

## Town weighing options on OMB rezoning appeal

The Town of Orangeville is investigating their legal options regarding a landlord's application to the Ontario Municipal Board (OMB) to legalize a Church Street residence that was turned into a four-unit apartment complex.

Currently, under the town's Official Plan, the property is classified as a low-density residence that can have up to three dwellings. While the building had been designed to allow four dwellings when the current owner, Tony Ajayi, purchased it, under the current zoning, he could not lease the fourth unit.

In May, Mr. Ajayi brought to council a request to have the building rezoned to Medium Density Residential to allow for the fourth residence. While a few residents spoke in support of the application, more than 10 others spoke out against it.

Those in opposition stated varying reasons, including the effect it would have on the local community (which is primarily single dwellings) to the increased need for parking, and the chance that it would spark a series of similar applications in the future.

While planning staff submitted a report indicating support for the application, Council ruled against it, and in favour of keeping the zoning Low Density Residential.

Following that action, Mr. Ajayi applied to the OMB to review the decision.

What changes were made to the home were done by the previous owner, he explained to Council Monday. I bought the home in 2004, and have owned the property for the last 10 years. I put a lot of money into the house, and am responsible for the tenants who live there.

Nancy Tuckett, Director of Economic Development, Planning and Innovation presented the appeal to Council on Monday, to advise them of the need to seek legal counsel in the case. As planning staff supported the proposal, the counsel would need to come from external legal and planning consultants to represent the town.

One fear presented by Don Kidd, who spoke out in the original meeting in opposition to the rezoning, was that should the OMB rule in Mr. Ajayi's favour, it would set the precedent for other landowners to do the same and receive the same approval.

If someone builds an illegal apartment and gets caught, after the municipal board and council says no, wouldn't this case set a precedent that they could pursue changed judgment from the OMB as well? he asked.

He was assured by Mayor Rob Adams that even if the appeal is approved and Council loses the case, it would not create a wave of changes.

It does not set a precedent that follows any others, it's a case-by-case evaluation, the mayor said. The OMB can decide what they want but does not bind this municipality. They could rely on cases from the past, but that will not determine a guaranteed outcome.

While the concerns were directed around being caught for building illegal apartments and then seeking legalization, Mr. Ajayi reiterated that the house had already been changed to a four-dwelling unit when he purchased it.

There was no one doing anything illegal, he explained. I went out, of my own will, to make right what was done by the previous owner. I went to council to make it legal.

While councillors said they were aware of the situation, they felt that making an exception was not a viable option, based on both principle and the number of residents who were not in favour of the change.

I appreciate position and situation that you are in, said Councillor Gail Campbell. We did turn down the application on principle

and knew it could go to OMB. The fact was that the apartment was illegal. We did not choose to legalize it and we hope that the OMB honours our decision.?

Currently, the costs to have representation at the OMB are unknown, but the Town will be looking into hiring both an outside solicitor and planner to help in their case. Concerned residents have also volunteered to provide testimony if it is needed.