



OAKVILLE

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2024-132

A by-law to amend the Zoning By-law 2014-014, as amended, to permit the use of lands described as 106-114 Robinson Street and 71 Water Street (Roseville Properties Inc.) – Z.1714.28

ORDERED BY THE ONTARIO LAND TRIBUNAL:

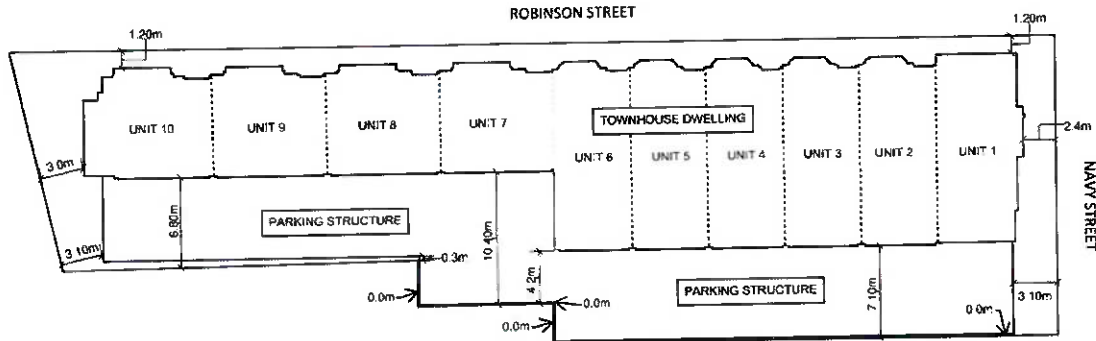
1. Map 19(8) of By-law 2014-014, as amended, is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Part 15, Special Provisions, of By-law 2014-014, as amended, is further amended by deleting Table 16 and replacing it as follows:

16 (Old 838)	<b>Roseville Properties Inc.</b> 106-114 Robinson Street and 71 Water Street	Parent Zone: RM1
Map 19(8)		(2010-019) PL090432 PL100204 PL100214 OLT-23-000803 (2024-132)
<b>15.16.1 Zone Provisions</b>		
The following regulation shall apply:		
a)	Maximum number of <i>dwelling units</i>	10
b)	<i>Minimum yards for a townhouse dwelling</i> , shall be provided in accordance with Figure 15.16.1.	
c)	Maximum <i>height</i>	13.8 m
d)	Maximum encroachment into the <i>minimum front and flankage yards</i> for <i>porches</i> with or without foundations.	Up to 0.65 m from the <i>front or flankage lot line</i>

e)	Maximum encroachment into the <i>minimum front</i> and <i>flankage yards</i> for access stairs associated with a <i>porch</i> .	Up to 0.15 m from the <i>front</i> or <i>flankage lot line</i>
f)	<i>Minimum yards</i> for a <i>parking structure</i> , shall be provided in accordance with Figure 15.16.1.	
g)	Maximum height for a <i>parking structure</i> above the elevation of the nearest point of the nearest <i>lot line</i> .	3.0 m
h)	Minimum setback from the <i>flankage lot line</i> (Navy Street) for a ventilation shaft associated with a <i>parking structure</i> .	2.3 m
i)	Minimum setback from the <i>flankage lot line</i> (Navy Street) for uncovered access stairs below grade associated with a <i>parking structure</i> .	0.8 m
j)	Minimum setback from the <i>rear lot line</i> for uncovered access stairs below grade associated with a <i>parking structure</i> .	0.0 m
k)	An individual area of <i>landscaping</i> on a lot shall contain an area with minimum dimensions of 1.2 metres by 3.0 metres and may include additional area of lesser dimensions provided the additional area is contiguous to the 1.2 metres by 3.0 metres area.	
l)	A <i>rooftop terrace</i> that is located on the roof of the top <i>storey</i> of the <i>building</i> shall be setback from the edge of the roof of that part of the <i>building</i> that faces the <i>interior side</i> and/or <i>rear lot lines</i> abutting the Residential Low (RL7) Zone a minimum of 1.0 m for Units 1-6 and 0.8 m for Units 7-10, as indicated on Figure 15.16.1.	
<b>15.16.2 Parking Provisions</b>		
The following parking regulations apply:		
a)	A <i>driveway</i> crossing the <i>flankage lot line</i> (Water Street) shall be located a minimum of 9.40 metres from the point of intersection of the <i>front</i> and <i>flankage lot line</i> .	
b)	<i>Driveway</i> access from Robinson Street is not permitted.	
<b>15.16.3 Special Site Figures</b>		

