

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



ISSUE DATE: July 22, 2020

CASE NO(S): PL171084
PL180158
PL180580
MM180022
MM170004

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 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
Subject: Request to amend the Official Plan - Refusal of request by the Town of Oakville
Existing Designation: Private Open Space and Natural Area
Proposed Designated: Site Specific (to be determined)- including Residential, Mixed Use and Community Commercial
Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Approval Authority File No.: OPA.1519.09
OMB Case No.: PL171084
OMB File No.: PL171084
OMB Case Name: Clublink Corporation ULC v. Oakville (Town)

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

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
Subject: Application to amend Zoning By-law No. 2014-014

- Refusal of Application by the Town of Oakville

Existing Zoning: Private Open Space (O2), Private Open Space- Special (O2- Sp.114), and Natural Area (N)

Proposed Zoning: Site Specific (to be determined)

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive

Municipality: Town of Oakville

Municipality File No.: Z.1519.09

OMB Case No.: PL171084

OMB File No.: PL171085

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.

Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive

Municipality: Town of Oakville

Municipality File No.: 24T-17003/1519

OMB Case No.: PL171084

OMB File No.: PL171086

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.

Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive

Municipality: Town of Oakville

Municipality File No.: 24T-17003/1519

OMB Case No.: PL171084

OMB File No.: PL171167

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
 Subject: Proposed Plan of Subdivision
 Property Address/Description: 1333 Dorval Drive
 Municipality: Town of Oakville
 Municipal File No.: 24T-17003/1519
 OMB Case No.: PL171084
 OMB File No.: PL180034

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: Proposed Official Plan Amendment No. 24
 Municipality: Town of Oakville
 Tribunal Case No.: PL180158
 Tribunal File No.: PL180158
 Tribunal Case Name: ClubLink Corporation ULC et al. v. Oakville (Town)

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

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: By-law No. 2018-016
 Municipality: Town of Oakville
 Tribunal Case No.: PL180158
 Tribunal File No.: PL180159

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd
 Subject: Proposed Official Plan Amendment No. OPA 15
 Municipality: Town of Oakville
 LPAT Case No.: PL180580
 LPAT File No.: PL180580
 LPAT Case Name: Clublink Corporation ULC v. Oakville (Town)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd
 Subject: Proposed Official Plan Amendment No. OPA 16
 Municipality: Town of Oakville
 LPAT Case No.: PL180580
 LPAT File No.: PL180581

PROCEEDING COMMENCED UNDER subsection 34.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd
 Subject: Appeal of the Decision of Council on an application to demolish or remove a building or structure
 Property Address/Description: 1313 & 1333 Dorval Dr
 Municipality: Town of Oakville
 LPAT Case No.: MM180022
 LPAT File No.: MM180022
 LPAT Case Name: Clublink Corporation ULC et al v. Oakville (Town)

PROCEEDING COMMENCED UNDER subsection 69(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd
 Subject: Protest the levying of fees in relation to an application for approval of a draft plan of subdivision, Official Plan Amendment and Zoning By-law Amendment
 Property Address/Description: 1333 Dorval Drive
 Municipality: Town of Oakville
 LPAT Case No.: MM170004
 LPAT File No.: MM170004
 LPAT Case Name: ClubLink Corporation ULC v. Oakville (Town)

Heard: July 06, 2020 via Video Hearing

APPEARANCES:

Parties

Town of Oakville (“Town”)

Counsel

Robert Howe and Nadia Chandra

ClubLink Corporation ULC & ClubLink Holdings Ltd. (“ClubLink”)	Mark Flowers and Kyle Gossen
Regional Municipality of Halton (“Halton Region”)	Isaac Tang and Katie Butler
Halton Region Conservation Authority (“HRCA”)	Konstantine Stavrakos
Fairway Hills Community Association (“Fairway Hills”)	Denise Baker

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID L. LANTHIER
ON JULY 06, 2020 AND ORDER OF THE TRIBUNAL**

BACKGROUND TO THE CMC

[1] This Case Management Conference (“CMC”) follows the last hearing event conducted on December 11, 2019 and the Decision and Order of the Tribunal issued on January 16, 2020. The background to these various Appeals relating to the proposed redevelopment of the Glen Abbey golf course property and those planning instruments relating to the property’s cultural heritage designation and status within a cultural heritage landscape, was adequately covered in that prior Decision, and those decisions that preceded it, and will not be recounted again.

[2] The scheduling of the hearing of those Appeals, previously addressed on December 11, 2019, was deferred to await the outcome of applications that were before the Ontario Superior Court of Justice (the “Court”) relating to OPA 24 and the associated zoning amendment by-law. ClubLink previously advised the Tribunal that it was withdrawing its applications before the Court to quash those instruments but the Town’s “mirror” applications to have the same instruments declared valid (the “Applications”) were still before the Court. A motion was to be brought by ClubLink, before the Court, to have the Town’s Applications dismissed.

[3] On February 10, 2020 His Honour Justice Schabas delivered his Decision granting ClubLink's motions and striking the Town's Applications for the reasons indicated. His Honour recognized that the Applications before the Court had delayed the proceedings before the Tribunal, and that ClubLink was entitled to have its Appeals heard in a timely way by the Tribunal as the appropriate forum with the jurisdiction and expertise to address all issues of fact and law. The Court confirmed that the Tribunal should proceed to schedule a new date for the Appeals.

[4] Unfortunately, subsequent to the issuance of the Court's decision, the Emergency Order of the Provincial Government (Ontario Regulation 73/20) was made under the *Emergency Management and Civic Protection Act*, (the "Emergency Order") which currently has been extended and will continue for some period of time. These circumstances have impacted, and continue to impact, the Tribunal's scheduling activities, as will be discussed further below. This CMC was conducted as a Video Hearing by the Tribunal as a consequence of the Emergency Order.

[5] Prior to the CMC the Tribunal was provided with an Agenda, a draft Procedural Order and Issues List (together with an additional clause relating to updated materials in relation to ClubLink's redevelopment applications), and various communications and materials relating to the Agenda items. The Tribunal will address the various items in this Decision as they were set out in the supplied Agenda.

[6] At the request of the Parties, the CMC was recorded by Ponka Verbatim Reporting Services Inc. Due to an interruption in her internet connection to the CMC, the Tribunal was advised by Ms. Karen Johnson, the attending court reporter, that a limited portion of the proceedings was not recorded and cannot be transcribed.

ALL APPEALS TO BE HEARD TOGETHER

[7] The Appeals have, to this point, been administered and considered on an interim basis through the CMC processes, in a rather fragmented fashion. This has occurred

primarily because the Appeals relating to ClubLink's initial applications for redevelopment of the Glen Abbey property (the "Redevelopment Applications") were governed by the *Planning Act* as it was in force before the amendments arising from Bill 139, and the various other Appeals relating to the Town's planning instruments (in the Tribunal's Case Files PL180158 and PL180580) were governed by the *Planning Act* as amended by Bill 139. The various matters before the Court, and subsequent Appeals, have also impacted the varied course of the interim proceedings.

[8] The Order of the Tribunal issued January 9, 2020 directed that all of the Appeals in Tribunal Case Files PL190158 and PL180580 are to be heard at the same time as the Redevelopment Applications. What was not addressed, at that time, were two additional Appeals that had been intentionally held in abeyance: the appeal brought by ClubLink with respect to the application fees paid to the Town (the "Fee Appeal") and the Appeal relating to the application for demolition pursuant to s. 34 of the *Ontario Heritage Act* (the "Demolition Appeal").

[9] The request has now been made by the Parties, by agreement, that the Tribunal formalize the expectation of the Parties and direct that these two remaining Appeals also be heard concurrently with the Redevelopment Appeals and the other Appeals in Tribunal Case Files PL190158 and PL180580.

[10] Although the parties are not identical for all Appeals, all Parties have an interest in the core of the subject matter, and in many cases a common interest in the issues and the evidence to be presented with respect to the Appeals. Given the background chronology, the issues as they have now been framed consensually by the interested Parties to each Appeal, and the nature of the evidence likely to be introduced, it is appropriate that all of these varied Appeals be heard together. In the Tribunal's view, in the interests of expediency and efficient use of the Tribunal's time and resources that will be required for the Appeals, it is also reasonable to have these Appeals heard together.

[11] The Tribunal accordingly directs that all Appeals are accordingly to be heard together. Except, and unless there are directions/orders otherwise provided by the Panel presiding at the hearing of the Appeals heard together, the evidence in the hearing of the Appeals will be evidence in each proceeding to which it could apply in accordance with Rule 16.3 of the Tribunal's *Rules of Practice and Procedure* ("Rules").

