

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: May 3, 2016

CASE NO(S):

PL090024

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

Appellant:	1651012 Ontario Ltd.
Appellant:	Innisfil Mapleview Development Ltd.
Appellant:	K. Winter Sanitation Limited
Appellant:	Ministry of Municipal Affairs and Housing (MMAH)
Appellant:	Teromi Incorporated
Subject:	Proposed Official Plan Amendment No.
Municipality:	Town of Innisfil
OMB Case No.:	PL090024
OMB File No.:	PL090024
OMB Case Name:	1651012 Ontario Ltd. v. Innisfil (Town)

Heard: April 18, 2016 in Innisfil, Ontario

APPEARANCES:

Parties

Town of Innisfil

County of Simcoe

Innisfil Mapleview Development Ltd.

Teromi Incorporated

Parkbridge Lifestyle Communities Inc.
and Belmac Estate Properties Inc.

Sandy Cove Acres Limited and
1651012 Ontario Ltd.

Counsel

Quinto Annibale and Mark Joblin

Marshall Green

Susan Rogers

Pitman Patterson

Stephen Waqué and Paul Peterson

Stephen Waqué and Piper Morley

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON
APRIL 18, 2016 AND ORDER OF THE BOARD**

[1] The appeals before the Board were scheduled for a hearing to address Phase 1 issues, notice of which was provided during the pre-hearing process. Prior to the hearing the parties advised that settlements have been achieved, certain appeals adjourned and others withdrawn, all of which is set out below.

[2] By letter dated April 13, 2016 (Exhibit 25) the Minister of Municipal Affairs and Housing ("Ministry") withdrew its appeal of the Town of Innisfil ("Town") Official Plan ("OP") with respect to three interrelated site specific matters, being: Appeal 45; Appeal 52; and Appeal 58. The Board acknowledged the withdrawal in its letter dated April 14, 2016 (Exhibit 26). Having withdrawn its three site specific appeals the Ministry did not attend the hearing and as a result took no position with respect to the request by the parties to issue two Orders, on consent. Pursuant to s. 17(39) of the *Planning Act* ("Act"), the partial withdrawal by the Ministry brings into effect the Retirement Residential Area and Sandy Cove Future Expansion Area designations on Schedule B5 of the Town's OP.

[3] Minutes of Settlement (Exhibit 27) have been executed between the Town, the County of Simcoe ("County"), the Ministry, 1651012 Ontario Ltd. & 1502866 Ontario Limited ("SCA") and Parkbridge Lifestyle Communities Inc. ("Parkbridge") & Belmac Estate Properties Inc. ("Belmac") which (among other matters), confirms the effect of the partial withdrawal and further that the Ministry agrees that upon the partial withdrawal by Innisfil Mapleview Developments Ltd. ("IDML") of its appeals of the Sandy Cove settlement area boundary pursuant to the IDML settlement (referred to below), the Ministry shall withdraw the three site specific appeals, referred to in paragraph 2 above. Associated Minutes of Settlement (Exhibit 28) have also been executed between the Town, the County, the Ministry, IDML, SCA, Parkbridge & Belmac, and Teromi Incorporated ("Teromi") which provide (among other matters) that upon the Board adjourning the IDML appeals *sine die*, IDML partially withdraws its appeal as described

in these Minutes of Settlement. Order 1 (Exhibit 29) is approved and issued at the request of and with the consent of the parties and includes as Schedule "1" the associated letter of withdrawal (Exhibit 30).

[4] In order to implement the settlements achieved the Town called Paul Lowes, qualified to provide opinion evidence in the discipline of land use planning. Mr. Lowes's *curriculum vitae* had been previously filed (Exhibit 10, Tab 1) and at the outset of his testimony he provided his acknowledgement of expert's duty (Exhibit 34). Mr. Lowes explained the basis for the agreement reached between the parties, confirming that Phase 1 of the hearing was always intended to address the Sandy Cove settlement area boundary while Phase 2 will address issues related to land use designations and policies affecting various lands in and around the Sandy Cove urban settlement area, owned by the private landowner parties. Based on the evidence of Mr. Lowes and at the request of the parties and with their consent, Order 2 (Exhibit 31) is approved and issued. In this regard it was Mr. Lowes opinion that the boundary for the Sandy Cove settlement area boundary (as reflected in the provisions of Order 2) is consistent with the Provincial Policy Statement, 2014 and conforms to the provisions of the Growth Plan for the Greater Golden Horseshoe. Order 2 includes reference to the Town's OP (Schedule A: Municipal Structure; Schedule B: Land Use; and Schedules B5 and B11, all of which were provided as part of both Minutes of Settlement and also filed as Exhibit 32) and the County's OP (Schedule 5.1-Land Use Designations-Innisfil-Sandy Cove, filed as Exhibit 33).