Figure 15.16.1

Special Provision 16




15.16.4 Special Site Provisions

a)	All lands identified as subject to this Special Provision shall be considered as one <i>lot</i> for the purposes of this by-law.
b)	<i>Height</i> shall be measured from the mid-point of the <i>front lot line</i> for each <i>dwelling unit</i> .
c)	The <i>lot line</i> abutting Robinson Street shall be deemed to be the <i>front lot line</i> .

3. This By-law comes into force in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

ORDERED by the Ontario Land Tribunal by Order dated October 1, 2024 in Case Number OLT-23-000803.

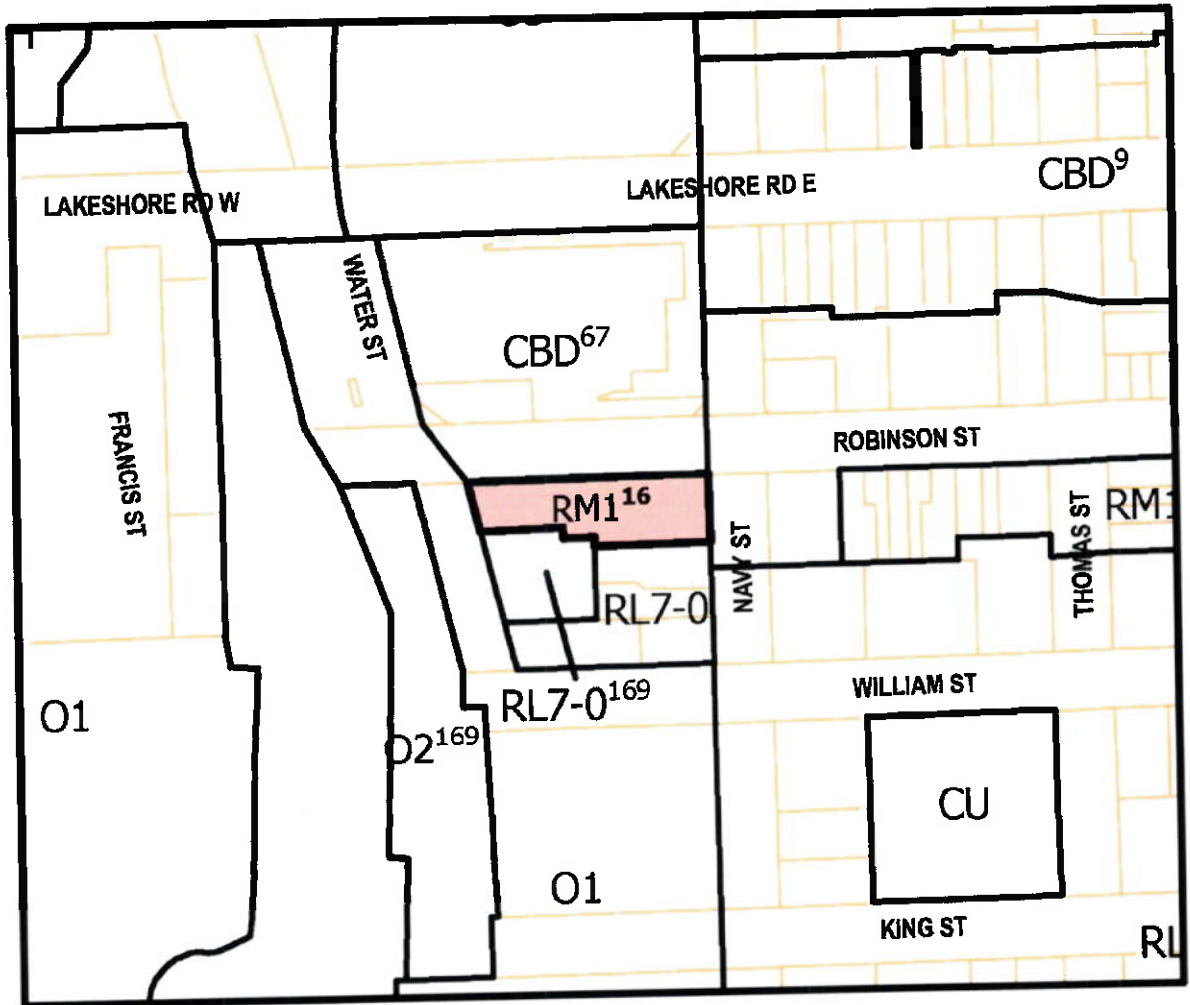
**Confirmed as to form and content.**



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**Nadia Chandra**  
Assistant Town Solicitor

SCHEDULE "A"  
To By-law 2024-132



AMENDMENT TO BY-LAW 2014-014

Re-zoned from RM4 sp:16 (Residential Medium 4) to RM1 sp:16 (Residential Medium 1).

EXCERPT FROM MAP 19 (8)



SCALE: 1:2,000

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** October 01, 2024

**CASE NO(S):**

OLT-23-000803

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

**Applicant/Appellant:** Roseville Properties Inc.  
**Subject:** Application to amend the Zoning By-law – Refusal or neglect to make a decision  
**Description:** To facilitate the development of 10 street townhouses  
**Reference Number:** Z.1714.28  
**Property Address:** 106-114 Robinson Street and 71 Water Street  
**Municipality:** Town of Oakville  
**OLT Case No.:** OLT-23-000803  
**OLT Lead Case No.:** OLT-23-000803  
**OLT Case Name:** Roseville Properties Inc. v. Oakville (Town)  
**Heard:** September 23, 2024 by video hearing

**APPEARANCES:**

**Parties**

Roseville Properties Inc.

Town of Oakville

Region of Halton

**Counsel/Representative\***

R. Cheeseman  
S. Fleming

N. Chandra  
J. Potma (*Articling Student*)\*

K. Yerxa