PARTICIPANTS

[12] In the course of the mandatory CMCs conducted for the Appeals commenced under Bill 139, the status of the Parties and Participants was determined. The identification of Participants for the Redevelopment Applications had not yet been determined in the prior Pre-hearing Conferences and was deferred in the Decision of the Tribunal issued on May 24, 2018, to be dealt with at the stage where the Procedural Order was being finalized.

[13] The Tribunal was provided with a List of Participants in advance of the CMC which was compiled based upon those persons attending and expressing an interest at the first Pre-Hearing Conference. The prospective Participants did not have audio capability but a number of persons joining the video format CMC have advised the Case Coordinator that they are seeking Participant status.

[14] The Redevelopment Appeals were first before the Tribunal before the new legislation and Rules limiting the involvement of Participants to the submission of written statements and requiring that all prospective Participants submit written requests for status. Notwithstanding that the Tribunal did not have the benefit of direct discussion with any person wishing to request Participant status, the Tribunal will permit those persons from the List of Participants included in the draft Procedural Order appended to this Decision as Attachment 1, or attending and identifying themselves on this CMC, to be granted status upon the opening of the hearing, provided that they have complied with the Tribunal's Rules and the Procedural Order. There was no objection from any of

the Parties with respect to the list of those persons who might express and interest in requesting status as a Participant.

[15] Accordingly the Tribunal directs that any person on the List of interested Participants, or those who have attended to the CMC and identified themselves on July 6, 2020, wishing to be recognized as a Participant at the opening of the hearing of the Appeals will comply with the Procedural Order, once issued, and Rule 7.7 of the Tribunal's Rules, by delivering the required written submission by the deadline stipulated in the Procedural Order.

[16] Due to the amendment of the legislation since the Tribunal first conducted the first Pre-Hearing Conference, all Participants have been, and are, reminded that pursuant to s. 33.2 of the *Local Planning Appeal Tribunal Act*, persons granted Participant status at a hearing may not provide oral evidence and may only make submission to the Tribunal with respect to the proceeding in writing.

DRAFT PROCEDURAL ORDER, ISSUES LIST AND HEARING PLAN

[17] In advance of the CMC the Tribunal was presented with a draft Procedural Order as well as an additional clause agreed to by the Parties relating to the delivery of revised material by ClubLink relating to the Redevelopment Applications. The draft Procedural Order contains a comprehensive List of Issues (Attachment 4) which was the result of the cooperative efforts of the parties, and which included additional paragraphs which clarified the position of the respective Parties, in some instances. The List of Issues pre-emptively anticipated that the Tribunal would direct that all of the Appeals proceed to be heard together.

[18] Following some comments and directives of the Tribunal with respect to some provisions of the Procedural Order, the Tribunal requested, and was provided with an updated version of the Procedural Order for approval on a provisional basis which included a number of minor changes. Specifically, the Tribunal directed that the Parties

provide a first draft of a Hearing Plan approximately two and a half months prior to the commencement of the hearing for the purposes of allowing the Tribunal to review the organization of the hearing and the expected length. As the Appeals will require a significant investment of time for the hearing, paragraph 13 of the draft Procedural Order attached to this Decision as Attachment 1, has been amended by the Tribunal to provide that further review and revisions to the hearing plan may occur prior to, and at, the hearing.

[19] It has been noted, and as provided for in paragraph 3 of the Procedural Order, the Parties may consider a proposal for the presentation of evidence in a panel format, grouping the evidence in subject matter and issues, and if so, this will be set out in the draft Hearing Plan.

[20] The draft Procedural Order and Issues List appended to this Decision as Attachment 1, is accordingly approved on a provisional basis. As the final timing and form of the hearing is, as yet, unknown, the Tribunal will hold the final issuance of the Procedural Order until such time as the commencement date has been determined, and until such time as it is known whether the Procedural Order may require the inclusion of additional directions that may relate to the form of the hearing, if aspects of the hearing may be conducted using Video Hearing procedures (as indicated in paragraph 30(b) below).

[21] The List of Issues appended to the draft Procedural Order as Attachment 4, is approved and confirmed by the Tribunal.

[22] At such time as the hearing dates, and format, are confirmed the Parties are to submit the final draft of the Procedural Order for approval and issuance by the Tribunal.

APPEAL RE: APPLICATION FEES – PROCESS FOR HEARING

[23] An agenda item had been proposed by the Town, as to the manner in which the hearing of the Fee Appeal might proceed in a fashion segregated from the remainder of the hearing, possibly in writing. After submissions from all parties, and comments from the Panel, the Town, following the morning break, elected to withdraw its request and the Fee Appeals will accordingly be heard together with all the Appeals as provided for in this Decision and in accordance with the final form of the Procedural Order.

REQUEST FOR CROSS-APPOINTMENT OF CONSERVATION REVIEW BOARD MEMBER TO HEARING PANEL – s. 25.1 ONTARIO HERITAGE ACT

[24] The Town, supported by Fairway Hills, requests that the Tribunal appoint a Member of the Conservation Review Board (“CRB”) to sit on the Tribunal for the hearing pursuant to s. 25.1 of the *Ontario Heritage Act*. The Town submits that such an appointment is clearly contemplated by the legislation for the purposes of exactly this type of hearing given the nature of the issues relating to cultural heritage values and designations and cultural heritage landscapes, and that the Parties would benefit from the expertise that might be accessed through such a cross appointment.

[25] ClubLink does not necessarily oppose the request but is neither consenting to the request. It is the position of ClubLink that such an appointment is in fact unnecessary given the planning and heritage expertise available through the Tribunal and the fact that jurisdiction under the *Ontario Heritage Act*, for the issues in this appeal, rests with the Tribunal. ClubLink is also concerned that such a direction could delay or hinder the scheduling of the hearing due to the limited number of current members of the CRB and the possible unavailability of a CRB Member when the hearing is scheduled.

[26] Very simply, the Tribunal will take this request under advisement and consider the availability of a CRB Member for assignment to the Panel when the Appeals are

eventually scheduled for a hearing. Such a decision will ultimately rest with the Executive Chair, or her appointed delegate, and will be very much based first on the availability of a CRB Member.

SCHEDULING OF HEARING AND FURTHER CMC

[27] The availability of a hearing date at this time was addressed by the Tribunal at some length. With approximately 40 witnesses anticipated in the hearing of these multiple Appeals, the Parties jointly submit that a hearing length of 20 weeks is anticipated.

[28] The Emergency Order in place as a result of the COVID 19 pandemic has resulted, and continues to result, in a state of uncertainty as to the degree of physical distancing requirements – including the maximum number of persons in a public gathering such as a Tribunal Hearing. Subsequent to this CMC and as of the date of issuance of this Decision, the Province of Ontario has announced that while portions of the Province will advance to Stage 3, others will remain at Stage 2, with continued physical gathering restrictions, and that the possibility exists for further changes in status based on COVID 19 data and related factors. Halton Region and the Town of Oakville has advanced to Stage 3 at this point. The extent to which a hearing such as the one required in these appeals can accommodate the Tribunal Panel, multiple counsel and co-counsel, appearing and pending witnesses, and required staff is unknown at this point in time.

[29] The Tribunal is committed to arranging a hearing date for the hearing of the Appeals as soon as is possible based on such constraints that exist both with respect to the status of the Ontario Government's Pandemic restrictions and the Tribunal's operations. With the anticipated pre-hearing timelines contained in the draft Procedural Order, the earliest anticipated date is spring of 2021. At this point the Tribunal is proceeding with the scheduling of some in-person hearings in 2021, in the hope that Emergency Order restrictions will logistically allow for hearings to be conducted, but

given the substantial hearing time required for the hearing of these Appeals, the Tribunal is not yet able to assign a date.

[30] There are two optional scenarios for the scheduling of the hearing:

(a) Scheduled In-Person Hearing - The Tribunal will continue to monitor availability for scheduling of an in-person hearing (which will most likely still involve operational requirements) at the earliest opportunity and the Case Coordinator will provide notice to the Parties of the hearing dates. The Town will be required to provide available venue facilities to accommodate the hearing dates and all operational requirements necessary for health and safety requirements.

(b) “Hybrid Video Hearing” – The Tribunal is now moving forward to conduct Video Hearings for matters that are suitable for such a format based upon the nature of the proceeding, the length of the proceeding, the venue location, requirements for accessibility and the complexity of the subject matter and hearing. Given the duration of this hearing, the number of Appeals, the number of Parties and Counsel, the expected number of witnesses and the complexity of the issues that will be before the Tribunal, a “pure” Video Hearing is highly unlikely.