[5] In accordance with the Minutes of Settlement (Exhibit 27 and Exhibit 28) the decision of the Board is to approve and issue Order 1 (including the letter of withdrawal) and Order 2, and land use schedules (Exhibits 32 and 33), all of which is set out as Attachment 1. The withdrawal of the Ministry appeals is confirmed in accordance with correspondence received and the Minutes of Settlement, and the IMDL appeals (subject to the partial withdrawal) are adjourned *sine die*, also in accordance with the Minutes of Settlement.

[6] At the request of the parties, two further hearing events are scheduled, both to be held by way of telephone conference call ("TCC") to address issues relating to Phase 2. The first TCC (Ministry Issues) is scheduled for **9 a.m. on Monday, May 30, 2016**. The second TCC (Teromi Issues) is scheduled for **9 a.m. on Monday, June 13, 2016**. For both calls, the parties should dial **1-866-633-0848 or 416-212-8012, CODE 4779874#, when prompted**.

[7] There shall be no further notice of either TCC and I am seized. In the event the TCCs are not required because the parties have agreed to written settlements, Counsel may file the appropriate material (affidavit and a draft order) with the Case Coordinator.

"J. de P. Seaborn"

J. de P. SEABORN
VICE CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990 c.P.13, as amended

Appellant: 1651012 Ontario Limited
 Appellant: Innisfil Mapleview Development Ltd.
 Appellant: Ministry of Municipal Affairs and Housing
 Appellant: Teromi Incorporated
 Appellant: K. Winter Sanitation Limited
 Subject: Proposed Official Plan for the Town of Innisfil
 Municipality: Town of Innisfil
 O.M.B. Case No: PL090024
 O.M.B. File No: PL090024

PROCEEDING COMMENCED UNDER s.17(40) of the *Planning Act*, R.S.O. 1990 c.P.13, as amended

Appellant: County of Simcoe
 Appellant: Midhurst Development Doran Road Inc., and Carson Road Development Inc.
 Appellant: Midhurst Rose Alliance Inc.
 Appellant: Township of Springwater
 and Others
 Subject: Failure of the Ministry of Municipal Affairs and Housing to announce a decision
 respecting the Official Plan for the County of Simcoe
 O.M.B. Case No: PL091167
 O.M.B. File No: PL091167 (Only insofar as it relates to the designations of the Innisfil Mapleview
 Development Ltd. lands and the settlement area boundary of Sandy Cove)

APPEARANCES:**Parties**

Town of Innisfil
 County of Simcoe
 Innisfil Mapleview Development Ltd.
 Teromi Incorporated
 Parkbridge Lifestyle Communities Inc. and
 Belmac Properties Inc.
 Sandy Cove Acres Limited and
 1651012 Ontario Ltd.

Counsel

Mark Joblin and Quinto Annibale
 Marshall Green
 Susan Rogers
 Pitman Patterson
 Stephen Waqué and Paul Peterson
 Stephen Waqué and Piper Morley

ORDER #1

This matter regarding the appeals by Innisfil Mapleview Development Ltd. ("IMDL") was convened on April 18, 2016.

