

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** January 4, 2018

**CASE NO.:** PL140715

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

**Applicant and Appellant:** Antony Ajayi  
**Subject:** Request to amend the Official Plan – Refusal of request by the Town of Orangeville  
**Existing Designation:** Low Density Residential  
**Proposed Designation:** Medium Density Residential  
**Purpose:** To permit a converted dwelling containing four dwelling units  
**Property Address/Description:** 45 Church Street  
**Municipality:** Town of Orangeville  
**Approval Authority File No.:** OPZ 1/12  
**OMB Case No.:** PL140715  
**OMB File No.:** PL140715  
**OMB Case Name:** Ajayi v. Orangeville (Town)

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

**Applicant and Appellant:** Antony Ajayi  
**Subject:** Application to amend Zoning By-law No. 22-90, as amended – Refusal of application by the Town of Orangeville  
**Existing Zoning:** Residential Second Density (R2)  
**Proposed Zoning:** Multiple Residential Medium Density (RM1)  
**Purpose:** To permit a converted dwelling containing four dwelling units  
**Property Address/Description:** 45 Church Street  
**Municipality:** Town of Orangeville  
**Municipal File No.:** OPZ 1/12

OMB Case No.: PL140715  
OMB File No.: PL140716

BEFORE:

H. JACKSON ) Friday, the 15<sup>th</sup> day  
MEMBER )  
 ) of December, 2017

**THIS MATTER** having been appealed to the Board;

**AND THE BOARD** having issued an interim order on January 12, 2016, withholding the final order until the Applicant and the Town agreed on the language of an official plan amendment and zoning by-law;

**AND THE BOARD** having been advised that the Applicant and Town have agreed on the language of the official plan amendment and zoning by-law;

**THE BOARD ORDERS** that the official plan amendment appeal is allowed, and the Official Plan for the Town of Orangeville is amended as shown in Attachment "1", and as amended is approved;

**AND THE BOARD FURTHER ORDERS** that the zoning by-law appeal is allowed, and By-law 22-90 is hereby amended in the manner set in Attachment "2" to this order.

A handwritten signature in cursive script that reads "Ma Hurwicks".

SECRETARY

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

# **ATTACHMENT 1**

## **The Official Plan for The Town of Orangeville Amendment No. 118**

### **Part A – The Preamble**

#### **1. Purpose of the Amendment**

The purpose of the amendment is to redesignate the subject lands from "Low Density Residential" to "Medium Density Residential" and to add a special policy to permit a maximum density and/or total number of dwelling units in order to allow for a converted dwelling containing four dwelling units on the subject lands.

#### **2. Location**

This amendment applies to the lands described as Lot 23, Registered Plan 73, municipally known as 45 Church Street. The lands comprise 0.07 hectares and are located on the south side of Church Street, east of Bythia Street.

#### **3. Basis of the Amendment**

The subject lands are predominantly surrounded by a mix of residential uses of varying densities including single detached, semi-detached, townhouse and apartment type dwellings.

On May 12, 2014 the statutory public meeting was held. The property is designated "Low Density Residential" which permits single detached and two unit dwellings to a maximum density of 25 units per net residential hectare. The owner is proposing to legalize the existing converted dwelling containing four dwelling units.