The option does nevertheless remain for the Parties to consider whether they are prepared to take all steps as would be necessary to organize and provide venue facilities, dedicated staffing, technology and communications hardware and software systems, and those requirements for compliance with the Tribunal’s in-person hearing requirements such that they may wish to propose to the Tribunal, a “hybrid” Video Hearing similar to that which was recent conducted recently in appeals heard in Richmond Hill. Such a Hybrid Video Hearing anticipates: the Tribunal Panel being physically in attendance; a restricted number of persons present in a primary room for the Panel, counsel and witness; additional rooms to

contain the overflow of witnesses and required persons; the capability for the video attendance of any single witness or involved person unable to attend in person to the venue and requiring accommodation; and the means for live video-streaming the proceedings to members of the public, parties or other witnesses-on-hold.

Should the Parties wish to consider such a proposal for a Hybrid Video Hearing, they are to contact the Case Coordinator to formally initiate the request. The Parties should provide a detailed overview of the proposed Hybrid Video Hearing including: the venue, the specific rooms and facilities including details of controlled access, admission screening processes, staffing commitments, health and safety supplies, minimum distancing separation equipment and features, communications and IT hardware including live streaming capability, video/audio feeds, allocated IT staff, proposed/available hours, and such other information as is required to satisfy health and safety requirements relative to COVID-19. The Parties must also identify a contact person(s) who is/are responsible for organizing and facilitating the proposed Hybrid Video Hearing. All such arrangements will then be considered by Tribunal Staff and the Executive/Associate Chair and if approved, the identified Parties will assume responsibility for compliance as to all requirements for the Hybrid Video Hearing. If the request is denied, then the hearing will be accordingly scheduled as an in-person hearing.

[31] In the event a Hybrid Video Hearing is directed by the Tribunal, the Parties will be required to revise the draft Procedural Order to include clear directions with respect to filing documents and other aspects of the pre-hearing and hearing procedures in accordance with a sample Procedural Order utilized for hearings applying to a pure, or hybrid, form of Video Hearing.

FURTHER CMC AND CASE MANAGEMENT

[32] At such time as the hearing date is confirmed, and as required, the Tribunal will schedule a further Video Hearing or audio conference CMC for the purposes of addressing all remaining matters, and such further matters arising, in relation to the hearing of these Appeals.

[33] For continuity and expediency, this Panel Member will, as scheduling and circumstances permit, continue to have carriage of case management of these Appeals to the extent that he is able.

“David L. Lanthier”

DAVID L. LANTHIER
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

LPAT Case Nos. PL171084
PL180158
PL180580
MM180022
MM170004

LOCAL PLANNING APPEAL TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
Subject: Request to amend the Official Plan - Refusal of request by the Town of Oakville

Existing Designation: Private Open Space and Natural Area
Proposed Designation: Site Specific (to be determined) – including Residential, Mixed Use and Community Commercial

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Approval Authority File No.: OPA.1519.09
LPAT Case No.: PL171084
LPAT File No.: PL171084
LPAT Case Name: Clublink Corporation ULC v. Oakville (Town)

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

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
Subject: Application to amend Zoning By-law No. 2014-014 - Refusal of Application by the Town of Oakville

Existing Zoning: Private Open Space (O2), Private Open Space-Special (O2- Sp. 114), and Natural Area (N)

Proposed Zoning: Site Specific (to be determined)

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Municipality File No.: Z.1519.09
LPAT Case No.: PL171084
LPAT File No.: PL171085

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
 Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision
 Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
 Property Address/Description: 1333 Dorval Drive
 Municipality: Town of Oakville
 Municipality File No.: 24T-17003/1519
 LPAT Case No.: PL171084
 LPAT File No.: PL171086

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
 Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision
 Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
 Property Address/Description: 1333 Dorval Drive
 Municipality: Town of Oakville
 Municipality File No.: 24T-17003/1519
 LPAT Case No.: PL171084
 LPAT File No.: PL171167

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
 Subject: Proposed Plan of Subdivision
 Property Address/Description: 1333 Dorval Drive
 Municipality: Town of Oakville
 Municipality File No.: 24T-17003/1519
 LPAT Case No.: PL171084
 LPAT File No.: PL180034

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: Proposed Official Plan Amendment No. 24
 Municipality: Town of Oakville
 LPAT Case No.: PL180158
 LPAT File No.: PL180158
 LPAT Case Name: ClubLink Corporation ULC et al. v. Oakville (Town)

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

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: By-law No. 2018-016
 Municipality: Town of Oakville
 LPAT Case No.: PL180158
 LPAT File No.: PL180159

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: Proposed Official Plan Amendment No. 15
 Municipality: Town of Oakville
 LPAT Case No.: PL180580
 LPAT File No.: PL180580

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: Proposed Official Plan Amendment No. 16
 Municipality: Town of Oakville
 L.P.A.T. Case No.: PL180580
 L.P.A.T. File No.: PL180581

PROCEEDING COMMENCED UNDER subsection 34.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: Appeal of a decision of Council on an application to demolish a building or structure
 Municipality: Town of Oakville
 LPAT Case No.: MM180022
 LPAT File No.: MM180022

PROCEEDING COMMENCED UNDER subsection 69(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
 Subject: Appeal against the levying of an application fee
 Municipality: Town of Oakville
 LPAT Case No.: MM170004
 LPAT File No.: MM170004

DRAFT PROCEDURAL ORDER – JULY 7, 2020

The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

1. The hearing will begin on **[INSERT]** at **10:00 a.m.** at Oakville Municipal Building, **[INSERT]**, 1225 Trafalgar Road, Oakville, Ontario. No further notice shall be required.
2. The hearing has been scheduled for approximately **[20 weeks]**, concluding on **[INSERT]**.
3. The parties and participants (see **Attachment 1** for the meaning of these terms) identified at the prehearing / case management conferences are listed in **Attachment 2** to this Order. The order of evidence for the hearing is listed in **Attachment 3** to this Order. The potential for the grouping of evidence for witnesses in the same discipline and/or the potential use of witness panels will be identified in the hearing plan to be prepared by the parties, as referenced in section 13 below.
4. The issues for the hearing are set out in the Issues List attached as **Attachment 4** to this Order. Aside from the potential for the removal of issues as they may be resolved, there will be no changes to this List unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
5. Any person intending to participate in the proceeding should provide a telephone number, address and email address to the Tribunal as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, telephone number, address and email address as soon as possible.

Requirements Before the Hearing

6. If ClubLink intends to present in its witness statements revisions to the proposal (official plan amendment, zoning by-law amendment or draft plan of subdivision) from the one filed with the Town, ClubLink shall provide copies of the revised proposal, including revised text, plans and drawings, to the other parties on or before **[INSERT – ninety (90) calendar days before the exchange date set out in section 12]**. The applicant acknowledges that any revisions to the plans after that date without the consent of the parties may be grounds for a request to adjourn the hearing. The applicant will also provide to the other parties copies of any new or updated technical reports it intends to rely on in support of the application (whether revised or not) no later than **[INSERT – ninety (90) calendar days before the exchange date set out in section 12]**.

7. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses and the order in which they are intended to be called (including whether any witnesses are proposed to be called in a panel), together with a preliminary estimate of the time required for examination-in-chief of each witness. This list must be delivered on or before **[INSERT – approx. 4 months before hearing]**. For expert witnesses, the party shall identify in the witness list the discipline(s) in which it will be seeking to qualify the witness and provide a copy of the witness' *curriculum vitae*.
8. Expert witnesses in the same discipline(s) shall have at least one meeting a minimum of two weeks prior to the exchange date for witness statements (i.e. no later than **[INSERT]**) to try to resolve or reduce the issues for the hearing. Expert witnesses may also meet after the exchange of witness statements and/or reply witness statements. The experts shall prepare a list of any agreed facts and provide this list to all of the parties and the Tribunal at least seven (7) days prior to the commencement of the hearing (i.e. by **[INSERT]**).
9. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, and any other reports or documents to be relied on at the hearing. Copies of expert witness statements must be provided as in section 12. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7.4 of the Tribunal's *Rules of Practice and Procedure*. In addition, each expert witness shall execute an Acknowledgement of Expert's Duty and shall append the executed Acknowledgement to his/her witness statement.
10. A participant shall provide to the Tribunal and the parties a participant statement on or before **[INSERT – approx. 3 months before hearing]**. For greater certainty, participant statements are to include the information identified in Attachment 1 to this Order. Persons other than those listed in Attachment 2 may be added as participants by providing a participant statement in accordance with this paragraph.
11. Witnesses who are under summons but not paid to produce a report do not have to file a witness statement; but the party calling them must file an outline of the witness' anticipated evidence, as in section 12.
12. On or before **[INSERT – approx. 3 months before hearing]**, the parties shall provide copies of their witness and expert witness statements to the other parties. The parties shall also deliver hard copies of their witness and expert witness statements to the Tribunal, if requested.
13. On or before **[INSERT – approx. 2.5 months before hearing]**, the parties shall prepare and submit to the Tribunal a preliminary hearing plan that identifies the anticipated timing for the evidence-in-chief, cross-examination and re-examination of each parties' witnesses, as well as the anticipated timing for opening and

closing submissions. The hearing plan is intended to be used to guide the progress of the hearing and may be updated from time to time, prior to the hearing, or as the hearing proceeds. The Tribunal may direct the parties to attend to such further pre-hearing teleconferences thereafter for the purposes of reviewing and revising the hearing plan, as may be determined necessary, for the efficient organization of the hearing. The final form of the hearing plan will be subject to the final approval and direction of the presiding Panel at, and during, the hearing.

