

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 3, 2023

CASE NO.: OLT-22-004738

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Michael Bettiol
Subject:	By-law No. 4481-2022 – Appeal of Council Decision
Description:	To amend the Zoning By-law to regulate the use of land throughout the Town of Pelham
Reference Number:	BL 4481
Property Address:	Town of Pelham
Municipality/UT:	Pelham/Niagara
OLT Case No.:	OLT-22-004738
OLT Lead Case No.:	OLT-22-004738
OLT Case Name:	Bettiol v. Pelham (Town)

BEFORE:

M.A. SILLS) Monday, the 3rd
VICE CHAIR)
) Day of April 2023

THE TRIBUNAL ORDERS that pursuant to section 34(31) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the Town of Pelham Comprehensive Zoning By-law No. 4481(2022) (“ZBL”), as passed by the Town of Pelham on August 30, 2022, is hereby approved save and except to the extent that the ZBL remains under appeal on a site-specific basis by Michael Bettiol (“Bettiol Appeal”) in respect of the lands identified on Appendix 1 attached to and forming part of this Order (“Site”).

AND THE TRIBUNAL FURTHER ORDERS that the ZBL is in full force and effect save and except as it applies to the Site, and is deemed to have come into force on the day the ZBL was passed, namely, August 30, 2022.

AND THE TRIBUNAL FURTHER ORDERS that the partial approval and coming into force of the ZBL shall be strictly without prejudice to, and shall not have the effect of, limiting the positions which the Appellant may take with respect to his site-specific appeal of the ZBL, or a future development application that is anticipated to be filed in relation to the Site (“Private Application”), such that the Appellant will be fully at liberty to challenge and test the planning merits of the ZBL as it applies to the Site.

AND THE TRIBUNAL FURTHER ORDERS that the Bettiol Appeal shall be held in abeyance until the Private Application has been processed and decided upon by the Town of Pelham and/or appealed to the Tribunal for adjudication.

The Tribunal so Orders.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal.

APPENDIX 1

Appendix I