## DECISION DELIVERED BY F. LAVOIE AND ORDER OF THE TRIBUNAL

### INTRODUCTION AND BACKGROUND

[1] The matter before the Tribunal concerns the settlement of an appeal filed by Roseville Properties Inc. ("Appellant") pursuant to 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended ("Act"), regarding the Town of Oakville's ("Town") failure to render a decision on the Appellant's application for a Zoning By-Law Amendment ("ZBA") within the statutory timeframe, for the property municipally known as 106-114 Robinson Street and 71 Water Street in the City ("Subject Property").

[2] The Appellant had also appealed the requirements of Site Plan Approval ("SPA") pursuant to subsection 41(12.0.1) of the Act, for the Subject Property, which was consolidated with the ZBA appeal at the previous Case Management Conference. The Appellant advised the Tribunal on September 9, 2024, that it withdrew its s. 41(12.0.1) appeal to allow the Town to issue a revised SPA. The Town issued the revised SPA on September 12, 2024. Accordingly, this hearing is only in respect of the settlement of the ZBA appeal.

[3] One of the Parties, Janice Johnston, advised the Tribunal on August 8, 2024, she was withdrawing as a Party to the ZBA appeal.

[4] The Subject Property, currently vacant, has an area of approximately 0.4 acres and is located at the southwest corner of Robinson Street and Navy Street in the Town. The Subject Property is between a nine-storey mixed-used residential/commercial building to the North, and low-density residential uses to the South.

[5] The Parties' proposed settlement contemplates developing the Subject Property as 10 three-storey street townhouse units fronting on Navy Street and Robinson Street. To do so, the draft ZBA proposes to rezone the Subject Property from Residential

Medium 4 Special Provision 16 (RM4-SP16) to Residential Medium 1 with special provisions (RM1-SP16).

[6] For the reasons set out below, the Tribunal allows the appeal in part, and approves the ZBA application in **Attachment 1**.