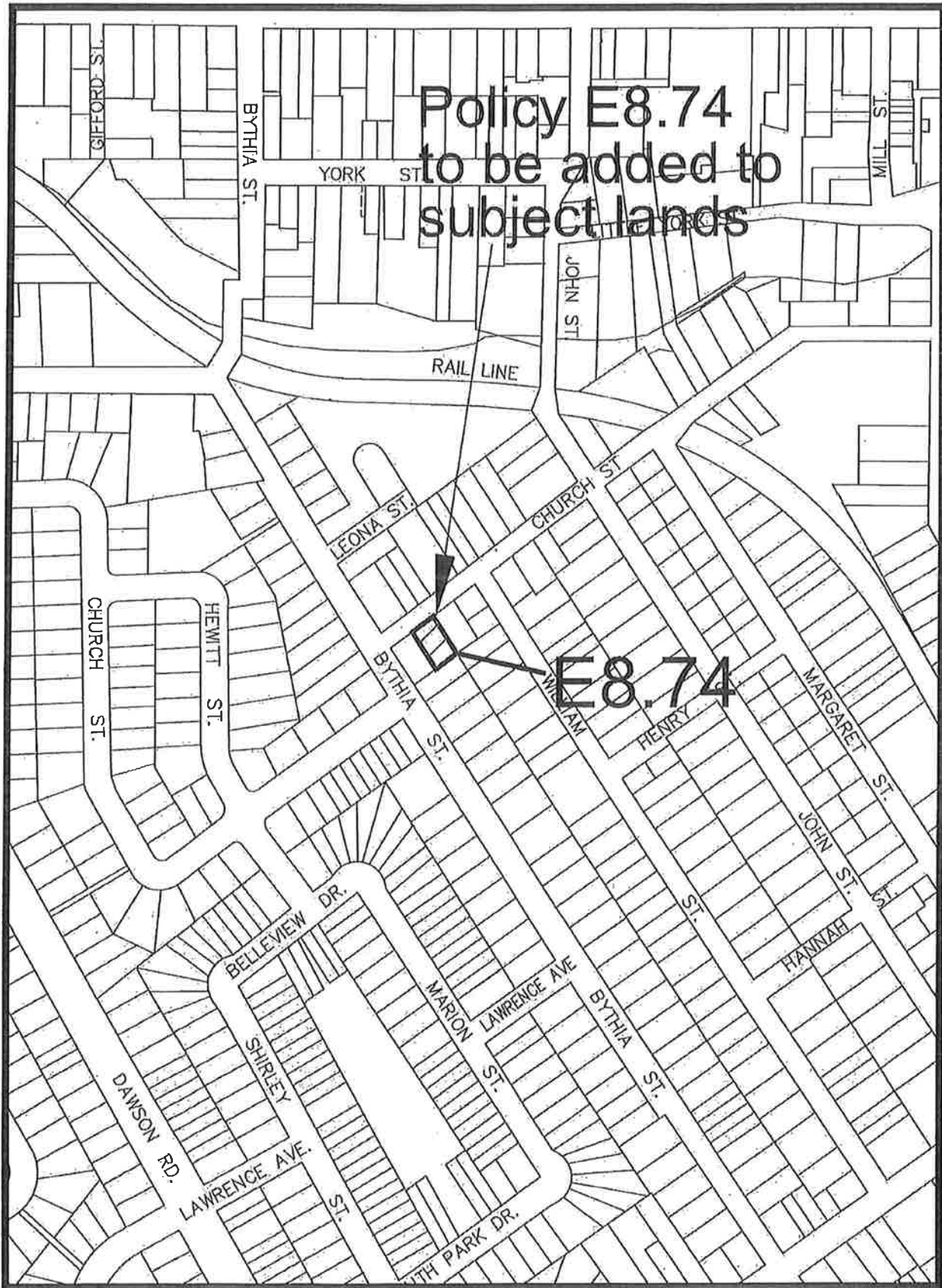
An Official Plan Amendment is needed since the "Low Density" designation in the Official Plan does not permit dwellings containing more than two units. The "Medium Residential Density" designation will allow a converted dwelling containing four dwelling units which is a density of 58 units per net residential hectare. A Special Policy in the OP will limit the density on the subject property to 4 units or a maximum density of 58 units per net residential hectare, whichever is less.