WHEREAS portions of the new County of Simcoe Official Plan (PL091167) and portions of the new Town of Innisfil Official Plan (PL090024) were appealed to the Ontario Municipal Board (the "Board") by IMDL and others;

AND WHEREAS a partial withdrawal letter by the Ministry of Municipal Affairs and Housing dated April 13, 2016 was provided to the Board in respect of site specific matters in PL090024;

AND WHEREAS the Board adjourned the issues and participation of IMDL in Case Number PL091167 *sine die*, by written Order dated February 19, 2015;

AND WHEREAS the Board consolidated two matters in PL091167 being the designations of the IMDL Lands and the settlement area boundary of Sandy Cove with PL090024;

AND WHEREAS Minutes of Settlement dated March 2016 were entered between IMDL, the Town of Innisfil (the "Town"), the County of Simcoe (the "County") and other parties which partially resolves the appeal of IMDL (the "IMDL Minutes of Settlement");

AND WHEREAS a partial Withdrawal Letter by IMDL of its appeals in Case Numbers PL091167 and PL090024 is attached to this order as Schedule "1";

THE BOARD ORDERS THAT in accordance with the IMDL Minutes of Settlement and pursuant to the partial Withdrawal Letter of IMDL the following remaining IMDL appeals are adjourned *sine die*:

- (a) the appeal to include lands owned by IMDL, legally described as Part of the north half of Lot 25, Concession 11, Innisfil, designated as Part 1 on Plan 51R-35677 and located in the southwest quadrant of Maplevue Drive and 25th Sideroad in the Town of Innisfil (the "IMDL Lands"), and lands owned by others in the north half of Lot 25 and located at the southwest corner of Maplevue Drive and 25th Sideroad (the "Additional Lands") within the Sandy Cove settlement area boundary;
- (b) the appeal of the designation of the IMDL Lands in the Town of Innisfil Official Plan, 2006, and the County of Simcoe Official Plan, 2008; and

(c) the IMDL appeals of certain policies in the Town of Innisfil Official Plan, 2006 and County of Simcoe Official Plan, 2008.

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990 c.P.13, as amended

Appellant: 1651012 Ontario Limited
Appellant: Innisfil Mapleview Development Ltd.
Appellant: Ministry of Municipal Affairs and Housing
Appellant: Teromi Incorporated
Appellant: K. Winter Sanitation Limited
Subject: Proposed Official Plan for the Town of Innisfil
Municipality: Town of Innisfil
O.M.B. Case No: PL090024
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PROCEEDING COMMENCED UNDER s.17(40) of the *Planning Act*, R.S.O. 1990 c.P.13, as amended

Appellant: County of Simcoe
Appellant: Midhurst Development Doran Road Inc., and Carson Road Development Inc.
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Appellant: Township of Springwater
and Others
Subject: Failure of the Ministry of Municipal Affairs and Housing to announce a decision
respecting the Official Plan for the County of Simcoe
O.M.B. Case No: PL091167
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Development Ltd. lands and the settlement area boundary of Sandy Cove)

APPEARANCES:

Parties

Town of Innisfil
County of Simcoe
Innisfil Mapleview Development Ltd.
Teromi Incorporated
Parkbridge Lifestyle Communities Inc. and
Belmac Properties Inc.
Sandy Cove Acres Limited and
1651012 Ontario Ltd.

Counsel

Mark Joblin and Quinto Annibale
Marshall Green
Susan Rogers
Pitman Patterson
Stephen Waqué and Paul Peterson
Stephen Waqué and Piper Morley

ORDER #2

This matter regarding the appeals by Innisfil Mapleview Development Ltd. ("IMDL") was convened on April 18, 2016.

Upon the adjournment of the remaining IMDL appeals *sine die* pursuant to Order #1, having reviewed the IMDL Minutes of Settlement and the IMDL partial Withdrawal Letter, upon hearing the land use planning evidence of Paul Lowes, RPP, MCIP, and based upon the submissions of the Parties:

1. With respect to the County of Simcoe Official Plan adopted November 25, 2008 and as recommended to be modified on January 22, 2013 THE BOARD ORDERS THAT the Sandy Cove settlement area boundary and designation of Settlements in Schedule 5.1 as adopted by the County of Simcoe is approved, with the exception of the boundary as it would apply to the IMDL Lands and Additional Lands in accordance with the IMDL Minutes of Settlement and pursuant to Order #1.
2. With respect to the Town of Innisfil Official Plan, 2006 pursuant to subsection 17(39) of the *Planning Act*, the partial withdrawal by IMDL in accordance with the IMDL Minutes of Settlement, brings into effect the Sandy Cove 'Urban Settlement' boundary on Schedule A, the Sandy Cove 'Urban and Village Settlements' boundary on Schedule B and the Sandy Cove 'Settlement Boundary' on Schedule B5 in the Town of Innisfil Official Plan, 2006 with the exception of the boundary as it would apply to the IMDL Lands and the Additional Lands.