### **LEGISLATIVE TESTS**

- [7] When considering appeals under s. 34(11) of the Act, the Tribunal shall:
- a. Have regard for matters of provincial interest pursuant to s. 2 of the Act;
  - b. Ensure its decision is consistent with the Provincial Policy Statement, 2020 (the “PPS 2020”), as set out in s. 3(5) of the Act;
  - c. Ensure its decision conforms, or does not conflict, with any provincial plans that are in effect on the date of the decision – in this case the Growth Plan for the Greater Golden Horseshoe, 2020, as amended (the “Growth Plan”); and
  - d. Ensure its decision conforms with the Region’s Official Plan (“ROP”) and Town’s Official Plan (“TOP”).

### **SUBMISSIONS**

[8] Evidence in support of the ZBA was provided by the Appellant’s Planner, Paul Lowes. Mr. Lowes is a Registered Professional Planner in the Province of Ontario, a full member of the Canadian Institute of Planners, and has been practicing as a land use Planner for over 38 years. He was duly qualified by the Tribunal as an expert in land use planning.

[9] The Tribunal marked the Affidavit of Paul Lowes, sworn September 16, 2024, as **Exhibit 2**.

[10] Mr. Lowes testified that in his opinion, the proposed ZBA is consistent with the PPS 2020, as the proposed development represents the gentle intensification of an underutilized vacant parcel of land and introduces 10 new units in a predominantly low-density neighbourhood adjacent to the downtown core. It also provides a mix of housing options in an area both with transit options and within walking distances of the downtown.

[11] With respect to the Growth Plan, Mr. Lowes opined the proposed development will promote the creation of complete communities and generate additional housing units that are within walking distance to transit, public service facilities, the downtown, and conforms to the relevant policies and objectives of the Growth Plan.

[12] Concerning the ROP and TOP, Mr. Lowes' evidence was that the built form and design of the townhouse units respect the existing built form character and provides a transition between the denser form of development downtown and the low-density residential area to the south. The massing and height of the proposed three-storey townhouse units are below the permitted height of the in-force zoning (RM4-SP16), and the proposed setbacks are greater than in same.

[13] Mr. Lowes concluded that in his opinion, the ZBA proposed represent good planning, and is in the public interest.

## **CONCLUSION**

[14] The Tribunal accepts the above evidence and uncontroverted professional opinions of Mr. Lowes.

[15] The Tribunal finds that the ZBA has appropriate regard for matters of Provincial interest under s. 2 of the Act, is consistent with the PPS, 2020, conforms to the Growth Plan, conforms to the ROP and TOP, represents good planning, and is in the public interest.



**ORDER**

[16] **THE TRIBUNAL ORDERS** that the appeal is allowed in part, and that Zoning By-law Amendment No. 2024-132 found in **Attachment 1** is approved.

*"F. Lavoie"*

F. LAVOIE  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## ATTACHMENT 1



**THE CORPORATION OF THE TOWN OF OAKVILLE**  
**BY-LAW NUMBER 2024-132**

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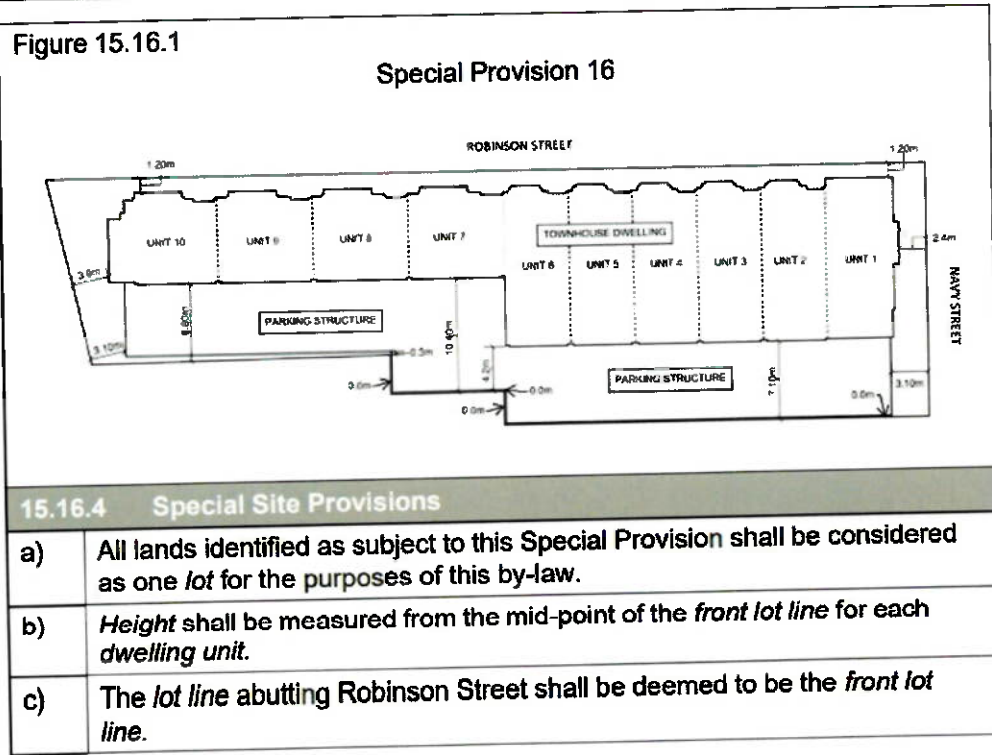


