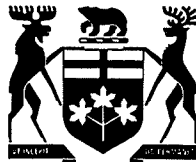


ISSUE DATE:

May 18, 2006

DECISION/ORDER NO:

1502



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL040419

PL050345

PL050350

Halloway Holdings Limited, Harmony Shopping Centres Limited and Loblaw Properties Limited have appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Oshawa to approve Proposed Amendment No. 100 to the Official Plan for the City of Oshawa

OMB Case No. PL040419

OMB File No. O040080

Halloway Holdings Limited, Harmony Shopping Centres Limited and Loblaw Properties Limited have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, against Zoning By-law 37-2004 of the City of Oshawa

OMB Case No. PL040419

OMB File No. R040085

Harmony Shopping Centres Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Region of Durham to redesignate land at the northeast corner of Harmony Road and Taunton Road from Living Area to Sub-Central Area to permit the build-out and expansion of the Harmony Shopping Centre site

Region File No. OPA 2004-005

OMB Case No. PL050345

OMB File No. O050058

Harmony Shopping Centres Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Oshawa to redesignate land at the northeast corner of Harmony Road and Taunton Road from Special Purpose Commercial and Residential to Planned Commercial Centre and to amend the Taunton Part II Plan by redesignating the land to Planned Commercial Centre – Regional to permit the build-out and expansion of the Harmony Shopping Centre site

Municipal File No. B-3100-0076

OMB Case No. PL050345

OMB File No. O050064

Harmony Shopping Centres Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 60-94 of the City of Oshawa for a special exemption to the SPC-A (5) [Special Purpose Commercial – 5] zone respecting Part Lots 3 and 4, Concession 4 for an increase in the maximum permitted floor space to permit the construction of a retail store

OMB Case No. PL050345

OMB File No. Z050045

Harmony Shopping Centres Limited has appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Oshawa to approve Proposed Amendment No. 109 to the Official Plan for the City of Oshawa

Municipal File No. B2100-0012
OMB Case No. PL050350
OMB File No. O050054

Harmony Shopping Centres Limited has appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 24-2005 of the City of Oshawa

OMB Case No. PL050350
OMB File No. R050068

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
Harmony Shopping Centres Limited Aidan Lands Corporation	D. Wood
Loblaw Properties Limited	T. Halinski
Region of Durham	C. Boyd
City of Oshawa	L. Knox

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. E. SNIEZEK ON
FRIDAY, MAY 12, 2006**

Mr. Houston was in attendance at the hearing as a participant. Mr. Stovin and Ms Korte acting as an agent for Ms P. Wilson were not in attendance. Mr. Knox indicated that the participants had been contacted and he had not heard from them with the exception of Mr. Houston.

The parties in the matter have reached a settlement. The settlement has been endorsed by both councils.

Mr. Peter Smith, a Registered Professional Planner, appeared before the Board to provide expert planning evidence. It was his evidence that he had been involved in the matter since 1998. The subject property is designated "Living Area" in the region of Durham's Official Plan. The designation allows a mix of residential and commercial

uses with a limit on the size of commercial space to 27,000-metres². The proposed Durham OPA would increase the size limit to 70,000-metres². The City of Oshawa's Official Plan designates the property "Planned Commercial Centre" and "Special Purpose Commercial". The proposed Official Plan Amendment (OPA) consolidates the designations into one "Planned Commercial Centre" and expands the "Community Central Boundary Area".

The zoning will be similarly consolidated into fewer zoning categories that will facilitate the expansion of the commercial development.

The details of the actual amendments are contained on Exhibit 1 in the case of the Official Plans and Exhibit 2 in case of the Zoning By-law.

It was Mr. Smith's evidence that the amendments to the Official Plans and Zoning By-law were appropriate and represented good planning. In addition, it was the evidence of Mr. Smith that the Provincial Policy Statement (1997) was in accord with the proposed amendments to the planning instruments.

The Board was advised to withhold its order for a short period of time in order for Loblaw to officially endorse the settlement. The City of Oshawa would like the order concerning the By-law to be withheld for a longer period in order to finalize some technical matters.

The Board allows the appeals of Harmony Shopping Centres Limited and withholds its Order with respect to the OPAs (Exhibit 1) for fourteen days pending notification that Loblaw has officially endorsed the settlement and the Zoning By-law (Exhibit 2) for one year pending notification from the City of Oshawa that all technical matters have been finalized.

"J. E. Sniezek"

J. E. SNIEZEK
MEMBER