

October 14, 2022,

Tiffany Thompson, MCIP, RPP
Manager of Growth and Development City of Barrie
70 Collier Street, P.O. Box 400
Barrie, ON

Dear Ms. Thompson:

**RE: Application for Extension of Temporary Use By-law
1911940 Ontario Inc.
164 Innisfil Street, City of Barrie
OUR FILE 17272B**

We represent 1911940 Ontario Inc. who is filing a Planning Application for an extension to Temporary Use By-law number 2019-042 to continue to permit the existing retail business known as Liquidation Nation to be operated on the site for a period of three years.

Our Client has an executed site plan agreement with the City but is being denied a building permit to implement the Site Plan agreement due to an existing non-conforming use on the lot. City staff have identified a temporary use by-law would enable the issuance of building permits by legalizing the existing non-conforming use. Time is of the essence in this instance as construction materials are on site and contracting timelines have been established based on the executed site plan agreement. We respectfully request that this matter be brought to the November 7th Council Meeting.

1911940 Ontario Inc. submitted a temporary use by-law application in October 2018 requesting the existing retail business continue on the site for a period of three (3) years. This request was submitted on the basis that the City had commenced the process of comprehensively reviewing its Official Plan. The Temporary Use By-law application at that time was to enable the Land Needs Study and Official Plan Review to be completed and then the uses on the site could be considered based on the policy framework of the New Official Plan.

During the City's review of the 2018 application, staff prepared a report to Council which recommended Council approve a temporary use by-law for the site for a period of one (1) year and six (6) months, instead of the requested three (3) years. City Staff recommended 18 months as they felt this would provide sufficient time for the Land Needs Study and Official Plan Review to be completed. Based on the recommendation of Staff, Council passed Temporary Use By-law number 2019-042 on June 3rd, 2019 for a period of 18 months, with an expiry date of December 3rd, 2020.

An application was submitted on December 2nd, 2020 to request an extension to Temporary Use By-law number 2019-042 for an additional three (3) years as the City's Official Plan had not yet been finalized at

that time. Based on discussions with City staff, it was expected that the City's Official Plan would be finalized and approved by the Province within the three (3) year timeframe.

Following the City's review of the 2020 application, staff prepared a report to Council which recommended Council approve a temporary use by-law for the site for a period of one (1) year and six (6) months, instead of the requested three (3) years. City Staff recommended 18 months again as they felt this would provide sufficient time for the Official Plan Review to be completed. Staff also recommended this be the final extension of the temporary use having confidence the New Official Plan would have come into effect. Based on the recommendation of Staff, Council passed Temporary Use By-law number 2021-024 on March 22nd, 2021 for a period of 18 months and expired on June 3rd, 2022.

The City's New Official Plan is currently with the Province for review and approval. A timeline on approval from the Province is not known. Since the New Official Plan has not been approved by the Province, an extension to the temporary use by-law is required.

Upon review of the Draft OP policy framework, it is our understanding the site is proposed to be designated Non-Industrial Employment which would permit the retail use to continue. Once approved, a Zoning By-law Amendment will be submitted to implement the new direction of the OP.

It is our opinion that permitting an extension of the temporary use for an additional three (3) years, as permitted by Section 39 (3) of the Planning Act, is appropriate to allow the Province enough time to review and approve the New Official Plan. In addition, the three year extension affords the property owner enough time to complete a review of the New Official Plan once approved and prepare any necessary Zoning By-law Amendment application.

Please refer to the planning report dated October 2018 that was submitted with the October 2018 application as it provides planning justification for this application. Despite the changes to the PPS and Growth Plan in 2020, there have been no changes that to the applicable policy framework that applies to the temporary use application. In addition, there were no public comments during that application process and we have not received any complaints since the approval of the temporary use by-law.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'J. Robinson', written over a horizontal line.

Jamie Robinson, BES, MCIP, RPP
Partner

cc. *Jamie Salter 1911940 Ontario Inc.*
James Newlands, MHBC