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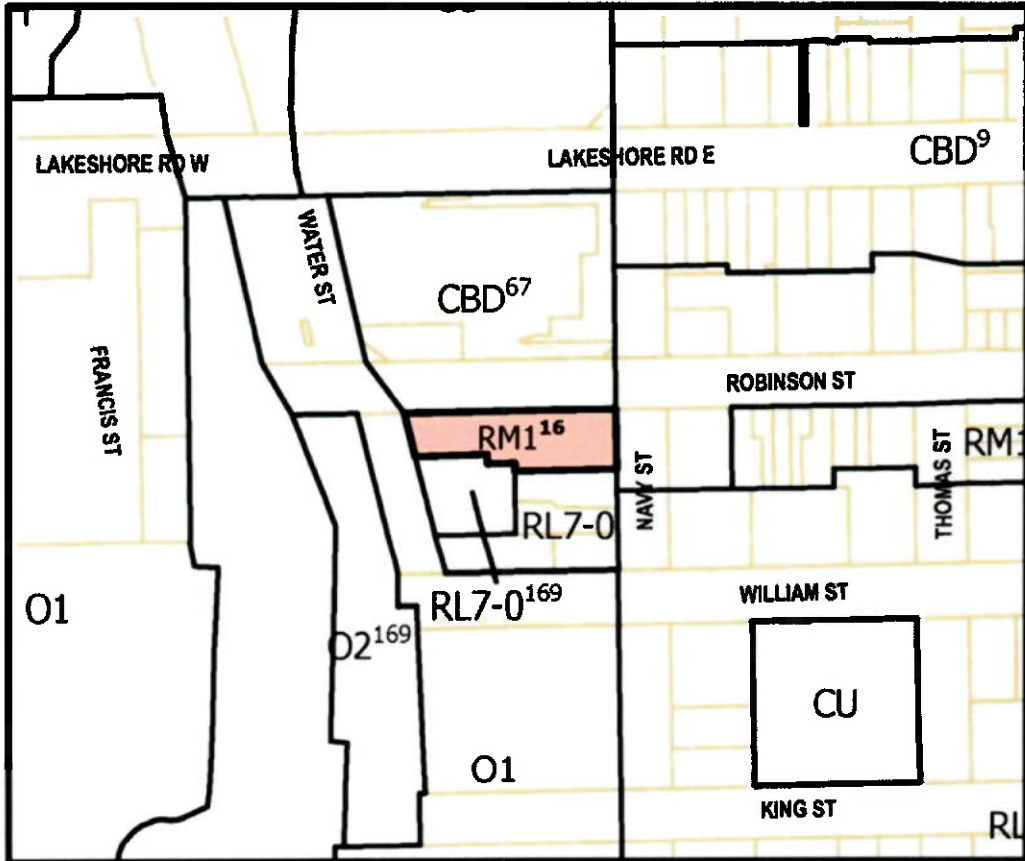
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**To By-law 2024-132**



**AMENDMENT TO BY-LAW 2014-014**



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**EXCERPT FROM MAP**  
**19 (8)**



**SCALE: 1:2,000**