## **Part B – The Amendment**

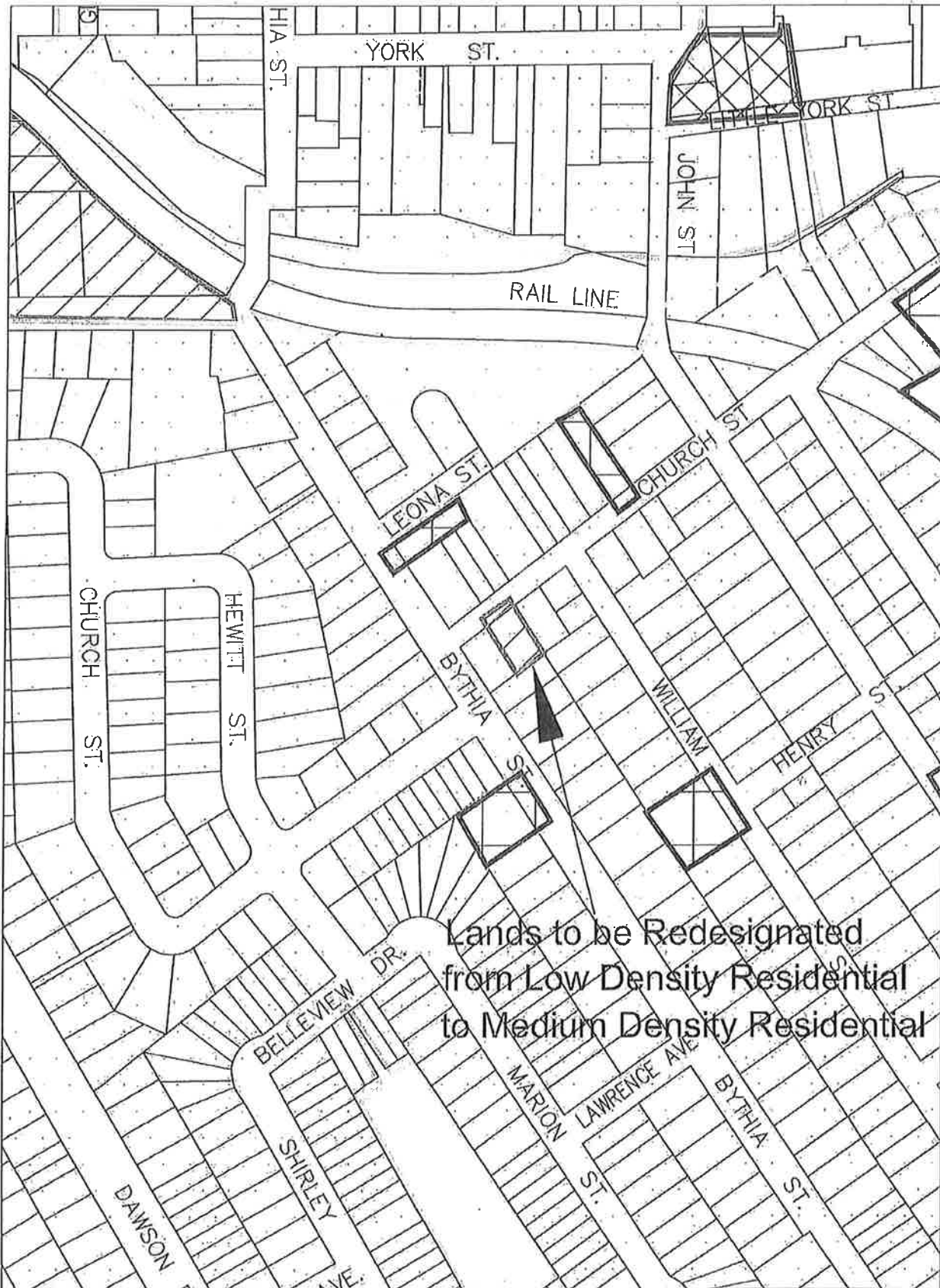
The Official Plan for the Town of Orangeville is amended as follows: ۲

1. Section E8 "Policies for Specific Areas" is hereby amended by adding the following policy:  
  
"E8.74 Notwithstanding the Medium Density designation, a maximum density of 58 units per net residential hectare or 4 dwelling units is permitted, whichever is less."
2. Schedule "B" "Policies for Specific Areas" is hereby amended by showing the lands subject to "Policies for Specific Areas" and adding reference to Policy E8.74 as shown on the attached Schedule "A" to this Amendment.
3. Schedule "C" "Residential Density Plan" is hereby amended by redesignating the lands from "Low Density Residential" to "Medium Density Residential" as shown on Schedule "B" attached to this Amendment.

Schedule 'A' to Official Plan Amendment No. 118



Schedule 'B' to Official Plan Amendment No. 118



Lands to be Redesignated  
from Low Density Residential  
to Medium Density Residential

## ATTACHMENT 2



The Corporation of the Town of Orangeville

By-law Number 026-2017

A By-law to amend By-law 22-90 as amended (Anthony Ajayi)  
Lot 23, Registered Plan 73; OPZ1/14

Whereas on May 12, 2014, Council held a public meeting with respect to Official Plan and Zoning By-law Amendment Application OPZ1/14, in part, to rezone a portion of the property from a Residential Second Density (R2) Zone to a Multiple Residential Medium Density (RM1) Zone, Special Provision (24.211) to permit a converted dwelling containing four dwelling units as well as to permit obstructed parking and two driveways on the property. The site specific zoning also recognizes a deficient minimum required interior side yard setback and minimum required rear yard setback to the existing building;

And whereas the Ontario Municipal Board, by its Order issued on January 12, 2016 in Board File No. PL140715 determined to amend Zoning By-law 22-90, as amended with respect to lands municipally known as 45 Church Street, being Lot 23, Registered Plan 73 and has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended to approve this By-law as follows:

