



Notice of Appeals to the Ontario Land Tribunal re: 43 Lundy's Lane; 592 Watson Avenue; 40, 36 and 32 Bolton Avenue (Ward 3)

APPELLANT: Lundy's Lane Newmarket Assembly Inc. ("Lundy's")

APPEAL FILE NUMBERS: OLT21-1280 and OLT21-1281

This Notice relates to two appeals before the Ontario Land Tribunal ("OLT") regarding 43 Lundy's Lane, 592 Watson Avenue, 40, 36 and 32 Bolton Avenue in Ward 3. This property is northeast of the intersection of Davis Drive and Lundy's Lane, as shown in the location map as Schedule A.

There are two non-decision appeals before the OLT regarding this property:

1. A zoning appeal seeking to (a) bring the properties within Urban Centres Zoning By-law 2019-06 to align the properties with the Urban Centres Secondary Plan, (b) revise which street would be the 'front lot line', (c) revise the loading space requirement (number of spaces, driveway access size and location), (d) adjust a landscape buffer requirement at the southern end of 32 Bolton Avenue and (e) not require the application of the angular plane in certain instances.
2. An appeal seeking OLT approval of the design drawings as submitted with the appeal.

These appeals arose as Lundy's chose to appeal its development application to seek OLT approval prior to Council making its own determination on the application. While it was Lundy's right to do so under the Planning Act, it is always the preference of the Town to have an application proceed to Council for it to make a determination on a development application.

Town's Webpage

To provide you with information on this matter, the Town Planning Department has created a webpage regarding the development proposal and the OLT appeals. The webpage contains links to the original development submission documents, the video of the statutory public meeting held May 31, 2021, and the development submissions that are currently before the OLT. The webpage address is: <http://www.newmarket.ca/lundyslaneassemblyappeal>

OLT Case Management Conference Hearing ("CMC") of May 5, 2022

In accordance with OLT requirements regarding giving notice to surrounding property owners (Schedule "B"), Lundy's will be sending you a notice of the CMC scheduled by the OLT to be heard by video conference at 10:00 am on May 5, 2022. The notice from Lundy's is posted on the above website. You can attend the CMC by connecting at 9:45 am using the following video link and access code: <https://global.gotomeeting.com/join/692665589>

Access Code: 692-665-589

You can also attend the CMC via an audio-only telephone line:
1 (888) 299-1889 (toll free in Canada) or (647) 497-9373

Access Code: 692-665-589

If you wish to seek party or participant status in accordance with the OLT Rules of Procedure, you will be required to file a Party Status Request Form or Participant Status Request Form with the OLT at least 10 days before the CMC (by April 22, 2022) and then attend the CMC on May 5, 2022. The Notice that you will receive from Lundy's will direct you on how to file your Party or Participant Status Request Form. The Forms also set out the information that you must provide.

See the following OLT web pages for information on how you can participate in the appeal:

- <https://olt.gov.on.ca/wp-content/uploads/2021/07/Appeal-Guide.html>
- <https://olt.gov.on.ca/wp-content/uploads/2021/06/OLT-Party-Status-Request-Form-June-21-2021-1.html>
- <https://olt.gov.on.ca/wp-content/uploads/2021/10/Participant-Status-Request-Form.html>

Settlement of the Appeal

As required by the OLT Rules of Procedure, the Town engaged in discussions with Lundy's regarding its appeals. On March 28, 2022, Council approved settlement on the zoning amendments and revised site plan design. The finalized design that is proposed by Lundy's is posted on the Town website, together with a summary of how the design changed over time and how the appeal issues were resolved to the satisfaction of the Town.

Due to the settlement of the appeal issues with the Town, Lundy's will proceed on the CMC date of May 5, 2022, to provide planning evidence at the CMC and ask the OLT approve the settlement of the zoning amendments and site plan design. As a result, the CMC will proceed as a settlement approval hearing.

You may still provide comments to the OLT as a participant or seek party status to the appeal at the May 5, 2022, hearing. If you wish to seek party status, you should advise the OLT, the Town and legal counsel for Lundy's as soon as possible. Participant and party obligations are discussed in the OLT Appeal Guide weblink above.

