

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 22, 2023

CASE NO(S):

OLT-23-000329

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Bradford Highland Joint Venture
Appellant:	Millford Development Limited
Subject:	Proposed Official Plan Amendment
Description:	To adopt the new Town of Bradford West Gwillimbury Official Plan and to repeal the previous Official Plan
Reference Number:	BWG-OP-2101
Property Address:	23 Brownlee Drive, 2820, 2824 and 2848 Line 5
Municipality/UT:	Bradford West Gwillimbury/Simcoe
OLT Case No.:	OLT-23-000329
OLT Lead Case No.:	OLT-23-000329
OLT Case Name:	Bradford Highlands Joint Venture v. Simcoe (County)

Heard: August 08, 2023 by Video Hearing

APPEARANCES:

Parties

Counsel/Representative*

Bradford Highland Joint Venture
("BHJV") ("Appellant")

Ira Kagan

Millford Development Limited

Frank Orsi* (Self-Represented)

Town of Bradford West Gwillimbury

Leo Longo

Simcoe County

Marshall Greene

DECISION BY STEVEN T. MASTORAS AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The matter before the Tribunal as a first Case Management Conference (“CMC”) pursuant to s. 17(36) of the *Planning Act* (“Act”) is a site-specific Appeal by Bradford Highlands Joint Venture (“BHJV” / “Appellant”) for the adoption of Official Plan (“OP”) 25 of the Town of Bradford West Gwillimbury (“BWG”) in Simcoe County (“County”). The properties include 23 Brownlee Drive, 2820, 2824, and 2848 Line 5 (“Subject Property”).

[2] The purpose and effect of By-law No. 2021-17 is to adopt the new Town of Bradford West Gwillimbury Official Plan (“BWGOP”) and to repeal the previous OP, By-law No. 2002-010, and all amendments thereto save and except for Amendment Nos. 24 (adopted by By-law No. 2017-23), 25 (adopted by By-law No. 2017-24), 26 (adopted by By-law No. 2017-25) and 27 (adopted by By-law No. 2017-26).

[3] The BWGOP establishes policies and principles for development and applies land-use designations to all lands within BWG with population projections based on numbers leading up to the year 2031.

[4] The Appellant submits that the Subject Property is approximately 60.6 hectares (150 acres) in size, and is located west of Simcoe Road and south of Line 6 in BWG. The Subject Property is immediately adjacent to the existing urban area and would represent an extension of the existing area of settlement. The Appeal is based on the position that the BWGOP fails in its consistency with the Provincial Policy Statement, 2020 (“PPS”), and does not conform with policies in the Growth Plan, 2019 (“GP”).

[5] Currently, the County has adopted a related amendment known as Simcoe County OPA 7 (“SCOPA 7”) to its County Official Plan (“COP”) which is based on 2051

projections, and which, if approved, will be the precursor to a review, County-wide, of likely settlement area expansions. There is presently an appeal to SCOPA 7 that is before the Minister, however, there is not yet any indication of when the Minister will make a decision on the matter. On this basis, the Parties are seeking an adjournment *sine die*, until such time as the Minister makes a decision on the SCOPA 7 Appeal.

[6] The Affidavit of Service for the hearing, sworn on June 29, 2023, was properly circulated by the Senior Law Clerk for the County, Samantha Trottola, and marked as **Exhibit 1**.

STATUS REQUESTS

[7] There was some discussion that Millford Development Limited (“MDL”) would withdraw its own appeal pursuant to s. 17(39) of the *Planning Act* and request Party Status instead to the Appeal by BHJV matter as it proceeds. There were no objections to this request and the Tribunal confers Party status on MDL, as represented by Frank Orsi (non-counsel representative).

[8] There was also a written request for Participant Status submitted to the Tribunal on July 26, 2023 by Mod-Aire Homes Limited (“MAHL”), as authorized by Michael Orsi (President), and represented by Michael Smith, of Michael Smith Planning Consultants; Development Coordinators Ltd. The Tribunal notes there is no direct relation between MAHL and MDL, despite the same last names of the principals of each company.

[9] Mr. Smith’s written submission was in opposition to the Appeals brought forward by BHJV and MDL relating to SCOPA 7. Some of these concerns include, but are not limited to the opinion that the Appeals are;

- Not consistent with the PPS;
- Not in conformity with the GP;

- Not in conformity with the adopted COP;
- Not in conformity with the adopted BWGOP;
- Not in conformity with Section 2 (h) of the Act;
- Premature; and
- Not representative of good planning.

[10] Neither of the Parties had any objection to this Status request, and the Tribunal conferred Participant Status on MAHL, as represented by Michael Smith.

[11] There were no other Party or Participant Status requests received.

Consent to Adjourn

[12] On consent at the hearing of all the Parties, and in accordance with Rule 17 of the OLT's *Rules of Practice and Procedures*, there was an agreement to have the matter adjourned as requested by Mr. Kagan, to allow additional time for the Minister to make a decision on the related matter referred to as SCOPA 7. The Parties shall be required to provide an update to the Case Coordinator on or before January 30, 2024 of this matter, so that next steps can be taken by the Tribunal on the current Appeal.

[13] Concurrently, all the Parties agreed that this site-specific Appeal to the BWGOP, should allow for the balance of the new BWGOP, as approved in March 2023, to be "brought into full force and effect" allowing for targets to be set around SCOPA 7, and the appropriate additional time needed for this decision to take effect.

[14] Finally, written consent from all the Parties was received on August 14, 2023, clarifying the decision by MDL to withdraw its appeal, and other details of the agreement before the Tribunal, resulting in the hearing determinations that now follow in the Order below.

ORDER

[15] **THE TRIBUNAL ORDERS that:**

- a) The Appeal by Millford Development Limited is withdrawn.
- b) Party Status is conferred on Millford Development Limited.
- c) Participant Status is conferred on Mod-Aire Homes Limited.
- d) The Appeal by Bradford Highlands Joint Venture is adjourned *sine die* pending the decision of the Minister of Municipal Affairs and Housing to render a decision on Simcoe County Official Plan Amendment 7 (“SCOPA 7”). The County, Town, or Bradford Highlands Joint Venture can request that the Appeal be considered at a future CMC at any time on notice to the other Parties and subject to the Tribunal’s availability.
- e) The Parties are to provide the Tribunal with a status update on the Bradford Highlands Joint Venture Appeal on or before **Tuesday, January 30, 2024**; and
- f) The Town of Bradford West Gwillimbury Official Plan as approved by the County of Simcoe in March of 2023, is hereby brought into full force and effect save for the Bradford Highlands Joint Venture lands known municipally as 23 Brownlee Drive,

2820, 2824 and 2848 Line 5, Town of Bradford West Gwillimbury. This approval is without prejudice to the ongoing Appeal by Bradford Highlands Joint Venture.

[16] The Member is not seized on this matter.

“Steven T. Mastoras”

STEVEN T. MASTORAS
MEMBER

Ontario Land Tribunal

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