



Information Memo

To: City Council

From: Anthony Ambra, P. Eng., Commissioner,
Economic and Development Services Department

Item Number: INFO-25-171

Date: October 15, 2025

Subject: Council Decision to Approve City-initiated Amendments to
Zoning By-law 60-94 - Appeal to the Ontario Land Tribunal

Ward: Wards 4 and 5

File: 12-12-5088

1.0 Purpose

The purpose of this Report is to inform City Council of the City's receipt of an appeal to the Notice of the Passing of By-law 75-2025, which is a by-law passed by Council on June 23, 2025 to implement City-initiated amendments to Zoning By-law 60-94. The appeal was filed by Ira Kagan of the law firm, Kagan Shastri DeMelo Winer Park LLP, on behalf of Triple Properties (555) Inc., the property owners of 555 Simcoe Street South.

2.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Commissioner, Corporate and Finance Services Department
- City Solicitor

3.0 Analysis

On June 23, 2025, City Council considered Report ED-25-76 dated May 28, 2025, which contained City staff's recommended City-initiated amendments to Zoning By-law 60-94, as amended ("Zoning By-law"), to implement new zoning regulations for the following two (2) Protected Major Transit Station Areas ("P.M.T.S.A.s"):

- The "Central Oshawa P.M.T.S.A.", surrounding the planned Central Oshawa GO Station; and,
- The "Thornton's Corners P.M.T.S.A.", surrounding the planned Thornton's Corners GO Station.

These P.M.T.S.A.s are intended to serve as strategic growth areas surrounding the planned Central Oshawa GO Station and the planned Thornton's Corners GO Station,

which comprise two of the four new stations proposed to be constructed along Metrolinx's Oshawa-to-Bowmanville GO Train Extension.

Following their consideration of Report ED-25-76 dated May 28, 2025, Council adopted the following as part of a multi-part recommendation:

- "5. That, pursuant to Report ED-25-76 dated May 28, 2025, the draft recommended City-initiated Amendments to Zoning By-law 60-94, as amended, to implement Protected Major Transit Station Areas, as generally set out in Attachment 2 of said Report, be approved, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department, and the City Solicitor;"

On June 23, 2025, after considering Report ED-25-76, City Council passed By-law 75-2025. On June 26, 2025, City staff issued Notice of the Passing of By-law 75-2025 in accordance with the requirements of the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") and the City's Public Notice Policy GOV-23-02.

On July 16, 2025, the City received one (1) appeal to the Notice of the Passing of By-law 75-2025 from Ira Kagan of the law firm, Kagan Shastri DeMelo Winer Park LLP, on behalf of the property owners of 555 Simcoe Street South, within the twenty (20) day legislated appeal period under Section 34(19) of the Planning Act, which period expired on July 16, 2025.

On September 29, 2025, Council passed a resolution (Item ED-25-95 dated September 8, 2025) concerning general actions for a standard defense strategy in support of the City's position in the event of an appeal filed under the Planning Act or the Heritage Act to the Ontario Land Tribunal ("O.L.T.") regarding a decision of Council.

Based on Item ED-25-95, City Council has authorized staff to take appropriate action, as deemed necessary by the Commissioner, Economic and Development Services Department, in consultation with the City Solicitor, to support Council's decision to pass By-law 75-2025 based on Report ED-25-76, including to attend the O.L.T. hearing.

Based on Item ED-25-76, in combination with Council's instructions under Item ED-25-95, the O.L.T. will be advised by City staff that:

- City Council maintains their position to enact City-initiated amendments to Zoning By-law 60-94 as set out in By-law 75-2025; and,
- The City seeks party status at the O.L.T.

Further, as part of Council's directive to staff under Item ED-25-95 to take appropriate action to support Council's decision, staff will request the O.L.T. to make an order [under Subsection 34(31) of the Planning Act] providing that any part of By-law 75-2025 not in issue in the appeal shall be deemed to have come into force on the day the by-law was passed, i.e. June 23, 2025.

Staff would participate in any O.L.T.-led mediation in the event it was offered by the counsel of Triple Properties (555) Inc. and report back to the Economic and Development Services Committee and Council on the results for Council to make a final decision on acceptance.

Staff would also engage the necessary consultants, at the discretion of the Commissioner, Economic and Development Services Department, to prepare for and attend the O.L.T.-led mediation and/or hearing in support of Council's decision.

Upon the conclusion of the hearing, City staff will report back to Council by including within the appropriate Information Package a copy of the O.L.T.'s decision.

4.0 Financial Implications

Any consultant(s) deemed necessary in support of Council's decision would be accommodated through the Corporate Litigation Account.

Other anticipated costs to the City are included in the appropriate 2025 Departmental budgets.

5.0 Relationship to the Oshawa Strategic Plan

This Report responds to the following Oshawa Strategic Plan Priority Areas:

"Innovate: Vibrant Culture and Economy" with the goal to attract new businesses and support existing businesses and industry.

"Belong: Inclusive and Healthy Community" with the goal to support and encourage diverse housing options.

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Planning Services

Anthony Ambra, P. Eng., Commissioner,
Economic and Development Services Department