

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 12, 2026

CASE NO.: OLT-25-000002
OLT-25-000003

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant: Eiram Development Ltd
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To re-designate and rezone the subject lands to create a mixed use residential development.
Reference Number: COPA2024-0004
Property Address: SW Corner Mearns Avenue (SW Corner Mearns Avenue and Concession Road 3)
Municipality/UT: Clarington/Durham
OLT Case No: OLT-25-000002
OLT Lead Case No: OLT-25-000002
OLT Case Name: Eiram Development Ltd. v. Clarington (Municipality)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To re-designate and rezone the subject lands to create a mixed use residential development.
Reference Number: ZBA2024-0010
Property Address: SW Corner Mearns Avenue (SW Corner Mearns Avenue and Concession Road 3)
Municipality/UT: Clarington/Durham
OLT Case No: OLT-25-000003
OLT Lead Case No: OLT-25-000002
OLT Case Name: Eiram Development Ltd. v. Clarington (Municipality)

BEFORE:

D. Chipman
MEMBER

) Friday, the 9th
)
) day of January, 2026

THIS MATTER having come before the Tribunal for a Merit Hearing on September 3, 2025, and the Tribunal in its Decision issued October 15, 2025 (“Decision”) having withheld its Final Order pending confirmation from Counsel that the Conditions noted in Paragraph 132 of the Decision have been satisfied;

AND THE TRIBUNAL having been notified by Counsel for Eiram Development Ltd. that the pre-approval Conditions noted in Paragraph 132 of the Decision have been satisfied and that all Parties have therefore provided their consent for the Tribunal to issue its Final Order.

THE TRIBUNAL FURTHER ORDERS that the amendment to Official Plan is allowed, as set out in **Attachment 1** to this Final Order. The Tribunal authorizes the Clerk of the Municipality of Clarington to assign a number to this By-law for record keeping purposes;

AND THE TRIBUNAL FURTHER ORDERS that the appeal to Zoning By-law 84-63 is allowed, as set out in **Attachment 2** to this Final Order. The Tribunal authorizes the Clerk of the Municipality of Clarington to assign a number to this By-law for record keeping purposes;

“Matthew D.J. Bryan”

MATTHEW D.J. BRYAN
REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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 ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Amendment 1 To The Municipality of Clarington Official Plan

Purpose: The purpose of this Amendment is to amend Section 23.19 to include a site-specific exception on the subject lands to facilitate the proposed development and permit an increased building height of 12 storeys, while also permitting a total of 63 townhomes, and a maximum number of attached townhomes to 7.

Location: The subject lands have no municipal address and are legally described as Lot 9, Concession 2, Block 37 on Registered Plan 40M-1723, former Township of Darlington, now in the Municipality of Clarington. The subject lands are located at the southwest corner of the intersection of Mearns Avenue and Concession Road 3 and has a total area of 1.79 hectares with 91 metres of frontage along Concession Road 3.

Basis: This site-specific amendment is based on an application by Eiram Developments LTD., and is to permit a 12-storey residential building with commercial space on the ground floor, and ten, 3-storey townhouse blocks. This application was supported by several technical studies including but not limited to a: Planning Justification Report, Noise Impact Study, Traffic Impact Study, and a Functional Servicing and Stormwater Management Report etc.

Section 4.3.9 of the Municipality's Official Plan states that the maximum height for residential buildings, including mixed-use buildings, along Local Corridors is 6-storeys. Section 9.4.5 of the Official Plan advises that townhouses sited on blocks shall generally not exceed 50 Units, and that linktownhouses shall generally not comprise more than 6 attached units. Accordingly, an amendment is required.

The subject lands are currently located adjacent to the built-up area and are surrounded to the north and east by agricultural lands (future development). These agricultural lands are designated 'Urban Residential', and development is expected to occur in the near future. The proposed development will provide for housing, while minimizing land consumption and utilizing existing and available services in an area where growth is expected to occur. The proposed development also provides appropriate separation between the 12-storey building and the existing single-family dwellings in the area, while also providing logical transition through the townhouse built form, from its highest density at the intersection of Mearns Avenue and Concession Road 3 (12-storey building) to surrounding existing single-family dwellings within the built-up area of Bowmanville.

Actual**Amendment:**

The Municipality of Clarington Official Plan is hereby amended as follows. New text is shown with an underline and deleted text is shown with a ~~strikethrough~~:

1. Existing Section 23.19.1 is amended by adding the following section:

“ 23.19.1.ix the lands identified by Assessment Roll Number 1817-020-060- 08073 located in part of Lot 9, Concession 2, former Township of Darlington, in the Town of Bowmanville, subject to all other applicable policies in this Plan, may be developed in accordance with the following:

- a. Notwithstanding Table 4-3 Summary of Urban Structure Typologies a 12-storey building is permitted along a Local Corridor.
- b. Notwithstanding Section 9.4.5 h and 9.4.5 i respectively, the total maximum number of townhouse units per block shall be 63 and the maximum number of attached link townhouses units shall be 7 .

Implementation: The provisions set forth in the Municipality of Clarington Official Plan, regarding the implementation of the Plan, shall apply in regard to this Amendment.

