



Date	Wednesday, January 11, 2023
From	Jenn Burnett, Senior Planner
Subject	Update to Council re appeal of By-law 2022-052 Bob Nicol
Memo Report	PL.2023.06

Recommendation

That Council direct staff to not retain legal counsel to attend the appeal and let the Ontario Land Tribunal appeal proceedings evaluate Zoning Amendment Application Z-12-22 for Bob Nicol.

Council's decision for zoning amendment application Z-12-22 for Bob Nicol was appealed by Chris and Amanda Philp. In late December 2022 the Township received confirmation from the Ontario Land Tribunal (OLT) that the Merit Hearing for this matter is scheduled for Tuesday, February 21, 2023.

The Township's solicitor has not been notified of the appeal. Staff are looking for direction from Council on how they would like to proceed with this appeal so that the solicitor can be advised. There are 2 options to consider:

1. That Council retain legal counsel to defend Council's decision at the OLT.
2. That Council direct staff to not retain legal counsel to attend the appeal and let the OLT process evaluate the application.

Appeals to the OLT are costly both in terms of legal fees and staff resources. This appeal is challenging Council's decision to permit new business occupancy to allow for the operations of an Indoor Air Quality and HVAC Cleaning Business. It is my opinion that the Council decision on the application was appropriate and that the Township

Council does not need to defend this decision at the Tribunal. Moving forward, it will be the responsibility of the appellant to demonstrate how the application does not conform to the County of Grey Official Plan or the intent of the Township's Zoning By-law 2020-020. It will also be the responsibility of the applicant, Bob Nicol and his lawyer, to defend his application to the Tribunal.

In both options, there will be legal fees incurred by the Township. Staff still require the expertise of the solicitor to ensure that the Township has provided the proper communication to the Tribunal and are proceeding through the Tribunal processes in accordance with the rules.

Respectfully Submitted:

Jenn Burnett, MSc., MCIP, RPP
Senior Planner

Report Approval Details

Document Title:	PL.2023.06 Update to Council re Appeal of By-law 2022-052 Bob Nicol.docx
Attachments:	- By-law 2022-052 - Zoning By-law Amendment Nicol Z-12-22.pdf
Final Approval Date:	Jan 6, 2023

This report and all of its attachments were approved and signed as outlined below:

Cynthia Fletcher, Chief Administrative Officer