SUSAN D. ROGERS LAW

SUITE 1500, 4 ROBERT SPECK PARKWAY
MISSISSAUGA, ONTARIO, L4Z 1S1
DIRECT: 905 990 2175 FAX: 905 896 0391
RECEPTION: 905 366 7309
SUSAN.ROGERS@SDROGERSLAW.CA

April 18, 2016

Ontario Municipal Board
655 Bay Street, Suite 1500,
Toronto, ON
M5G 1E5

Attention: **Member Jan Seaborn**
Mr. Ryan Co

Dear Madam Seaborn:

Re: **OMB File Nos. PL090024/PI091167**
My Client: Innisfil Mapleview Development Ltd. (IMDL)
IMDL appeal of the 2008 Town of Innisfil Official Plan December 11, 2008
IMDL appeal of the 2008 County of Simcoe Official Plan October 1, 2014
Hearing Scheduled beginning April 18, 2016
Partial withdrawal of IMDL appeals Pending Board granting of adjournment sine die.

As you are aware, IMDL, by appeal dated December 11, 2008 appealed parts of the 2006 Town of Innisfil Official Plan, including the entirety of the settlement boundary for the Sandy Cove settlement area. As you are also aware, IMDL, by appeal dated October 1, 2014, appealed all of the 2008 County of Simcoe Official Plan that had not been approved by the Board to that date. Collectively these are referred to herein as the "IMDL APPEALS".

A hearing of part of the IMDL APPEALS was scheduled for 3 weeks commencing April 18, 2016, including that part of its appeals relating to the urban settlement boundary for the settlement area of Sandy Cove.

As you were advised on March 11, 2016, the IMDL APPEALS in respect to the urban settlement boundary for Sandy Cove have been partially resolved pursuant to Minutes of Settlement dated

March 2016 (the "IMDL Minutes of Settlement"). Those Minutes of Settlement provide that upon the Board adjourning the IMDL APPEALS sine die to be brought back only in accordance with the IMDL Minutes of Settlement, my client IMDL is to partially withdraw its appeal of the location of the urban settlement boundary for Sandy Cove in the 2006 Innisfil Official Plan, for all areas of Sandy Cove with the exception of the lands owned by my client and legally described as Part of the north half of Lot 25, Concession 11, Innisfil, designated as Part 1 on Plan 51R-35677 and located in the southwest quadrant of Mapleview Drive and 25th Sideroad in the Town of Innisfil (the "IMDL Lands"), and lands owned by others in the north half of Lot 25 and located at the southwest corner of Mapleview Drive and 25th Sideroad (the "Additional Lands").

Upon the Board issuing an order which adjourns the IMDL appeals as provided herein and as agreed to by counsel for IMDL, please accept this correspondence as the withdrawal of that part of the IMDL appeal of the 2006 Innisfil Official Plan relating to the location of the Sandy Cove urban settlement area - with the exception of the location of the settlement boundary at the IMDL Lands and the Additional Lands.

Furthermore, please accept this as confirmation that IMDL has no further objection to the partial approval by the Ontario Municipal Board of the Sandy Cove urban settlement area in the 2008 County of Simcoe Official Plan, with the exception of the location of the settlement boundary at the IMDL Lands and the Additional Lands.

We understand that the partial withdrawal of the IMDL appeal of the Innisfil Official Plan will be dealt with by the Board in accordance with the provisions of the Planning Act. Thanking you in advance for your attention to this matter.