14. On or before **[INSERT – approx. 1.5 months before hearing]**, the parties may provide to all other parties a reply to any written evidence. The parties shall also deliver hard copies of any reply witness statements to the Tribunal, if requested.
15. On or before **[INSERT – approx. 3 weeks before hearing]**, the parties shall prepare and submit to the Tribunal an updated hearing plan.
16. On or before **[INSERT – approx. 3 weeks before hearing]**, the parties shall provide copies of their visual evidence to all parties or, alternatively, shall arrange for a viewing of visual evidence that cannot reasonably be transmitted.
17. The parties shall prepare a Joint Document Book for the hearing and shall share the photocopying costs, including copies for the Tribunal.
18. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal (see Rule 10 of the Tribunal's Rules, which requires that the moving party provide copies of the motion to all other parties at least fifteen (15) days before the Tribunal hears the motion).
19. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the other parties and the Tribunal at least seven (7) days before the hearing that the written evidence is not part of their record.
20. Documents may be delivered by personal delivery, e-mail, courier, registered or certified mail, or otherwise as the Tribunal may direct. For documents delivered by e-mail, a hard copy shall also be delivered in the event that the recipient party requests a hard copy. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
21. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness and Rule 17 applies to such requests.

So orders the Tribunal.

Attachment 1

PURPOSE OF THE PROCEDURAL ORDER AND MEANING OF TERMS

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an unincorporated group wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorization from the party.

NOTE that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Tribunal to permit this.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who makes a written statement to the Tribunal on all or some of the issues in accordance with Rule 7.7 of the Tribunal's Rules of Practice and Procedure.

NOTE that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can.

Written and Visual Evidence: **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.

Visual evidence includes photographs, maps, videos, models, and overlays which a party intends to present as evidence at the hearing.

Witness Statements: A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing.

An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing.

Additional Information:

Summons: A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties (see Rule 13 on the summons procedure). If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Tribunal;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Tribunal.

Attachment 2**LIST OF PARTIES/PARTICIPANTS****PARTIES****1. ClubLink Corporation ULC and ClubLink Holdings Limited**

Mark Flowers, Kyle Gossen and Samantha Lampert
Davies Howe LLP
The Tenth Floor
425 Adelaide Street West
Toronto, Ontario
M5V 3C1

Email: markf@davieshowe.com / kyleg@davieshowe.com /
samanthal@davieshowe.com

Tel: 416-263-4513 / 416-263-4519 / 416-263-4521

2. Town of Oakville

Robert Howe and Catherine Lyons
Goodmans LLP
333 Bay Street, Suite 2400
Toronto, Ontario
M5H 2S7

Email: rhowe@goodmans.ca / clyons@goodmans.ca

Tel: 416-979-2211

Nadia Chandra, Assistant Town Solicitor
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Email: nadia.chandra@oakville.ca

Tel: 905-845-6601 ext. 3912

3. **Regional Municipality of Halton**

Isaac Tang and Katie Butler
 Borden Ladner Gervais LLP
 22 Adelaide Street West, Suite 3400
 Toronto, Ontario
 M5H 4E3

Email: itang@blg.com / kbutler@blg.com
 Tel: 416-367-6143 / 416-367-6353

4. **Halton Region Conservation Authority**

(party to LPAT Case No. PL171084 and Case No. MM170004 only)

Konstantine Stavrakos and Rachel McPherson Duncan
 O'Connor MacLeod Hanna LLP
 700 Kerr Street
 Oakville, Ontario
 L6K 3W5

Email: stavrakos@omh.ca / mcpherson@omh.ca
 Tel: 905-842-8030

5. **Fairway Hills Community Association**

(party to LPAT Case No. PL171084, OPA 24 – Case No. PL180158 and Case No. MM180022 only)

Denise Baker and Raj Kehar
 WeirFoulds LLP
 1525 Cornwall Road, Suite 10
 Oakville, Ontario
 L6J 0B2

Email: dbaker@weirfoulds.com / rkehar@weirfoulds.com
 Tel: 416-947-5090 / 416-947-5051

PROSPECTIVE PARTICIPANTS

1. Susan Alsnis (susankalksnis@gmail.com)
2. Anthea Boyer-Gallow (anthea@cogeco.ca)
3. Wendy Bodnoff (wendyb6777@gmail.com)
4. Joe Brandt (joe.brandt@cogeco.ca)

5. Karen Brock (gbrock@cogeco.ca)
6. Dan Carruthers (dancarruthers@outlook.com)
7. Clearview Oakville Community Alliance (rbrabers@sympatico.ca)
8. Jonathan Colligan (joncolligan@gmail.com)
9. Fraser Damoff (fdamoff@gmail.com)
10. Renato Discenza (renato@discenza.net)
11. Drew Doherty (ddoherty@cogeco.ca)
12. Shelli Fisico (shellifisico@yahoo.ca)
13. Jill Gowland (jggowland13@hotmail.com)
14. Ted Haugen (tedhaugen@hotmail.com)
15. Patricia Heard (patjheard@gmail.com)
16. Bruce Hietkamp (geokamp@geokamp.com)
17. Neil Huddlestone (neilhuddlestone@aol.com)
18. Joshua Creek Residents Association (elizabeth.chalmers@sympatico.ca)
19. Lois Knepflar (loiseliz@cogeco.ca)
20. Gary Mark (garymark@gmail.com)
21. Doug McCarten (doug2174@gmail.com)
22. Bill McKinlay (wjmckinlay@gmail.com)
23. Douglas McKirgan on behalf of We Love Oakville (dmckirgan@sympatico.ca)
24. Oakvillegreen Conservation Association (president@oakvillegreen.org)
25. Angela Parsons (angela.j.parsons@gmail.com)
26. Mark Steiman (msteiman.remax@gmail.com)
27. Wei Tang (davidtang2004@hotmail.com)
28. Ron Tingle (rtingle@cogeco.ca)
29. Karl Tuiria (karltuiria@gmail.com)
30. Al Wilmot (awilmot@cogeco.ca)

Attachment 3

ORDER OF EVIDENCE

1. ClubLink Corporation ULC and ClubLink Holdings Limited
2. Town of Oakville
3. Regional Municipality of Halton
4. Halton Region Conservation Authority
5. Fairway Hills Community Association
6. Reply by ClubLink Corporation ULC and ClubLink Holdings Limited

DRAFT

Attachment 4***ISSUES LIST*****ClubLink Redevelopment Applications – LPAT Case No. PL171084****Town of Oakville***Growth Management, Urban Structure, Cultural Heritage*

1. Do the Applications conserve the significant cultural heritage landscape within the subject lands, as designated under section 29 of the *Ontario Heritage Act* by Town By-law No. 2017-138, as required by:
 - (a) the Provincial Policy Statement, including Part III, Part IV, and sections 1.2.1(c), 1.7.1(e), 2.0, 2.6, and 6.0;
 - (b) the Growth Plan, including sections 1.2, 1.2.1, 4.1, 4.2.7, and 7;
 - (c) the Region of Halton Official Plan (Halton OP), including sections 26, 29, 30, 31, 72(1), 146, 147(2), 165, 166, 167, 170, 224, and 224.1;
 - (d) Livable Oakville Plan, including sections 2.1, 2.2.1, 3, 5, and 29.5?
2. Do the Applications have appropriate regard for matters of provincial interest with respect to the conservation of features of significant architectural, cultural, historical, archeological or scientific interest as required by Section 2(d) the *Planning Act*?
3. In determining that the Applications should be refused, did the Town appropriately apply the policies of the Provincial Policy Statement and Growth Plan regarding intensification and the efficient use of land and infrastructure given the policy requirement in those documents that the significant cultural heritage landscape on the property shall be conserved?
4. Would the replacement of the Glen Abbey Golf Course with the mixed-use development proposed by the Applications fail to preserve the character of the Glen Abbey community, as required by the policies of the Livable Oakville Plan, including sections 2.2.1 and 4.3, and is it consistent with the policies of the Provincial Policy Statement that support conserving features that define community character including cultural heritage landscapes, including section 1.7.1(e)?
5. Do the Applications adequately consider the impact of the proposed redevelopment on the Town's urban structure as provided for in the Livable Oakville Plan, including sections 3, 4, 11 (preamble), and 11.1.8, Schedule A1, the North Oakville East Secondary Plan and North Oakville West Secondary Plan, and do the Applications uphold or undermine the Town's urban structure?

