ISSUE DATE:

November 06, 2013

Legal. Planning
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PL120723

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Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Medhat (Mike) Abdelmalak
Appellant:	Ayerswood Development Corp.
Appellant:	G.E. Nash Limited
Appellant:	Kyung Kim; and others
Subject:	Proposed Official Plan Amendment No. APA #43
Municipality:	City of Guelph
OMB Case No.:	PL120723
OMB File No.:	PL120723

APPEARANCES:

Parties	**Counsel**
Ayerswood Development Corp. City of Guelph	Alan Patton
City of Guelph	Darrell Mast

MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON OCTOBER 31, 2013 AND ORDER OF THE BOARD

[1] The matter before the Board is resolved. Ayerswood Development Corporation ("Ayerswood") appealed proposed Official Plan Amendment No. 43 ("OPA 43") as it relates to its property at 45 Yarmouth Street in the City of Guelph ("City"). Minutes of Settlement ("Minutes") have been executed (Exhibit 2) by the City and Ayerswood. Counsel request that the terms of the Minutes be implemented through an Order of the Board.

[2] In support of the Order sought an affidavit (Exhibit 1) sworn by Richard Zelinka, a land use planner qualified to provide opinion evidence, was filed with the Board. Mr.

Zelinka explains in his evidence that the adopted OPA 43 shows key pedestrian connections on Schedules A, B and D as well as mid-block mews and related geographic depictions applying to the Ayerswood property. Amended schedules have been agreed upon between the parties and it is the opinion of Mr. Zelinka, which I adopt and rely upon, that the amendment to OPA 43 constitutes good planning, has regard for the provincial interest, conforms to all provincial plans and is consistent with the Provincial Policy Statement. The removal of the certain connections in the land use schedules (Schedules A, B and D) does not affect appropriate pedestrian circulation in this area of downtown Guelph.

ORDER

[3] The decision of the Board is to allow the appeal in part and amend Schedules A, B and D of OPA 43 in accordance with Attachment 1. The remainder of the Ayerswood appeal is withdrawn as set out in the Minutes.

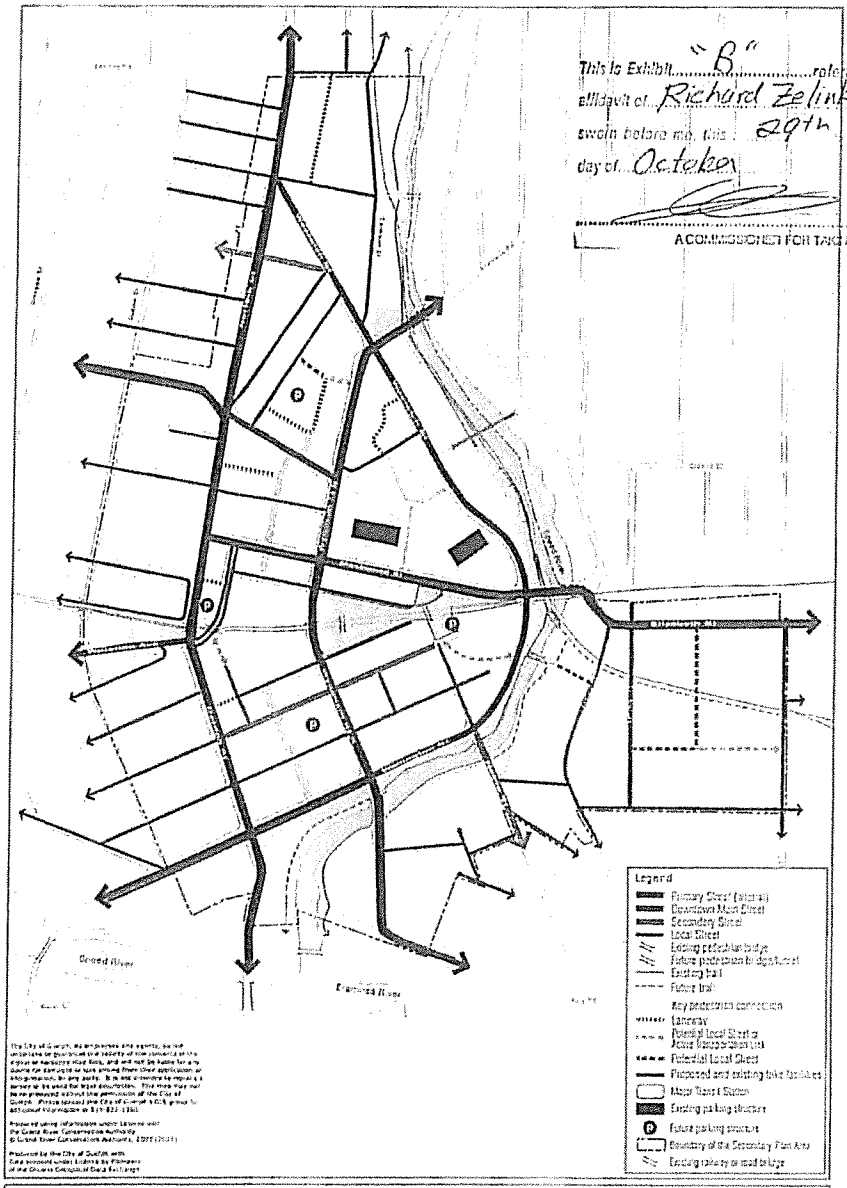
"J. de P. Seaborn"