Yours truly,



SUSAN D. ROGERS
Barrister and Solicitor

c.c. P Morley, S. Waque
M. Green
M. Joblin, Q. Annibale
P. Peterson
P. Patterson
N. Mracic, C. Waxman, M. Ellison

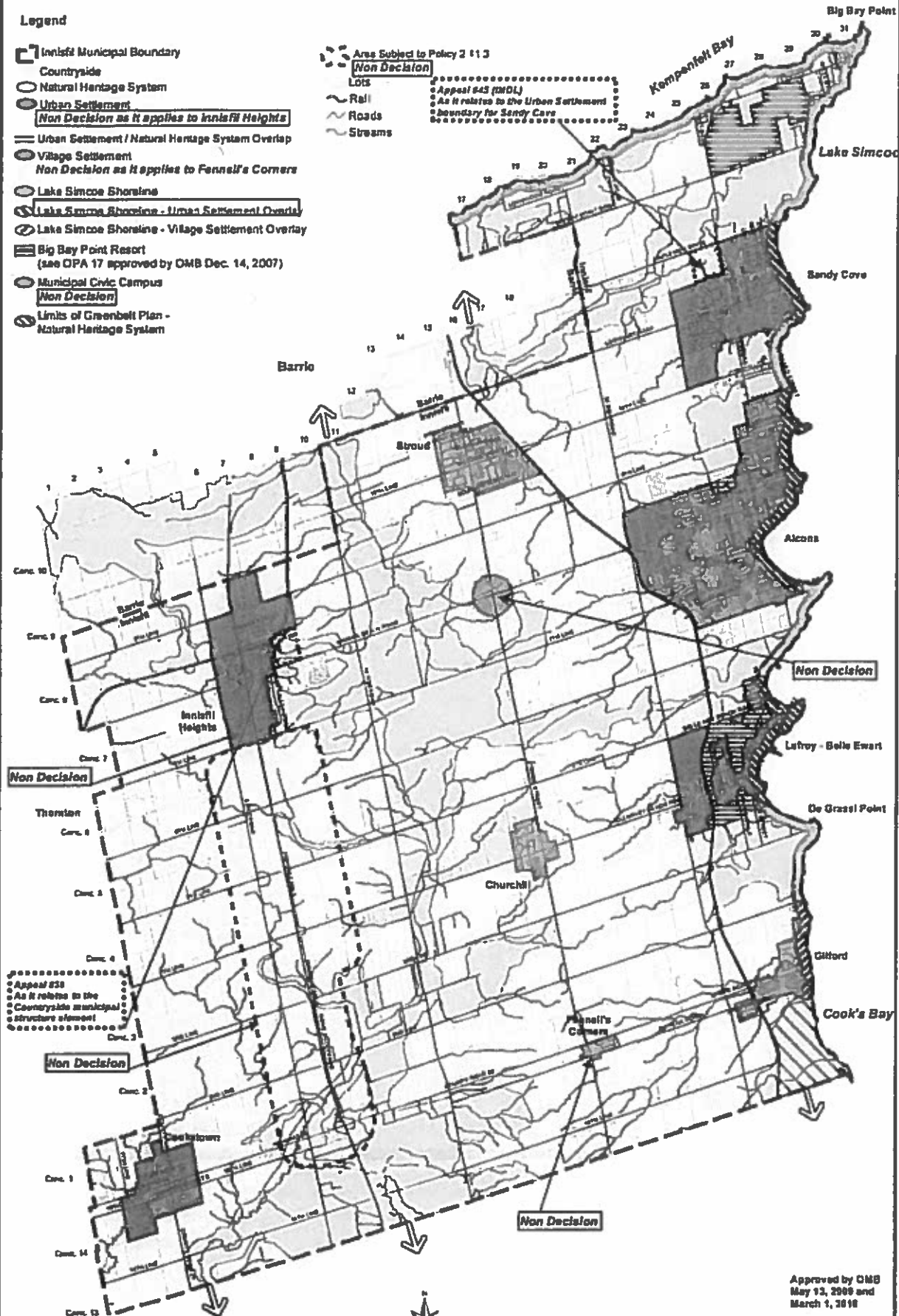
Schedule A: Municipal Structure

Innisfil Official Plan

Legend

- Innisfil Municipal Boundary
- Countryside
- Natural Heritage System
- Urban Settlement
Non Decision as it applies to Innisfil Heights
- Urban Settlement / Natural Heritage System Overlay
- Village Settlement
Non Decision as it applies to Fennell's Corners
- Lake Simcoe Shoreline
- Lake Simcoe Shoreline - Urban Settlement Overlay
- Lake Simcoe Shoreline - Village Settlement Overlay
- Big Bay Point Resort
(see OPA 17 approved by OMB Dec. 14, 2007)
- Municipal Civic Campus
Non Decision
- Limits of Greenbelt Plan - Natural Heritage System