6. Do the Applications propose an unplanned strategic growth area in the context of the Town's urban structure as provided for in the Livable Oakville Plan, including sections 3, 4, 11 (preamble), and 11.1.8, Schedule A1, the North Oakville East Secondary Plan and North Oakville West Secondary Plan, considering matters such as geographic area, population and employment, built form, density, building heights, and mix of land uses proposed through the redevelopment?
7. Is the area subject to the Applications an appropriate location for a new unplanned strategic growth area?
8. Would the creation of a new strategic growth area on the subject lands require a municipal comprehensive review by the Region of Halton, pursuant to the policies of the Growth Plan, including sections 2.2.1, 2.2.2, 5.2.3.2, and 5.2.5?
9. Should the Applications be refused on the basis that intensification of the nature and scale proposed should be located in the Town's strategic growth areas (growth areas in the Livable Oakville Plan), based on:
 - (a) consistency with the policies of the Provincial Policy Statement regarding nodes and corridors; intensification and redevelopment; transit-supportive development; and coordinating planning and infrastructure; including sections 1.1.1, 1.1.3.2, 1.1.3.3, 1.2.1, 1.2.4, 1.6.1, and 1.6.3;
 - (b) conformity with the policies of the Growth Plan regarding directing growth to strategic growth areas; intensification within the delineated built-up area; integration of planning and infrastructure; aligning growth with transit and transportation corridors; transit-supportive densities and development; and implementation; including sections 1.2.1, 2.1, 2.2.1, 2.2.2, 3.1, 3.2.1, 3.2.2, 3.2.3, 3.2.8, 5.2.3.2, and 5.2.5;
 - (c) regard for matters of provincial interest relating to the appropriate location of growth and development and the promotion of sustainable development;
 - (d) conformity with the policies of the Halton Official Plan regarding Intensification Areas; the coordination of infrastructure and planning; and transit-supportive development, including sections 44, 47, 48, 72, 77(5), 78, 80, 81(1), (2), (3), (4), (7), (7.2), (9) and (10), 172, and 173 (2), (20) and (21); and
 - (e) the policies of the Livable Oakville Plan regarding growth areas and residential intensification outside of growth areas; the use of infrastructure and public service facilities; transit-supportive development; and developing a transit-supportive urban structure, including sections 2.2.1, 3, 4.1, 4.3, 8.1.1, 8.9.1, 8.9.4, 8.9.9, 8.12.1, 8.12.2, 9.1.2, 11 (preamble), and 11.1.8?

Note: For the purposes of Issues 1(d), 5, 6 and 9(e), it is the Town's position that the references to the Livable Oakville Plan should be considered as including the amendments in OPA 15 and OPA 16, including those portions of OPA 15 and OPA 16 that are currently in effect as well as those portions of OPA 15 and OPA 16 that remain under appeal by ClubLink. The applicability of OPA 15 and OPA 16 to ClubLink's redevelopment applications is a matter to be determined by the Tribunal in the hearing.

Technical Issues

Water and Wastewater

10. Have sufficient data and analysis been provided to determine the water demands of the proposed development?
11. Is the design of the water infrastructure within the subject lands sufficient to ensure the adequacy and security of the system of water delivery?
12. Is there sufficient capacity in the existing water supply infrastructure to accommodate the demand?
13. Has the impact of the sanitary drainage flow from the proposed development been appropriately evaluated to determine whether there is sufficient capacity in the existing infrastructure, including in downstream sewers and the Third Line pumping station?

Water Resources and Natural Heritage

14. Have the 16 Mile Creek and Glen Oak Creek Systems been adequately studied to determine the impacts of development on these systems, including in respect of surface water features and ground water features, within the site and beyond the site's boundaries? Have these systems been sufficiently characterized for the purpose of determining infrastructure design, water management, potential de-watering requirements, flood and erosion control and for ecological characterization and management strategy development? Is a holistic, systems based (subwatershed level) assessment required?
15. Have the data collection and analysis been sufficient to confirm the geotechnical quality of the site, including in respect of the location of the long term stable top-of-bank, and to determine appropriate setbacks?
16. Have the data collection and analysis been sufficient to adequately evaluate erosion impacts and proposed mitigation?
17. Have the data collection and analysis been sufficient to adequately determine the impacts of development on the existing storm drainage infrastructure of the Town, and whether the proposed storm water facilities, including storm water management ponds, outfalls and low impact development measures, are appropriately designed and appropriately located on the subject lands?

18. Has the feasibility of achieving stormwater management targets related to quantity, quality, erosion, and thermal mitigation for the entire site been demonstrated?
19. Do the grading and servicing plans and supporting analysis demonstrate that the stormwater management strategy is feasible and appropriate, including provision for the major and minor drainage system from public roads to be contained within adequately sized public servicing blocks?
20. Has the natural heritage system, including its component features and functions, been appropriately identified, characterized, and analyzed? Have there been sufficient data collection and analysis to identify impacts of development and mitigation of those impacts, including in respect of linkages, buffer and/or enhancement areas?
21. Have the data collection and analysis of species at risk, endangered species and significant wildlife habitat been sufficient to determine the impact of development and appropriate mitigation?
22. Have the data collection and analysis of fish habitat and aquatic biota been sufficient to determine impacts of proposed development and appropriate mitigation?
23. In light of the above, has it been demonstrated that the Applications:
 - (a) are consistent with the policies of the Provincial Policy Statement that provide for the long term protection of natural heritage features and areas and water resources, including Part I, Part IV, sections 1.1.1(c) and (h), 1.2.1.(c), (e) and (f), 1.6.6.7, 2.1, 2.2, 3.1, and 4.6;
 - (b) conform to the policies of the Growth Plan that provide for the long term protection of natural heritage features and areas and water resources, including sections 1.2.1, 1.2.3, 3.1, 3.2.7, 4.1, and 4.2.10;
 - (c) conform to the policies of the Regional Official Plan relating to natural heritage and water resources, including sections 114 (1), 116.1, 118, 139.12, and 145 (9); and
 - (d) conform to the policies of the Livable Oakville Plan relating to natural heritage and water resources, including sections 10.9, 10.10, 10.13, and 16?

Noise Impacts

24. Has an adequate noise study been conducted to properly evaluate the impact of transportation noise on the proposed sensitive uses including residential units and public open spaces?

Transportation

25. Given the scale of proposed development, is the study area of a sufficient size and scope to appropriately determine the impacts of the proposed development?
26. Have the current traffic data collection and analysis been sufficient to properly determine existing, future background traffic and total future traffic volumes including appropriate consideration of horizon years, volume growth rate, area background development traffic and trip generation rates?
27. Have the data collection and analysis of the existing and proposed transportation network been sufficient to determine that the total future traffic volumes (including traffic generated by the proposed development) can be accommodated within the network over the appropriate horizon years?
28. Does the development rely on future and uncertain road capacity such as the widening of Upper Middle Road to six lanes in the year 2027 and/or improvements to the bridge structure? Has adequate consideration been given to any environmental approvals required to construct road improvements to accommodate development?
29. Have the data collection and analysis related to public right-of-way classifications and cross-sections for roadways and laneways throughout the plan been sufficient to justify deviation from current Town standards and policies? Have the data collection and analysis been sufficient to determine whether the proposed rights-of-way (including turning lanes) are designed appropriately to accommodate the traffic generated by the proposed development and any traffic diverting through the site via Upper Middle Road and Dorval Drive?
30. Have the data collection and analysis of the proposed diversion of traffic along Street A been sufficient to justify the diversion?
31. Do the rights-of-way and configuration proposed for the three roundabouts safely accommodate all modes of transportation?
32. Is the proposed location of the intersection of Street A and Upper Middle Road appropriately separated from the existing Upper Middle Road structure which crosses the Sixteen Mile Creek?
33. Are the driveway access locations and frontage orientation appropriate having regard to the densities proposed and the design of the proposed roads?
34. Have the data collection and analysis related to parking requirements been sufficient to justify deviation of the parking standards contained in the Town's zoning by-law?
35. Have the data collection and analysis been sufficient to determine the impacts of the proposed development on the Queen Elizabeth Way ramps at Dorval Drive?