Interpretation: The provisions set forth in the Municipality of Clarington Official Plan, regarding the implementation of the Plan, shall apply in regard to this Amendment.

Attachment 2
The Corporation of the Municipality of Clarington By-law
Number 2025-XX

Being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington.

Now therefore the Ontario Land Tribunal (OLT) amends By-law 84-63 as follows:

1. Section 14.6 “Special Exceptions – Urban Residential Type Three (R3) Zone” is hereby amended by adding Special Exception Zone 14.6.83 as follows:

“14.6.83 Urban Residential Type Three Exception (R3-83) Zone

Notwithstanding Sections 3.16 d. and 14.4, those lands zoned “R3-83” on the Schedules to this By-law shall be subject to the following zone regulations and the applicable provision not amended by the R3-83 Zone:

- a. Density (maximum) 52 units/ha
- b. Regulations for Townhouse Dwellings
 - a. For the purpose of establishing regulations for each Dwelling, Link Townhouse unit (‘Link Townhouse’), the following specific regulations shall apply as if each unit is located on a lot:
 - i. Yard Requirements (minimum)
 - i. Front Yard 2.5 metres to a dwelling
 - ii. Rear Yard 4.0 metres to an abutting Link Townhouse; and 6.0 metres to an abutting Urban Residential Zone
 - ii. Balconies, canopies, unenclosed porches, steps, patios, ramps, or decks attached or directly abutting the principal or main building above grade may project into any required front, side, or rear yard to a distance of not more than 2.5 metres, but in no instance shall a required side yard be reduced to below 0.6 metres.
 - iii. For clarity, the outdoor amenity area can be located within the R4-51 Zone area provided it is immediately adjacent to the R3-83 Zone area.
 - iv. The minimum required total *outdoor amenity area* shall be 3.8 m² per dwelling unit.

2. Section 15.4 “Special Exceptions – Urban Residential Type Four (R4) Zone” is amended by adding Special Exception Zone 15.4. as follows:

“15.4.51 Urban Residential Type Four Exception (R4-51) Zone

Notwithstanding the provisions of Section 3.16 d., 15.1, and 15.2, those lands zoned “R4-51” on the Schedules to this By-law shall be subject to the following zone regulations and the applicable provision not amended by the R4-51 zone:

- a. Residential Uses
 - i. Dwelling units as part of a building containing a permitted non-residential use(s)
- b. Non-Residential Uses
 - i. Commercial School;
 - ii. Eating Establishment, Dine-in;
 - iii. Financial Office;
 - iv. Veterinarian Clinic; and
 - v. All non-residential uses permitted in 17.1 b.
- c. Density
 - i. Minimum 35 units/ha
 - ii. Maximum 425 units/ha
- d. Commercial Floor Area
 - i. Minimum 250 square metres
 - ii. Maximum 900 square metres provided that each unit does not exceed 300 square metres
- e. Building Height (maximum) 37 metres
- f. Number of Storeys
 - i. Minimum 2 storeys
 - ii. Maximum 12 storeys
- g. Yard Requirements
 - i. Front Yard (minimum)
 - a) To building 1.5 metres
 - ii. Exterior Side Yard (minimum)
 - a) To building 3.0 metres
 - iii. Rear Yard (minimum)
 - a) To building 7.0 metres

h. Setbacks

i. West limits of R4-51 zone as illustrated on Schedule 'A'

i. To building

Minimum of 20 metres

j. South limits of R4-51 zone as illustrated on Schedule 'A'

ii. To building

Minimum of 5 metres

k. For clarity, parking areas, outdoor amenity areas, loading areas, sidewalks, walkways and landscape features be permitted within the setback area.

l. Parking Regulations

b. Residential Use

i. 0.23 visitor spaces per dwelling unit

m. Amenity Areas

c. The minimum required total indoor amenity area shall be 2.0 m² per dwelling unit (not applicable to the Link Townhouses).

d. The minimum required total outdoor amenity area shall be 3.8 m² per dwelling unit

e. The outdoor amenity area shall include a centrally located courtyard area with a minimum area of 900 m².

f. For clarity, the outdoor amenity area can be located within the R3-83 Zone area provided it is immediately adjacent to the R4-51 Zone area.

3. Definitions

a. '*Outdoor Amenity Area*' shall mean an area that is designed and intended primarily for the leisure and recreation of the occupants of a building or site and may include courtyards and dog walk areas.

4. Schedule '31' to By-law 84-63, as amended, is hereby further amended by changing the zone designation from:

"Urban Residential Type Three Exception (R3-56)" to "Urban Residential Type Three Exception (R3-83)" and "Urban Residential Type Four Exception (R4-51)"

As illustrated on the attached Schedule 'A' hereto.

5. Schedule 'A' attached hereto shall form part of this By-law.

6. This By-law shall come into effect on the date of issuance of the Order of the Ontario Land Tribunal under Ontario Land Tribunal Case No.: OLT-25-000002, subject to the provisions of Sections 34 and 36 of the *Planning Act*.

This is Schedule 'A' to By-law 2025-xx approved by the Ontario Land Tribunal
File No.: OLT-25-000002 in its order issued October 15, 2025