- Area Subject to Policy 2.11.3
Non Decision
- Lots
- Rail
- Roads
- Streams
- Appeal #43 (MCL)
As it relates to the Urban Settlement boundary for Sandy Cove



Non Decision

Non Decision

Non Decision

Non Decision



Kilometers
0 0.5 1 2 3 4

Approved by OMB
May 13, 2009 and
March 1, 2010

Modified by Minutes
of Settlement
February 2010

Schedule B: Land Use

Innisfil Official Plan

Legend

Land Use Designations

- Specialty Crop Area
- Agricultural Area
- Rural Area
- Special Rural Area
- Natural Environmental Area
- Greenbelt Plan - Natural Heritage System Overlay
- Estate Residential Area
- Shoreline Residential Area
- Highway Commercial Area
- Shoreline Commercial Area
- Rural Industrial
- Extractive Industrial Area
- Institutional Area
- Parks and Open Space
- Urban and Village Settlements (see Schedules B1 to B3 & B5 to B10)

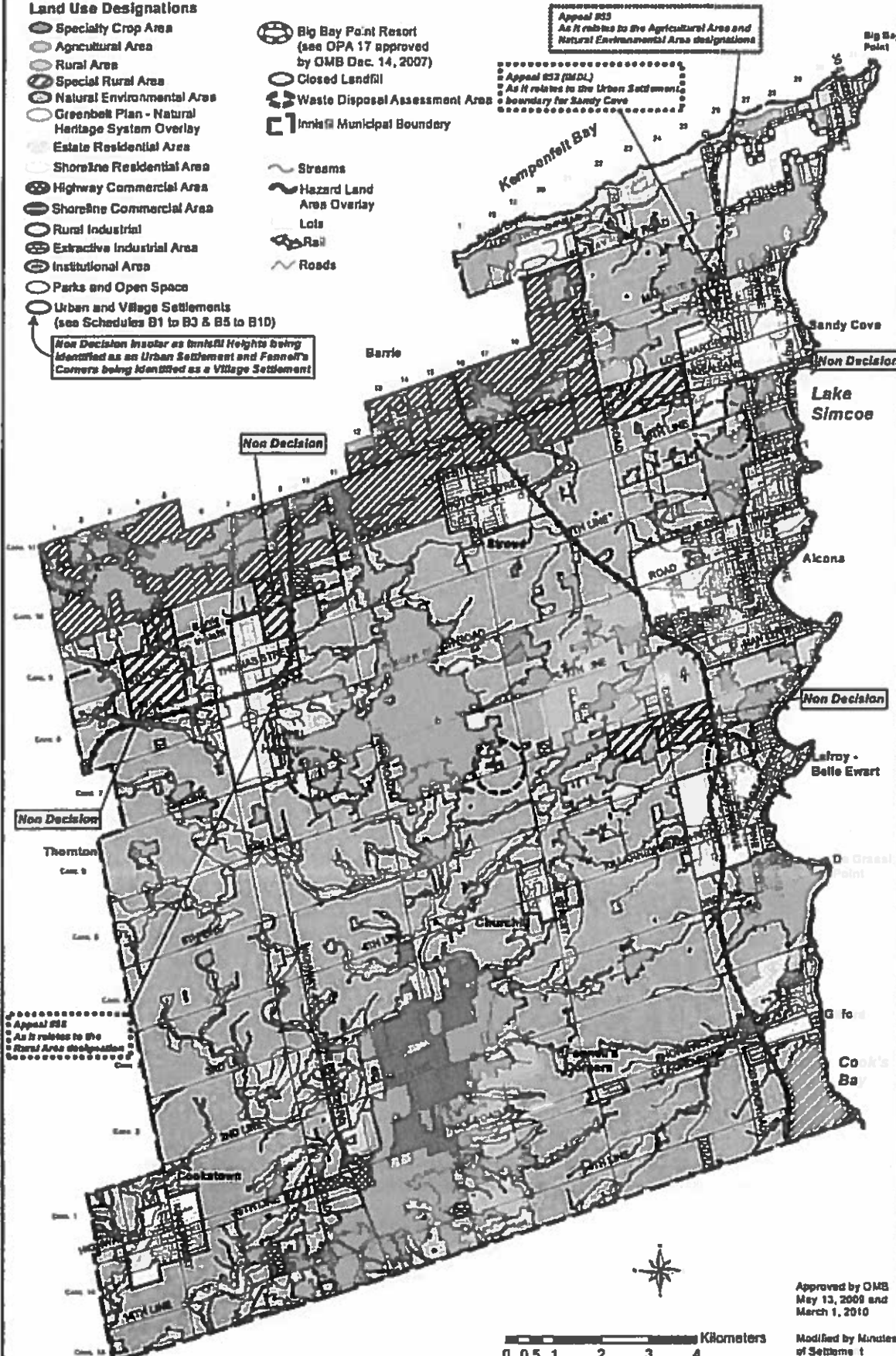
- Big Bay Point Resort (see OPA 17 approved by OMB Dec. 14, 2007)
- Closed Landfill
- Waste Disposal Assessment Area
- Innisfil Municipal Boundary