Planning, Urban Design, Community Facilities

36. Do the Applications propose an appropriate land use pattern and mix of housing and housing types?
37. Does the built form and configuration of the proposed development adequately address the criteria referenced in policy 11.1.9 of the Livable Oakville Plan?
38. Do the applications meet the urban design policies and guidelines of the Town and otherwise represent good urban design? Is the lotting pattern, orientation, setbacks and proposed built form of the proposed development appropriate?
39. Does the draft zoning by-law appropriately implement the proposed development? Does the proposed zoning by-law provide appropriate regulation of built form, density and building heights required to constitute good planning?
40. Are the location, size and configuration of the proposed parks appropriate?
41. Is there adequate provision of school site(s)?
42. Has there been sufficient analysis of the capacity of the existing community facilities to accommodate the proposed development? Has a community infrastructure plan, based on Regional guidelines, been provided describing where, how and when public services for health, education, recreation, socio-cultural activities, safety and security and affordable housing will be provided to serve the proposed community?

Regional Municipality of Halton

Growth Management, Urban Structure, Cultural Heritage

43. Do the Applications introduce a new growth area not identified in the Livable Oakville Plan or a major growth area or Intensification Area not identified in the Regional Official Plan?
44. Is the site an appropriate location for a new unplanned major growth area or Intensification Area?
45. Do the Applications conform with the growth management policies in the Regional Official Plan, including but not limited to Sections 48, 77(5), 81(2) and 81(3), which direct local municipalities to prepare Area-Specific Plans or policies for major growth areas and Intensification Areas?
46. Is the nature and scale of development appropriate given that the site is not a growth area identified in Livable Oakville or a major growth area or Intensification Area identified in the Regional Official Plan, considering:

- (a) consistency with the policies of the Provincial Policy Statement 2020 that direct planning authorities to identify appropriate locations for intensification, including but not limited to Policy 1.1.3.3;
 - (b) consistency with the policies of the Provincial Policy Statement 2020 that direct a coordinated, integrated and comprehensive approach to land use planning and that require municipalities to identify areas where growth and development will be directed, including but not limited to Policies 1.2.1 and 1.2.4;
 - (c) conformity with the policies of the Growth Plan 2019 that require municipalities to establish a hierarchy of areas within settlement areas to manage growth;
 - (d) conformity with the policies of the Growth Plan 2019 that apply to strategic growth areas; and
 - (e) conformity with the policies of the Growth Plan 2019 regarding infrastructure to support growth, integrated planning, moving people/transit, transit-supportive densities and development, and public service facilities?
47. Do the Applications conform with the cultural heritage resources policies of the Regional Official Plan, recognizing that the site has been designated under Section 29 of the *Ontario Heritage Act*?

Technical and Other Issues

Servicing and Stormwater

48. Do the Applications have appropriate regard for the Region's Urban Services Guidelines?
49. Has sufficient information been provided and analysis completed to demonstrate how the proposed development can be appropriately serviced from a water and wastewater perspective?
50. Have the downstream water and wastewater impacts been adequately evaluated and addressed, including but not limited to the need for pipe oversizing, replacements and/or upgrades to the Third Line Sanitary Sewer Pump Station?
51. Have the stormwater drainage impacts to the Regional Roads been adequately evaluated and addressed?
52. Have the water pressure zone boundaries been appropriately evaluated and satisfactory solutions provided to address any potential reconfigurations, external works or modifications required to accommodate the proposed development?

53. Have the servicing solutions proposed for the development been designed and funded such that there will be no additional costs to the Region arising from the development?

Transportation

54. Has there been sufficient information and analysis prepared in the transportation and noise reports provided by the applicant to fully and accurately assess the development impacts and proposed mitigation measures as, among other things,
- (a) the traffic counts are not consistent with the Region's traffic counts;
 - (b) a sensitivity analysis was not completed to include background development traffic;
 - (c) traffic diversions have been assumed but details have not been provided;
 - (d) the study is premised on inappropriate horizon years and unclear growth rates;
 - (e) queuing analysis and intersection spacing has not been completed or designed appropriately; and
 - (f) there is missing or inaccurate noise analysis and/or discussion of mitigation/barriers?
55. Are the inputs and assumptions for existing and background development traffic accurate, as the traffic counts are not consistent with the Region's traffic counts and a sensitivity analysis was not completed to include background development traffic?
56. Are the inputs and assumptions for future traffic appropriate given the analysis with respect to existing and background development traffic, the need to identify appropriate horizon years to capture traffic demands of the total build out and interim periods, and the need for clarifications on the appropriate growth rate used to calculate background development traffic?
57. Do the Applications have appropriate regard for the Region's Transportation Impact Study Guidelines and Highway Dedication Guidelines?
58. Is the study area for the transportation study sufficient to assess the impacts of the development and proposed mitigation measures to contain all municipal, regional and provincial roadways that will be noticeably affected by the trips generated by the proposed development, including:
- (a) Upper Middle Road at Third Line;
 - (b) Upper Middle Road at Sixth Line;

- (c) Trafalgar Road at McCraney Road/White Oaks; and
 - (d) Trafalgar Road at Leighland Avenue/Iroquois Shore?
59. Should a sensitivity analysis be undertaken to assess the diversion percentages assumed for Street 'A'?
 60. Should a sensitivity analysis be undertaken to assess impacts of the development if Upper Middle Road will not be widened in 2027?
 61. Does the Traffic Impact Study adequately evaluate and where applicable provide mitigation for the following:
 - (a) Impacts on the Regional Roads, including Upper Middle Road and Dorval Drive;
 - (b) Impacts to the QEW ramps at Dorval Drive;
 - (c) Impacts from the development traffic and the potential for impeding onto the 16 Mile Creek structure;
 - (d) Land dedications or protection for the future widening of Regional Roads, including but not limited to Upper Middle Road?
 62. Has transportation noise been adequately addressed through subdivision design or appropriate mitigation?

Natural Heritage and Environment

63. Have all components of the Regional Natural Heritage System, including Key Features, buffers, linkages and enhancements to the Key Features, as such terms are defined in the Regional Official Plan and supporting documents, been appropriately identified and protected on the site?
64. Have appropriately sized buffers been proposed from all Key Features and watercourses where development or site alteration is proposed within features or on adjacent lands?
65. Have the Applications provided an adequate Restoration and Management Plan for the Sixteen Mile Creek Valley?
66. Has the potential for bird strikes been adequately considered and mitigated by the proposed development?
67. Has the potential for spread of non-native invasive species into the Sixteen Mile Creek Valley following cessation of golf course operations been adequately considered and mitigated by the proposed development?

68. Are the locations of the proposed outfalls and the mitigation proposed to address impacts to the Regional Natural Heritage System arising from the outfalls appropriate?
69. Has an appropriate environmental study (Environmental Impact Assessment or Subwatershed Study) been submitted and approved in relation to the proposed development?
70. Do the Applications conform to the Greenbelt Plan's External Connection policies in Section 3.2.6, as part of the site is located within the Urban River Valley designation?
71. Are the Applications consistent with the Provincial Policy Statement 2020, including Policies 2.1.1, 2.1.2, 2.1.3, 2.1.5, 2.1.6, 2.1.7, 2.1.8, 2.2.1, 2.2.2, 3.1.1, 3.1.2 c) and d), 3.1.7 and 3.2?
72. Do the Applications conform to the natural heritage policies of the Regional Official Plan, including Sections 113, 114, 114.1, 115.2, 115.3, 115.4(2), 116, 116.1, 117.1, 118(1) – (4), (5)-(7), (11) – (14)(a), 139.11, 139.12, Map 1 and Map 1G?

Other Issues

73. Do the Applications conform to the affordable housing provisions of the Growth Plan 2019, Provincial Policy Statement 2020 and Regional Official Plan?