1. That Zoning Map C3 is hereby amended in accordance with Schedule "A" hereto.
2. That Section 24 of By-law 22-90, as amended, is hereby amended by adding the following thereto:

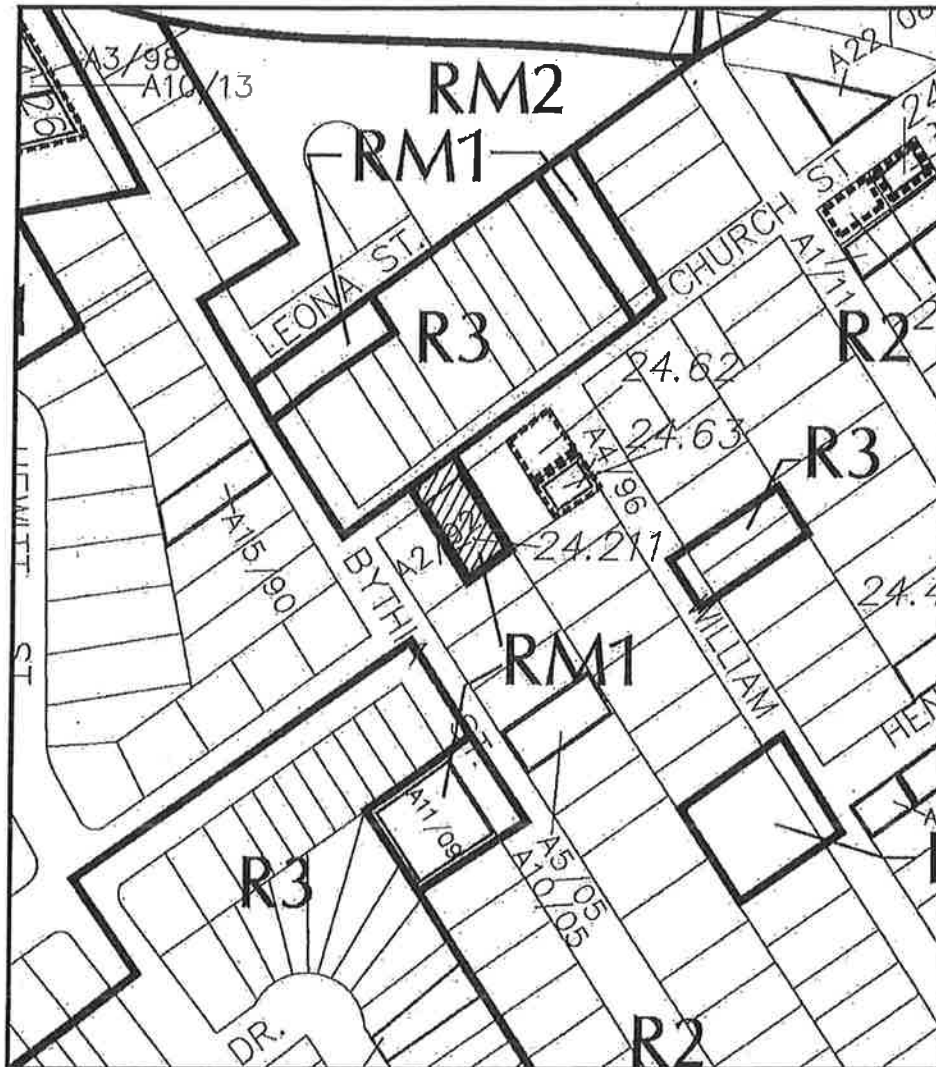
"24.211 Notwithstanding the provisions of Sections 12.3(5) and 12.3(6), the following regulations shall apply to the lands zoned Multiple Residential Medium Density (RM1) Zone, SP 24.211:

### Regulations

<b>Interior Side Yard (minimum)</b>	1.50 metres
<b>Rear Yard (minimum)</b>	1.54 metres

Notwithstanding the Parking Area Requirements of Section 5.17.2(b) to the contrary, minimum required parking shall be provided by obstructed parking spaces on two separate driveways on the property within the RM1 Zone, SP 24.211."





The Corporation of the  
Town of Orangeville

Schedule 'A'  
Town of Orangeville  
Zoning By-law 22-90



Schedule "A" to By-law No. 026-2017



Lands to be Rezoned from Residential  
Second Density (R2) Zone to Multiple  
Residential Medium Density (RM1) Zone,  
S.P. 24.211

Zoning Map No. C3

