant to Section 34(31) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the portions of City of Waterloo Comprehensive Zoning By-law No. 2018-050 (the “**Zoning By-law**”) which are not at issue on these appeals as set out below, are in force and effect and are deemed to have come into force on the day the Zoning By-law was passed, namely, September 10, 2018.

AND THE TRIBUNAL ORDERS that the Zoning By-law is in full force and effect save and except the following provisions of the Zoning By-law as they apply on a site-specific basis to the lands which are the subject of the two appeals of the Zoning By-law, namely:

1. With respect to the appeal by Schembri Property Management:
 - (a) The (H)RMU-40 and (H)RMU-20 Zone categories and performance standards as they apply to the lands known as 115 and 133 Bridgeport Road East, Waterloo; and
 - (b) The (H)C1-40 Zone category and performance standards as they apply to the lands known as 109 Bridgeport Road East and 30-32 Weber Street North, Waterloo;
2. With respect to the appeal by 508 Beechwood Inc., the ZC and RMU Zone categories and performance standards as they apply to the lands known as 508 Beechwood Drive and the adjacent lands known as 486-502 Beechwood Drive, 450-464 Beechwood Place and 459-465 Beechwood Place, with the acknowledgment that the 508 Beechwood Drive lands are the subject of a development application by 508 Beechwood Inc. which is currently under appeal in other proceedings before the Tribunal (Case No. PL180793).

AND THE TRIBUNAL ORDERS that the coming into force and effect of the Zoning By-law as set out in this Order:

- (a) shall be strictly without prejudice to the rights of either Appellant with respect to their proposed amendments or exceptions to the Zoning By-law on their site-specific appeals. For greater certainty and without limiting the foregoing:
 - (i) the scoping of the appeals both geographically and according to certain zone categories is without prejudice to any position that may be taken by either Appellant at a contested hearing, such that the City will not take the position that the Tribunal ought not to approve site-specific modifications to the affected zone regulations or

- schedules on the basis that they deviate from or are inconsistent with such regulations and schedules on a City-wide basis; and
- (ii) this Order shall not have any effect on the Tribunal's authority to grant site-specific amendments or exceptions to the Zoning By-law regardless of whether the proposed amendments or exceptions deviate from, or result in the repeal or replacement of, portions of the Zoning By-law that the Tribunal has already confirmed in force and effect;
 - (b) shall not have the effect of limiting future resolutions of either Appellant's appeal;
 - (c) shall not limit the rights of either Appellant to seek to amend those portions of the Zoning By-law that remain under appeal;
 - (d) does not limit the jurisdiction of the Tribunal to consider and approve amendments to the Zoning By-law, including but not limited to the addition of permitted uses and building types, and site-specific amendments or exceptions to the Zoning By-law that may deviate from portions of the Zoning By-law that the Tribunal has already confirmed in force and effect; and
 - (e) shall not apply to any portion of the Zoning By-law that remains in issue site-specifically in either appeal.

AND THE TRIBUNAL ORDERS that that in the event there are issues arising from the implementation of this Order, the Tribunal may be spoken to.

“Evelyn Dawes”

EVELYN DAWES
DEPUTY 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 Tribunals Ontario – Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248