Halton Region Conservation Authority

74. Are the applications consistent with policies 1.1, 2.1 and 2.2 of the Provincial Policy Statement (2020) and related policies that provide for the long term protection of natural heritage features and areas and water resources?
75. Do the applications conform with policies 3.2.7, 4.2.1 and 4.2.5 of the Growth Plan for the Greater Golden Horseshoe (2019), and policies 3.2.6, 3.3 and 6 of the Greenbelt Plan (2017)?
76. Has a comprehensive natural heritage, natural hazard and stormwater management assessment been completed in support of the large development area proposed, both with respect to the site and beyond the site's boundaries? Has such an assessment been done in an integrated manner?
77. Do the applications conform to the policies of the Region of Halton and Town of Oakville's Official Plan regarding the identification and long term protection of natural features and areas and the Regional Natural Heritage System (RNHS)?

- (a) Do the accompanying environmental studies meet Regional Environmental Impact Assessment Guidelines?
 - (b) Have the limits of the RNHS been adequately delineated? Do the applications adequately consider the impacts of the proposed development on the RNHS and provide mitigation for those impacts?
 - (c) Have natural features and areas (i.e., wetlands, woodlands, habitat of endangered and threatened species/species at risk, significant wildlife habitat, fish habitat, significant valleylands) been adequately characterized, assessed and delineated? Do the applications adequately consider the impacts of the proposed development on natural heritage features and areas and provide mitigation for those impacts?
 - (d) Do the applications adequately consider and provide for linkages, buffers and enhancements to key features and areas and watercourses?
78. Do the applications conform to the policies of the Region of Halton and Town of Oakville's Official Plan regarding the long term protection of water resources?
- (a) Do the applications adequately consider and provide for the maintenance, protection, and enhancement of the quality and quantity of surface and ground water?
 - (b) Have headwater drainage features (HDFs) been adequately characterized, assessed and identified? Do the applications adequately consider the impact of the proposed development on HDFs and provide mitigation for those impacts?
79. Do the applications have regard for the planning policies of Conservation Halton's Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document (Revised 2016) related to natural heritage features and areas and water resources?
80. Has an adequate Restoration and Management Plan been completed for the Sixteen Mile Creek Valley?
81. Are the applications consistent with policies 3.1.1 and 3.1.7 of the Provincial Policy Statement (2020) and related policies relating to natural hazards?
82. Do the applications conform with policy 16.1.9 of the Town of Oakville's Official Plan and policies 58(1) and 118(11) of the Regional Official Plan and related policies relating to natural hazards?
83. Do the applications comply with the regulatory policies of Conservation Halton's Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document (Revised 2016) related to natural hazards?

Do the applications have regard for Conservation Halton's planning policies related to natural hazards?

- (a) Have the erosion hazards been adequately assessed and limits delineated in accordance with Provincial Natural Hazards Technical Guides, including the MNR Technical Guide – River and Stream Systems: Erosion Hazard Limit (2002) and MNR Geotechnical Principles Slopes document (1998)?
 - (b) Do the applications provide for Conservation Halton's regulatory allowance from the greater of the staked top of bank and long term stable top of bank?
 - (c) Do the applications adequately consider the impacts of the proposed development on natural hazards?
 - (d) Have the wetlands been adequately assessed and delineated? Do the applications provide for Conservation Halton's regulatory allowance from the limit of the wetlands?
 - (e) Is the development proposed in a regulated area permitted by Conservation Halton policies?
84. Does the existing RayDor Estates block proposed to be retained, provide a sufficient building envelope to allow for the replacement of the building, if required? Is such block appropriate considering Regional, Town and Conservation Halton's policies related to development in natural hazards/RNHS?
85. Do the proposed Official Plan Amendment and Zoning By-Law Amendments demonstrate that the RNHS and natural hazard features, including buffers and allowances, have been appropriately designated and zoned?
86. Does the proposed stormwater management plan adequately assess and address the impacts of the proposed development?
87. Have the stormwater management blocks been appropriately sized and zoned?

Fairway Hills Community Association

Growth Management, Urban Structure, Cultural Heritage

Fairway Hills Community Association adopts the following issues of the Town of Oakville and the Region of Halton: Issues 1, 2 (as well as reference to Section 2(h) and (n) of the *Planning Act*), 3, 4, 5, 6, 7, 8, 9, 43, 44, 45, 46 and 47.

Technical Issues

Fairway Hills Community Association adopts the following issues of the Town of Oakville: Issues 36, 38 and 39.

88. Do the applications have regard to matters of provincial interest in section 2 of the *Planning Act*, including but not limited to Section 2(r)?
89. Does the proposed development maintain, protect and enhance the existing neighbourhood character to conform to the Town's Official Plan, including the criteria in Section 11.1.9?
90. Do the applications appropriately address matters of transition and interface with the existing abutting stable residential neighbourhoods, including the Fairway Hills Community, located generally to the west of the subject lands?
91. Does the inclusion of a portion of the rear yard of 1301 Greeneagle Drive in the development application have an adverse impact on the existing stable residential neighbourhood?

ClubLink Corporation ULC and ClubLink Holdings Limited

92. If a Draft Plan of Subdivision is to be approved, what are the appropriate conditions of approval?

OPA 24 and Zoning By-law No. 2018-016 – LPAT Case No. PL180158

ClubLink Corporation ULC and ClubLink Holdings Limited

93. Do OPA 24 and/or Zoning By-law 2018-016 require the Town's identified heritage attributes of the Glen Abbey Property to be "retained" and, if so, does this requirement render OPA 24 and/or Zoning By-law 2018-016:
 - (a) Inconsistent with the Provincial Policy Statement, 2020 ("PPS"), and in particular, policy 2.6.1 and the definitions of "Conserved" and "Heritage attributes", as well as the following policies: 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.5, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8?
 - (b) Not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan"), and in particular, policy 4.2.7.1 and the definition of "Conserved", as well as the following policies: 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1(a) and 2.2.6.2(b)-(d)?
 - (c) Contrary to the *Ontario Heritage Act*?
 - (d) Contrary to principles of good planning?

94. Are the proposed restrictions on permitted land uses and new buildings and structures imposed by OPA 24 and Zoning By-law 2018-016:
- (a) Inconsistent with the PPS, and in particular, policies 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.5, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8?
 - (b) Not in conformity with the Growth Plan, and in particular, policies 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1(a) and 2.2.6.2(b)-(d)?
 - (c) Not in conformity with the Halton Region Official Plan, and in particular, policies 72(1) - (4) and (9), 168, 169(1.1), 169(1.2), 169(1.3), 169(11), 170(14) and 170(16)?
 - (d) In the case of Zoning By-law 2018-016, not in conformity with the Livable Oakville Plan, and in particular, policy 17.4.1?
95. Are OPA 24 and Zoning By-law 2018-016, and specifically the proposed restrictions on permitted land uses and new buildings and structures, inappropriate and contrary to principles of good planning?
96. Do the proposed restrictions on permitted land uses and new buildings and structures imposed by Zoning By-law 2018-016 place an undue burden on the ability of the Glen Abbey golf course to function as it exists, or to expand or improve? If so, is this a valid purpose and is it contrary to principles of good planning?
97. Does Zoning By-law 2018-016 set restrictions which are intended to protect the Town's identified heritage attributes of the Glen Abbey property in a manner that is contrary to and/or duplicative of the protections available under the *Ontario Heritage Act*?
98. Do OPA 24 and Zoning By-law 2018-016 fail to properly balance policy objectives in a way that is:
- (a) Inconsistent with the PPS, and in particular, Part I and Part III and policy 4.2?
 - (b) Not in conformity with the Growth Plan, and in particular, policies 1.2.3 and 5.2.1.1?
99. Were OPA 24 and Zoning By-law 2018-016 enacted by the Town for improper and/or invalid purposes, specifically: to attempt to frustrate the proposed redevelopment of the property; to compel the owner to continue to operate a golf course on the property and mandate a specific land use; and to advance the Town's position in litigation with ClubLink?

100. Is the proposed redesignation in OPA 24 of a portion of the Glen Abbey property from the current “Low Density Residential” designation to “Private Open Space” inappropriate and contrary to principles of good planning?
101. Are the proposed site-specific definitions of “Golf course” and “Museum” in Zoning By-law 2018-016 inappropriate and contrary to principles of good planning?
102. Is Zoning By-law 2018-016 contrary to Section 34 of the *Planning Act* in that it purports to prohibit the erection of any new buildings or structures on lands that are not otherwise constrained for development?
103. Is Zoning By-law 2018-016 contrary to Section 39 of the *Planning Act* in that the permitted temporary buildings and structures fail to include any time limit?
104. Are the references in Zoning By-law 2018-016 to “temporary” buildings and structures and “commercial golf school” vague and/or internally inconsistent?

