



**SUBJECT: Completeness Review for Official Plan and Zoning By-law Amendment applications for 1860-1900 Appleby Line**

**TO: Mayor and Members of Council**

**FROM: Community Planning Department**

Report Number: PL-19-22

Wards Affected: 4

File Numbers: n/a

Date to Committee: n/a

Date to Council: January 18, 2022

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**Recommendation:**

Deem, in accordance with sections 22(6.1) and 34(10.4) of the Planning Act, that the applications submitted on November 22, 2021 by ICP Developers Inc. to amend the Official Plan and Zoning By-law for the lands known as 1860-1900 Appleby Line are complete and that the required information and materials have been provided.

Direct the Director of Community Planning to notify ICP Developers Inc. that the required information and material have been provided for the applications to amend the Official Plan and Zoning By-law for lands at 1860-1900 Appleby Line, in accordance with sections 22(6.1) and 34(10.4) of the *Planning Act*.

Direct the Director of Community Planning to provide notification of receipt of a complete application to prescribed persons and public bodies, pursuant to Section 22(6.4) and Section 34(10.7) of the *Planning Act*.

**PURPOSE:**

This report provides information about applications that have been submitted to the City under the *Planning Act* and recommends that these applications be deemed complete in accordance with sections 22(6.1) and 34(10.4) of the Act and applicable policies of the Official Plan, and that the applicant and prescribed persons and public bodies be notified accordingly.

## **Vision to Focus Alignment:**

The subject application relates to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increase economic prosperity and community responsive city growth
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## **Background and Discussion:**

The City of Burlington requires that preconsultation with City and agency staff occur prior to the submission of applications for Official Plan Amendment and/or Zoning By-law Amendment. This requirement is in accordance with sections 22(3.1) and 34(10.0.1) of the Planning Act as well as Part VI, section 1.3(e) of the Official Plan (1997, as amended) ("the Official Plan") and section 12.1.2(1.2) of the Official Plan (2020) ("the new Official Plan") and By-law 40-2007.

On March 17, 2021, City and agency staff attended a preconsultation meeting with representatives of ICP Developers Inc., owners of the properties known as 1860-1900 Appleby Line. The purpose of the meeting was to determine the requirements for complete applications to amend the City's Official Plan and Zoning By-law to facilitate the owner's proposal to redevelop a portion of the lands with a residential development that does not conform to in-effect Official Plan policies or Zoning By-law regulations.

The preconsultation meeting resulted in the creation of a preconsultation package that was provided to the representatives of ICP Developers Inc. by City staff by e-mail on March 23, 2021. The preconsultation package outlines the following, in accordance with sections 22(4), 22(5), 34(10.1), and 34(10.2) of the Planning Act; Part VI, sections 1.3(f) and (g) of the Official Plan, sections 12.1.2(1.2)(c) and (d) of the new Official Plan, and By-law 40-2007:

- Types of applications required (Official Plan Amendment and Zoning By-law Amendment);
- Application fees required;
- Requirement to hold a Pre-Application Public Consultation Meeting prior to submitting an application;
- Required information for Complete Application.

In accordance with the requirements set out in accordance with the preconsultation package, the applicant consulted the Burlington Urban Design Panel regarding their proposed development on August 19, 2021, and held a virtual Pre-Application Public Consultation Meeting via Zoom on June 17, 2021. The City created a Development Pre-

Application webpage, [www.burlington.ca/1860Appleby](http://www.burlington.ca/1860Appleby), to provide information to the public about the development proposal and the Pre-Application Consultation Meeting.

On November 22, 2021, City staff received a submission package from the applicant requesting amendments to the City's Official Plan and Zoning By-law to permit the proposed development at 1860-1900 Appleby Line. On January 4, 2022, the City received the application fees set out in the preconsultation package. City staff confirmed receipt of these materials and fees as of January 6, 2022 and initiated a completeness review to determine whether the required information and material, as identified in the preconsultation package, had been provided.

### **Strategy/Process**

City staff have determined that the required information and materials have been provided. If the application is deemed to be complete, the statutory time period for the city to make a decision on an application will begin. This timeframe is 120 days for an Official Plan Amendment application. It should be noted that an applicant has the ability to submit an appeal for a non-decision after this timeframe.

Part VI, section 1.3(h) of the Official Plan, and section 12.1.2(1.2)(e) of the new Official Plan state that the required information and material must be provided before the City considers applications for Official Plan Amendment and/or Zoning By-law Amendment to be complete under the Planning Act.

Staff recommend that Council deem the subject applications for 1860-1900 Appleby Line to be complete and direct staff to provide notice of this determination to the applicant and the prescribed persons and public bodies.

If Council deems the submitted applications to be complete as recommended in this report, the City shall notify the applicant of this fact within 30 days after the receipt of the application fee, i.e. notice must be given on or before February 3, 2022.

### **Options Considered**

Should Council determine that the required information and materials have not been provided, and that additional information is needed, the *Planning Act* provides for the refusal of receipt or consideration of an application until such time as the applicant submits the outstanding information. A refusal of the receipt of the application does not affect appeal timelines as provided in the *Planning Act* for the refusal to approve an amendment application or a non-decision.

Notification to the applicant of refusal to accept the application, on the basis of insufficient required information and material, is required within 30 days of receipt of an application (and applicable fee); following the same procedure as an application which is deemed complete. If the City does not notify the applicant whether the application is complete by February 3, the applicant may make a motion at any time (not limited to 30-

day time limit) for the Ontario Land Tribunal to determine whether the information and material have been provided, or whether the requirement to provide this information and material is reasonable.

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### **Financial Matters:**

If the City fails to give notice of its determination to the applicant within the legislated timeframe, the applicant may make a motion to the Ontario Land Tribunal and the City may incur costs in association with such motions.

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### **Climate Implications**

Not applicable.

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### **Engagement Matters:**

Not applicable.

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### **Conclusion:**

The City has received submissions from ICP Developers Inc. requesting amendments to the Official Plan and Zoning By-law. The information and materials required for a complete application have been received pursuant to the applicable policies of the City's Official Plan and *Planning Act*. Accordingly, this report recommends that these applications be deemed complete in accordance with sections 22(6.1) and 34(10.4) of the Act, and that the applicant be notified accordingly.

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Respectfully submitted,

Melissa Morgan, MCIP RPP

Planner II - Development

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### **Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.