



Staff Report

Planning and Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: November 18, 2019
Report Number: PDS.19.143
Subject: Council Update - LPAT appeals (Bed & Breakfast applications)
Prepared by: Trevor Houghton – Manager of Community Planning

A. Recommendations

THAT Council receive Staff Report PDS.19.143, entitled “Council Update - LPAT appeals (Bed and Breakfast applications)”;

AND THAT Council retain legal counsel to defend the Town decisions at the Local Planning Appeal Tribunal (LPAT).

B. Overview

The purpose of this report is to advise Council on the status of two (2) separate Zoning By-law Amendment applications recently deliberated upon by Council. Council’s decisions regarding these applications have been appealed to the Local Planning Appeal Tribunal (LPAT).

C. Executive Summary

The Town recently completed its review of two (2) Zoning By-law Amendment applications. Both applications were requests to rezone property to include a Bed and Breakfast Establishment up to three (3) guest rooms as an additional permitted accessory use within a dwelling unit.

Council rendered a decision to refuse both applications. Those decisions have been appealed to the Local Planning Appeal Tribunal (LPAT) by the applicants. As such Council will need to determine how the Town will defend those decisions now before the Tribunal.

D. Background

The lands that are the subject to these appeals are; 1) 116 Campbell Crescent, and 2) 160 Grand Cypress Lane.

A staff report for each application was brought forward to the Committee of the Whole on September 16th, 2019. The staff recommendations for the applications was to enact a by-law to permit a Bed and Breakfast Establishment up to three (3) guest rooms as an additional permitted accessory use. On September 30th, 2019 the decision of Council was to refuse both applications based on Council's opinion that the applications lacked planning merit.

A formal Notice of Refusal for both applications were duly prepared and circulated by staff as required under the *Planning Act*. At the expiry of the appeal period the Town received formal appeals filed by the applicants. A compiled record for each appeal will be prepared by staff and forwarded to the Tribunal.

E. Analysis

It is anticipated that that the Tribunal will soon be verifying the completeness of the compiled records and determining if the appeals are valid. In this regard staff will inform Council on the Tribunal's determination once it is known.

If the appeals are to proceed Council will need to defend its decisions. Therefore, Council will need to consider; 1) the retaining of legal counsel, 2) the retaining of an expert witness, and 3) the amount of funds to be allocated to be represented as a party before the Tribunal.

Regarding item 2 above, it should be noted that Planning staff cannot provide the expert testimony on the behalf of the Town in these appeals. The reason is that the professional opinions and recommendations provided by staff on these applications are contrary to the opinions and decisions rendered by Council.

F. The Blue Mountains Strategic Plan

Goal #4: Promote a Culture of Organizational & Operational Excellence
Objective #2 Improve Internal Communications Across our Organization
Objective #4 To Be a Financially Responsible Organization

G. Environmental Impacts

No adverse environmental impacts are anticipated as a result of this report.

H. Financial Impact

Additional costs will be incurred by the Municipality given that the decisions of Council have been appealed to the Local Planning Appeal Tribunal (LPAT). For reference purposes, preparation for and attendance at a one (1) day LPAT hearing is estimated to be \$26,000.00 per appeal.

I. In consultation with

Senior Management Team (SMT)

J. Public Engagement

The topics of this Staff Report were both the subject of Public Meetings which took place on January 14th, 2019 (116 Campbell Crescent) and July 3rd, 2019 (160 Grand Cypress Lane).

Comments regarding this report should be submitted to Trevor Houghton, Manager of Community Planning, at managerplanning@thebluemountains.ca

K. Attached

None

Respectfully submitted,

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