J. de P. SEABORN
VICE CHAIR

ATTACHMENT 1

This is Exhibit "B" referred to in the affidavit of Richard Zelinka sworn before me, this 29th day of October 13

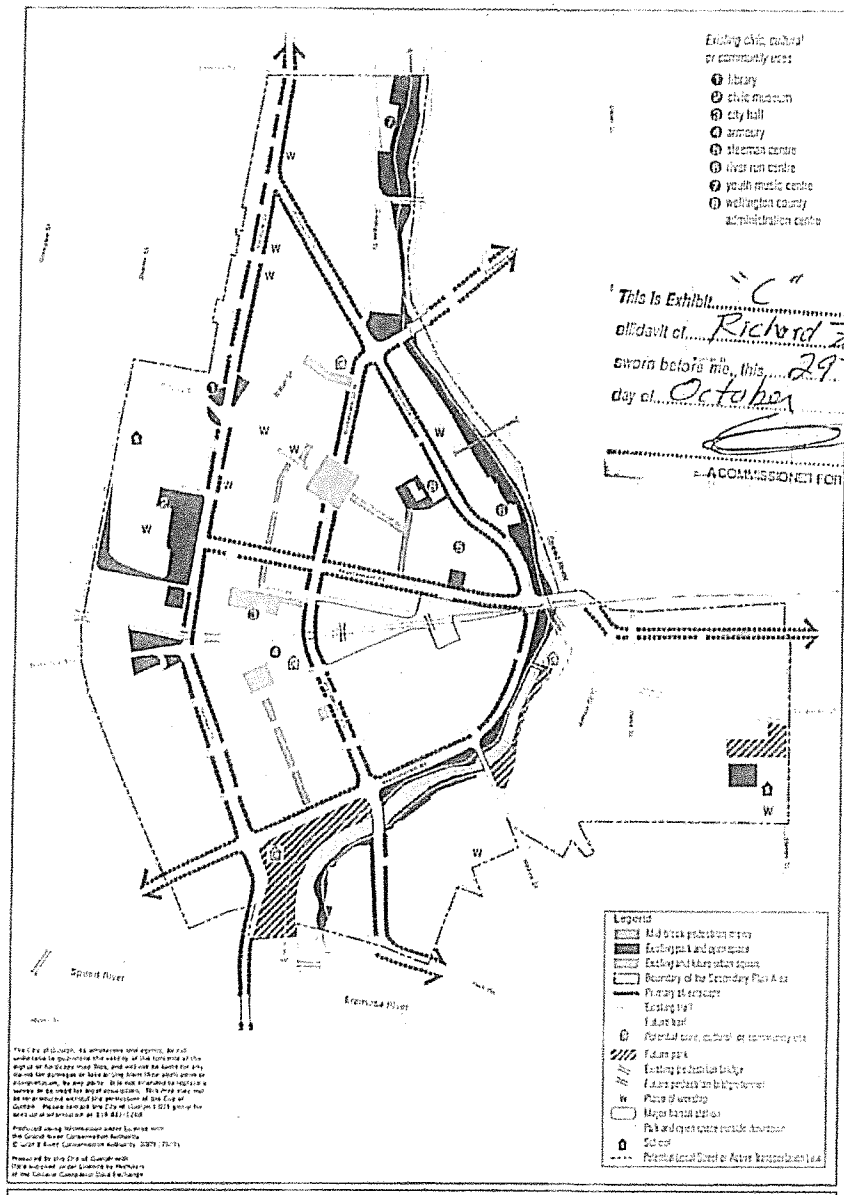
A COMMISSIONER FOR TAKING AFFIDAVITS



CITY OF GUELPH
OFFICIAL PLAN
SCHEDULE A:
DOWNTOWN SECONDARY PLAN
MOBILITY PLAN

200 100 0 200

Guelph



This is Exhibit "C" referred to in the affidavit of Richard Zelinka sworn before me, this 29th day of October 2013

A COMMISSIONER FOR TAKING AFFIDAVITS

CITY OF GUELPH
OFFICIAL PLAN
SCHEDULE B:
DOWNTOWN SECONDARY PLAN
PUBLIC REALM

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Making a Difference