The contact at the OLT for this matter is:

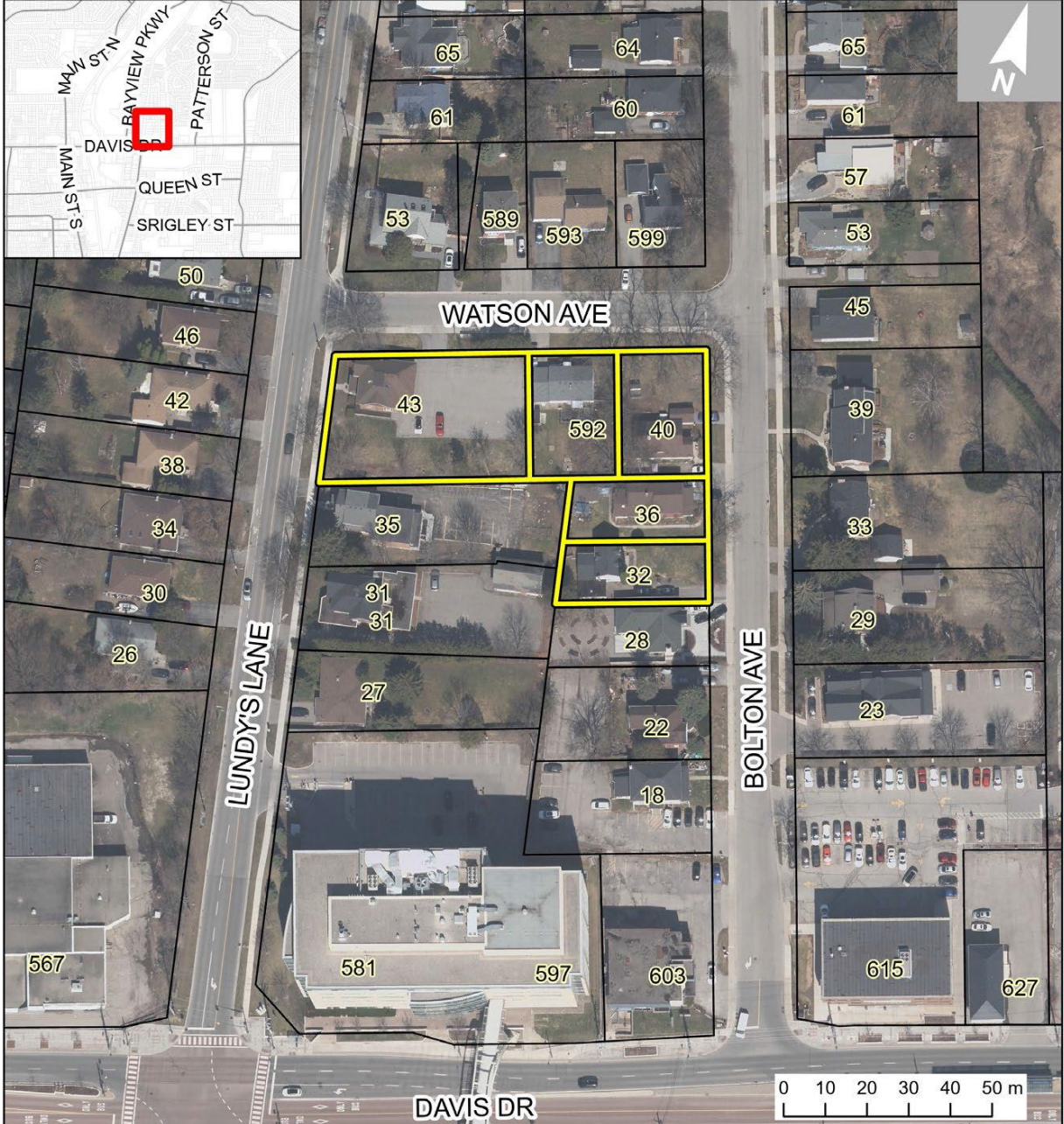
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Dated: March 30, 2022

SCHEDULE "A"

Location Map

43 Lundy's Lane, 592 Watson Avenue, 32, 36, and 40 Bolton Avenue



 Subject Lands

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SCHEDULE "B"