OPA 15 – LPAT Case No. PL180580

ClubLink Corporation ULC and ClubLink Holdings Limited

105. Is proposed section 3.6, together with the proposed new Schedule A1, intended to restrict growth through mixed use development and intensification to the areas identified as “Nodes and Corridors” on Schedule A1 and, if so, does this restriction render OPA 15:
 - (a) Inconsistent with the Provincial Policy Statement, 2020 (“PPS”), and in particular, policies 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8?
 - (b) Not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”), and in particular, section 2.1, policies 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1 and 2.2.6.2, and the definition of “strategic growth areas”?
 - (c) Contrary to principles of good planning?
106. If the Glen Abbey property is to be approved for mixed use development and intensification, should the proposed new Schedule A1 be amended and, if so, in what manner?
107. Does proposed section 3.3 lack clarity and/or fail to conform with the Greenbelt Plan, and in particular, policy 6.2.1 as it relates to the applicability of the Urban River Valley designation for privately owned lands?

108. Is the proposed text in the new section 3 that provides for the “long-term protection of ... cultural heritage resources”, together with the proposed identification of properties as “Cultural Heritage Landscapes” on proposed new Schedule A1, which are described in policy 3.10 as being “protected and registered under the Ontario Heritage Act”:
- (a) Lacking in clarity?
 - (b) Inconsistent with the PPS, and in particular, Part I, policy 2.6.1 and the definition of “conserved”?
 - (c) Not in conformity with the Growth Plan, and in particular, policy 4.2.7.1 and the definition of “conserved”?
 - (d) Contrary to principles of good planning?
109. Is the proposed identification of the Glen Abbey property, and/or other properties located outside of a Heritage Conservation District, as “Heritage Conservation Districts / Cultural Heritage Landscapes” on proposed new Schedule A1 inappropriate, lacking in clarity and/or contrary to principles of good planning? If so, should the Glen Abbey property, and/or other properties located outside of a Heritage Conservation District, be identified as “Heritage Conservation Districts / Cultural Heritage Landscapes” on Schedule A1?
110. Does the proposed text in the new section 3 referencing the “long-term protection of ... cultural heritage resources” lack clarity and/or fail to properly balance policy objectives in a way that is:
- (a) Inconsistent with the PPS, and in particular, Part I, Part III and policy 4.2?
 - (b) Not in conformity with the Growth Plan, and in particular, policies 1.2.3 and 5.2.1.1?
 - (c) Contrary to the *Ontario Heritage Act*?
 - (d) Contrary to principles of good planning?
111. Are the proposed requirements for a municipal comprehensive review or a required comprehensive Official Plan review for certain future amendments to the Livable Oakville Plan, as identified in the proposed policy 28.1, inconsistent with the PPS, not in conformity with the Growth Plan and/or contrary to the *Planning Act*, where such a process is not required?

OPA 16 – LPAT Case No. PL180580**ClubLink Corporation ULC and ClubLink Holdings Limited**

112. Are proposed policies 5.3.4 and 5.3.5, which refer to “cultural heritage landscape conservation plans”:
- (a) Lacking in clarity?
 - (b) Inconsistent with the Provincial Policy Statement, 2020 (“PPS”), and in particular, Part I and policies 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8 and the definition of “conserved”?
 - (c) Not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”), and in particular, policies 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1 and 2.2.6.2, and the definition of “conserved”?
 - (d) Contrary to the *Ontario Heritage Act*?
 - (e) Contrary to principles of good planning?
113. Is the proposed identification of “Cultural Heritage Landscapes” on proposed new Schedule A1, which are described in policy 5.3.4 as being “protected or registered under the Ontario Heritage Act”, and when considered in conjunction with the proposed policies in OPA 15:
- (a) Lacking in clarity?
 - (b) Inconsistent with the PPS, and in particular, Part I, policy 2.6.1 and the definition of “conserved”?
 - (c) Not in conformity with the Growth Plan, and in particular, policy 4.2.7.1 and the definition of “conserved”?
 - (d) Contrary to principles of good planning?
114. Does the proposed identification of “Cultural Heritage Landscapes” on proposed new Schedule A1, when considered in conjunction with the proposed policies in OPA 15, lack clarity and/or fail to properly balance policy objectives in a way that is:
- (a) Inconsistent with the PPS, and in particular, Part I, Part III and policy 4.2?
 - (b) Not in conformity with the Growth Plan, and in particular, policies 1.2.3 and 5.2.1.1?
 - (c) Contrary to principles of good planning?

115. Are the proposed definitions of “cultural heritage landscape” and “heritage attributes” in OPA 16 inconsistent with the PPS, and in particular, Part I and the corresponding definitions in section 6.0?

Section 34 OHA Demolition / Removal Application – LPAT Case No. MM180022

ClubLink Corporation ULC and ClubLink Holdings Limited

116. Is it possible to demolish/remove the Glen Abbey golf course and, at the same time, to “conserve” any “significant built heritage resources” and/or “significant cultural heritage landscapes” that may exist on the property?
117. Would the demolition/removal of the Glen Abbey golf course to accommodate the proposed redevelopment of the property, as proposed by ClubLink, represent an appropriate balancing of the public and community interests against the private property rights of ClubLink, as the owner of the property?
118. Were the Town’s reasons for designating the Glen Abbey property and adjacent lands under By-law No. 2017-138, including the by-law’s “Statement of Cultural Heritage Value or Interest” and the “Description of Heritage Attributes”:
- (a) factually inaccurate;
 - (b) lacking in clarity;
 - (c) done for improper purposes;
 - (d) ignorant of the interests of ClubLink, as the owner of the property;
 - (e) contrary to the *Municipal Act, 2001* and the *Ontario Heritage Act*;
 - (f) inconsistent with the Provincial Policy Statement, 2020, including policies supporting intensification and the efficient use of land and infrastructure within existing built-up areas, policies to conserve significant cultural heritage resources, and the direction that all applicable policies are to be considered and applied (including Part I, Part III, sections 1.1, 1.4, 1.6, 1.7, 1.8, 2.6 and 4.2);
 - (g) not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019, including policies supporting intensification and the efficient use of land and infrastructure within existing built-up areas, policies to conserve significant cultural heritage resources, and the direction that all applicable policies are to be considered and applied (including sections 1.2.3, 2.1, 2.2.1, 2.2.2, 2.2.6, 3.1, 3.2, 4.2.7 and 5.2.1); and
 - (h) unreasonable and inappropriate?

119. Should the Tribunal approve ClubLink's application to demolish/remove the Glen Abbey golf course (including all buildings identified in the application and related infrastructure) and order the Town to consent to the demolition/removal?
120. If the Tribunal orders the Town to consent to the demolition/removal, should the Tribunal impose any terms and conditions and, if so, what are the appropriate terms and conditions?

Town of Oakville

121. Does the Tribunal have the statutory authority through an application to demolish a structure under section 34 of the OHA to determine whether the reasons for designation in By-law No. 2017-138 are contrary to the OHA and Municipal Act?
122. Was the Town's refusal of the demolition of the Glen Abbey golf course consistent with the overarching goal of the OHA to conserve, protect, and preserve Ontario's heritage?

Application Fee Appeal – LPAT Case No. MM170004

ClubLink Corporation ULC and ClubLink Holdings Limited

123. What is the amount of the costs (both out-of-pocket expenses and staff-time equivalents) that each of the Town of Oakville, the Regional Municipality of Halton and the Halton Region Conservation Authority legitimately incurred for the processing of ClubLink's combined applications for an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision (collectively, the "Redevelopment Applications") for the Glen Abbey property between the date that the Tribunal issued its Decision confirming the Redevelopment Applications to be complete (i.e., June 7, 2017) and the date that ClubLink appealed the Redevelopment Applications to the Tribunal (i.e., October 10, 2017)?
124. Were the application fees that ClubLink paid for the Redevelopment Applications excessive in the particular circumstances of this case?
125. Should the Tribunal direct that a refund payment be made to ClubLink for the application fees it paid for the Redevelopment Applications and, if so, in what amount?

Town of Oakville, Regional Municipality of Halton and Halton Region Conservation Authority

126. Should the Town of Oakville, Regional Municipality of Halton and Halton Region Conservation Authority be required to justify planning application fees through an accounting of out-of-pocket expenses and staff time equivalents?

Note: The identification of an issue on this Consolidated Issues List does not mean that all parties agree that such an issue, or the manner in which it is expressed, is appropriate or relevant for the proper determination of the appeals. The extent of the appropriateness and/or relevance of the issue may be a matter of evidence and/or argument at the hearing.

DRAFT