- Streams
- Hazard Land Area Overlay
- Lots
- Rail
- Roads

Appeal #33
As it relates to the Agricultural Area and Natural Environmental Area designations

Appeal #32 (M.O.)
As it relates to the Urban Settlement boundary for Sandy Cove

Non Decision
Insofar as Innisfil Heights being identified as an Urban Settlement and Fenelon's Corners being identified as a Village Settlement



Non Decision

Non Decision

Non Decision

Non Decision

Appeal #32
As it relates to the Rural Area designations



Approved by OMB
May 13, 2009 and
March 1, 2010

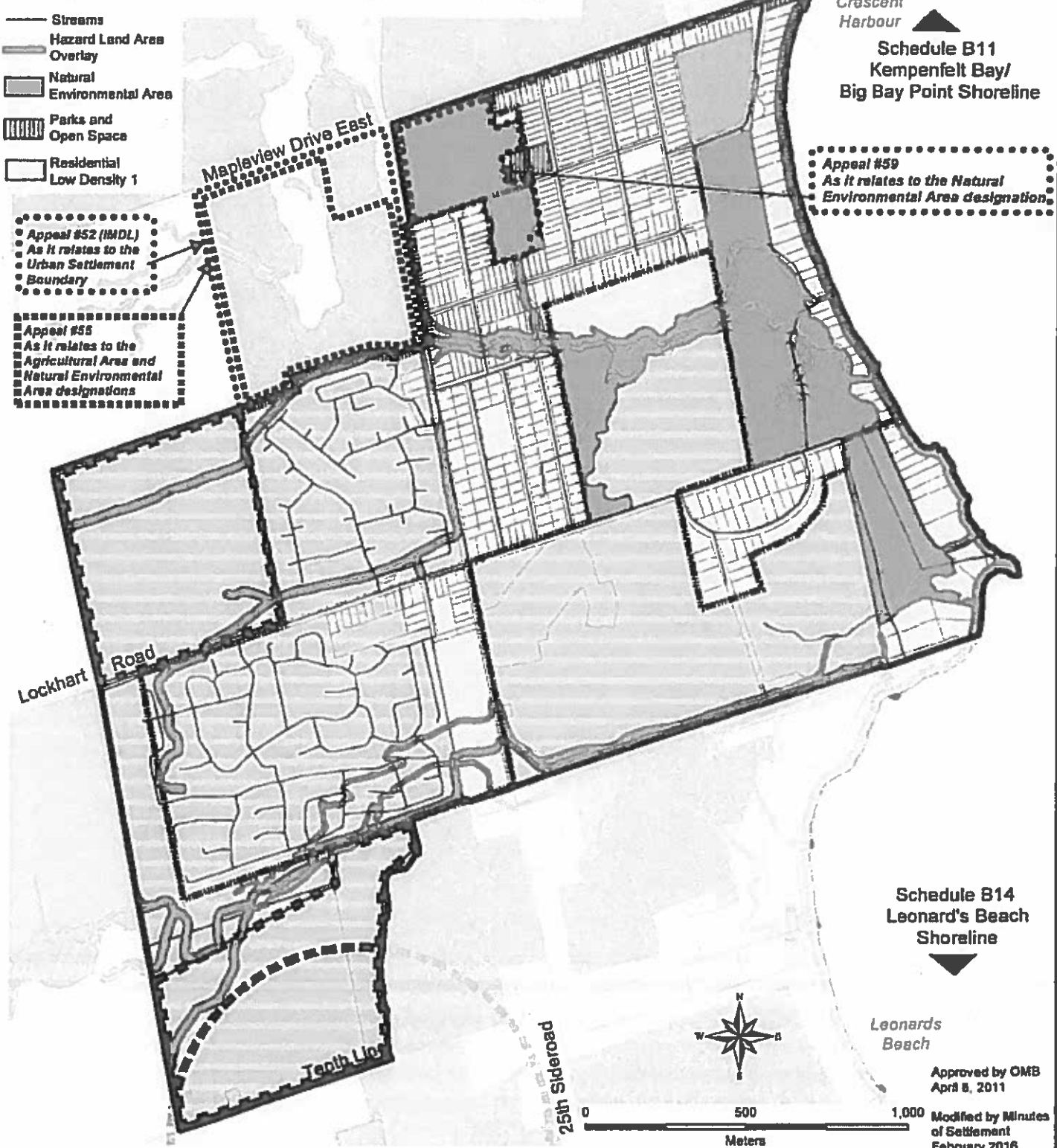
Modified by Minutes
of Settlement
February 2010

