



TOWN OF  
**HALTON HILLS**  
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## MEMORANDUM

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**TO:** Mayor Lawlor and Members of Council

**FROM:** Keith Hamilton, Senior Planner – Policy

**DATE:** January 24, 2024

**MEMO NO.:** PD-2024-001

**SUBJECT:** 60 John Street – Update on Appeal of the Georgetown GO Station/Mill Street Corridor Secondary Plan (OPA 7) and Zoning By-law 2010-0050

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### PURPOSE OF THE MEMORANDUM:

The purpose of this memorandum is to provide Council an update regarding the status of the appeal to the Ontario Land Tribunal (OLT) by the owner of 60 John Street in Georgetown (see Appendix 2 for Location Map).

### BACKGROUND:

Site-specific appeals of the Town's Comprehensive Zoning By-law 2010-0050 and Georgetown GO Station Area Secondary Plan (OPA 7) were filed in 2010 and 2021 respectively. Since that time, numerous staff reports and memorandums have come to Council in closed session to provide updates and/or seek direction. The intent of the appeal was to preserve the R4 zoning permissions for 60 John Street that existed under the Town's previous Zoning By-law (57-91). These older permissions allowed for single/semi-detached, townhouse and apartment residential uses. Permissions under the current Zoning By-law in the Low Density Residential One zone, which currently exists along John Street (to the west of Mountainview Road), are limited to single detached dwellings.

Town staff hosted two Public Open Houses (February 2012 and March 2021) in an effort to gather community feedback on an apartment concept for 60 John Street initially proposed by the owner. Concerns raised at these events included traffic safety, impact on neighbourhood character, overflow of parking onto John Street, loss of vegetation and drainage issues.

After several postponements, an OLT hearing for the appeal was scheduled for December 11, 2023.

### **COMMENTS:**

The Ontario Land Tribunal hearing for the appeal was held virtually over three days from December 11 to 13. The hearing consisted of three parties; the Region of Halton (in attendance only), the Town, and owner of 60 John Street (appellant); and one Participant (on behalf of the John Street Neighbourhood Group). Throughout the hearing the Tribunal heard from two witnesses, one on behalf of the Town, and the other on behalf of the appellant. The hearing concluded on the third day with closing arguments from the Solicitors for both sides.

Key Arguments in the appellant's case to maintain old zoning permissions on the site were:

- That the Town 'down-zoned' the property when Zoning By-law 2010-0050 was created, removing permissions for other housing forms.
- The proposed Low Density Residential One zoning for 60 John Street does not allow for efficient use of the property, and therefore does not align with Provincial Policy Statement (PPS) and Growth Plan objectives.
- The property at 60 John Street is ideal for needed residential intensification, while situated in close proximity to the GO Station.

Key arguments made by the Town to have the appeal dismissed included:

- The site at 60 John Street, along with others in the Georgetown GO Station Secondary Plan, would have been evaluated for their intensification potential during the Secondary Plan process.
- The low density zoning recommended for 60 John Street is compatible with the existing single detached residential character in the immediate area.
- Previous permissions for 60 John Street (under the old Zoning By-law 57-91) were out of date, and did not reflect more modern planning practices, at the time of the current By-law (2010-0050) being brought in.
- The PPS and Growth Plan requires a balancing of priorities when it comes to intensification and what is appropriate and compatible for an area.

In its decision, the Tribunal ultimately sided with the Town, denying the appeals, and as such, Official Plan Amendment 7 (Georgetown GO Station Area Secondary Plan) and Zoning By-law 2010-0050 are in full force and effect as they apply to 60 John Street.

Key reasons to support the Tribunal's decision include:

- Acknowledging that work completed pre-2011 by the Town in preparation of the Georgetown GO Station Area Secondary Plan did not identify the site for intensification.

- In the absence of a complete proposal for 60 John Street, it cannot be concluded that redevelopment would be compatible with the surrounding neighbourhood.
- Since the passing of the old zoning by-law (57-91), only detached dwellings have been built in the area, supporting current zoning for Low Density Residential One for 60 John Street.
- The old zoning permissions from 1957 are dated. The Tribunal noted that the old zoning by-law's permissions for the area would have allowed a density up to an estimated 158 units per hectare, which exceeds anything envisioned in the current GO Station Area Secondary Plan.
- Bringing 60 John Street under Zoning By-law 2010-0050 would not prevent future consideration for intensification through participation in the current Secondary Plan review and the submission of *Planning Act* applications setting out more definitive plans for the site to properly evaluate the impacts of redevelopment.

More details on the Tribunal's decision on this matter can be found in the full Notice of Decision, attached as Appendix 1 to this report.

## **CONCLUSION:**

The site-specific appeals of Halton Hills Official Plan Amendment 7 and Comprehensive Zoning By-law 2010-0050 for 60 John Street have been dismissed by the Ontario Land Tribunal. Policies and zoning for both are now in full force and effect. The property at 60 John Street is designated Low Density Residential Area under the Georgetown GO Station Area Secondary Plan; and zoned Low Density Residential One (LDR1-2) under Comprehensive Zoning By-law 2010-0050.

Reviewed and approved by,

Bronwyn Parker, Director of Planning Policy

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer