

The Fight to Save Glen Abbey

Jan. 17, 2019

If you've been reading the news lately about the fate of the Glen Abbey golf course you may have heard that the Town has lost a few skirmishes in the fight to prevent development on the course. While there have been several setbacks the Town is appealing these decisions and the fight is far from over. We are told the Town remains confident that its decisions will ultimately be upheld by the courts. The following attempts to provide a simple overview of what's happening. Details can be found: www.oakville.ca/business/glen-abbey-information.html

ClubLink owns the course, and want to demolish it and put in 3,220 residential units including single family dwellings and apartments, and additional commercial space. Their proposal includes saving a few existing heritage buildings, and giving the floodplain lands, (which cannot be built on anyway) along 16 Mile Creek to the Town.

The **Town of Oakville** has rejected ClubLink's proposal for two significant reasons:

Official Plan/Zoning:

At stake is whether the Town has the right to plan our town and enforce that plan. This has resulted in a battle over the Town's rejection of ClubLink's development proposal.

- In 2016 ClubLink applied to redevelop the golf course, and in 2017 the Town refused this application. ClubLink appealed this decision and the **Local Planning Appeals Tribunal (LPAT)** will deal with the case in 2020.
- ClubLink appealed the town's updated official plan and zoning by-law amendments which impact the Golf Course site and the **Local Planning Appeals Tribunal** will deal with this later in 2019.

Heritage:

A battle over the Town's designation of the site as a **significant cultural heritage landscape**:

- The Town maintains (based on the Ontario Heritage Act criteria) the course is historic, should not be demolished, and should remain as a golf course while ClubLink says the land is not historic, they should be able to demolish it, and they should not be required to keep it as a golf course.
- In December 2018 ClubLink took the fight, as to whether the course is historic, to the **Superior Court of Ontario** asking that they quash the by-law the Town passed declaring the course historic. This case will be challenged by the Town and heard at some point in the future.
- ClubLink also objected to the Town's additional by-laws and conservation plan (actions required by ClubLink to maintain the course) by taking the matter to the **Superior Court of Ontario** which decided in favour of ClubLink, quashing the by-laws. The Town decided to appeal the court decision, so it will go to the **Ontario Court of Appeal** at some point in the future.
- ClubLink submitted an application to demolish the course under section 34 of the Ontario Heritage Act. The Town and ClubLink are in a dispute as to whether ClubLink's application falls under section 33 (land) or section 34 (a manufactured structure) of the Heritage Act. If it is section 33, ClubLink has limited appeal rights in the event the Town rejects their application. If it is section 34, a Town rejection could be appealed by ClubLink to the Local Planning Appeals Tribunal. The **Superior Court** decided ClubLink was right, and the Town is appealing this decision to the **Ontario Court of Appeal** and this will be heard in May 2019. ClubLink has also appealed the permit to demolish decision to the **Local Planning Appeals Tribunal**.

As you can see there are many moving pieces in this fight. You can keep informed by visiting the Town's web site and emailing saveglenabbey@gmail.com to get on our mailing list. Please join our Facebook group as well.

It is important that people show their support of the Town Of Oakville's fight to save Glen Abbey and maintain the right of our Town to plan growth and not be driven by a developer.