



TOWN STATEMENT

King Street – Ontario Land Tribunal Decision

For Immediate Release

July 26, 2024

On May 24, 2024, the Town of Niagara-on-the-Lake Council, in consultation with its legal counsel, submitted a request to challenge the Ontario Land Tribunal's (OLT) decision regarding the property on the northwest side of King Street and south of Cottage Street (as known as the King Street apartment). A review of a decision may only be done in specific circumstances where a convincing and compelling case is made that one of the grounds in the Tribunal's rules of practice and procedure is applicable.

The Town requested the Tribunal review the decision and order issued by the OLT on April 26, 2024. The OLT decision pertained to an application for an Official Plan Amendment (OPA) and a Zoning By-law Amendment (ZBA) as it pertains to 727 and 733 King Street. The application aimed to permit a three-storey, 17-unit residential apartment building. The applications were appealed as a result of non-decision by Council.

The Request for Review of the Decision brought by the Town set out two main grounds for review, under Rule 25.7(c). Namely, that the Tribunal erred in law by applying the incorrect legal test to determine whether the ZBA conformed to s.3(5) and (24(1) of the Act and that the Tribunal erred in law by dismissing or disregarding the expert evidence provided by the expert brought by the Town.

The Town received notice of the OLT's decision on the reconsideration request on July 25, 2024. The letter dismissed the Town's challenge. Therefore, the Decision OLT-23-001106 remains in full force and effect.

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