**Town of Innisfil Official Plan
Schedule B5 Land Use: Sandy Cove**

The hazard lands shown on this map are approximate. For an accurate source of mapping please contact the local conservation authority.

For the lands outside of Sandy Cove, please refer to Schedules B, B11 and B14 for the land use designations.

- Settlement Boundary
- Built Boundary
Non Decision
- Lots
- Roads
- Streams
- Hazard Land Area
Overlay
- Natural
Environmental Area
- Parks and
Open Space
- Residential
Low Density 1
- Retirement Residential Area
- Waste Disposal Assessment Area
- Rural Area
- Sandy Cove Future Expansion
Area Subject to Section 33.4.19



Crescent Harbour
Schedule B11
Kempenfelt Bay/
Big Bay Point Shoreline

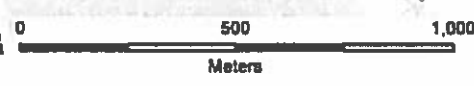
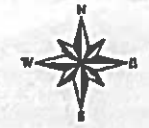
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Appeal #59
•••••
As it relates to the Natural
Environmental Area designation
•••••

•••••
Appeal #52 (IMDL)
•••••
As it relates to the
Urban Settlement
Boundary
•••••

•••••
Appeal #55
•••••
As it relates to the
Agricultural Area and
Natural Environmental
Area designations
•••••

Schedule B14
Leonard's Beach
Shoreline

Leonards
Beach



Approved by OMB
April 8, 2011
Modified by Minutes
of Settlement
February 2016

Town of Innisfil Official Plan

Schedule B11 Land Use:

Kempenfelt Bay / Big Bay Point Shoreline

Legend

Innisfil Municipal Boundary

Lots

Roads

Streams

Hazard Land Area Overlay

Big Bay Point Resort
(see OPA 17 approved
by OMB Dec. 14, 2007)

Shoreline Commercial Area

Shoreline Residential Area

Estate Residential Designation

Future Urban

Parks and Open Space

Natural Environmental Area

Rural Area

Agricultural Area

Settlement Boundary

Appeal #52 (IMDL)
As it relates to the Urban Settlement
boundary for Sandy Cove

Appeal #55
As it relates to the Agricultural Area and
Natural Environmental Area designations

For the lands within Sandy Cove, please refer to Schedule B5 for the land use designations.

The hazard lands shown on this map are approximate. For an accurate source of mapping please contact the local conservation authority.

Big Bay Point



Schedule B5 Land Use

Approved by OMB
May 13, 2009 and
March 1, 2010

Modified by Minutes
of Settlement
February 2018

Portion of the County of Simcoe Official Plan Schedule 5.1 - Land Use Designations
 Innisfil - Sandy Cove



- Designations**
- Settlements
 - Greenlands
 - Agricultural
 - Rural
 - Economic District
- Lands not subject to this plan

Reference Data

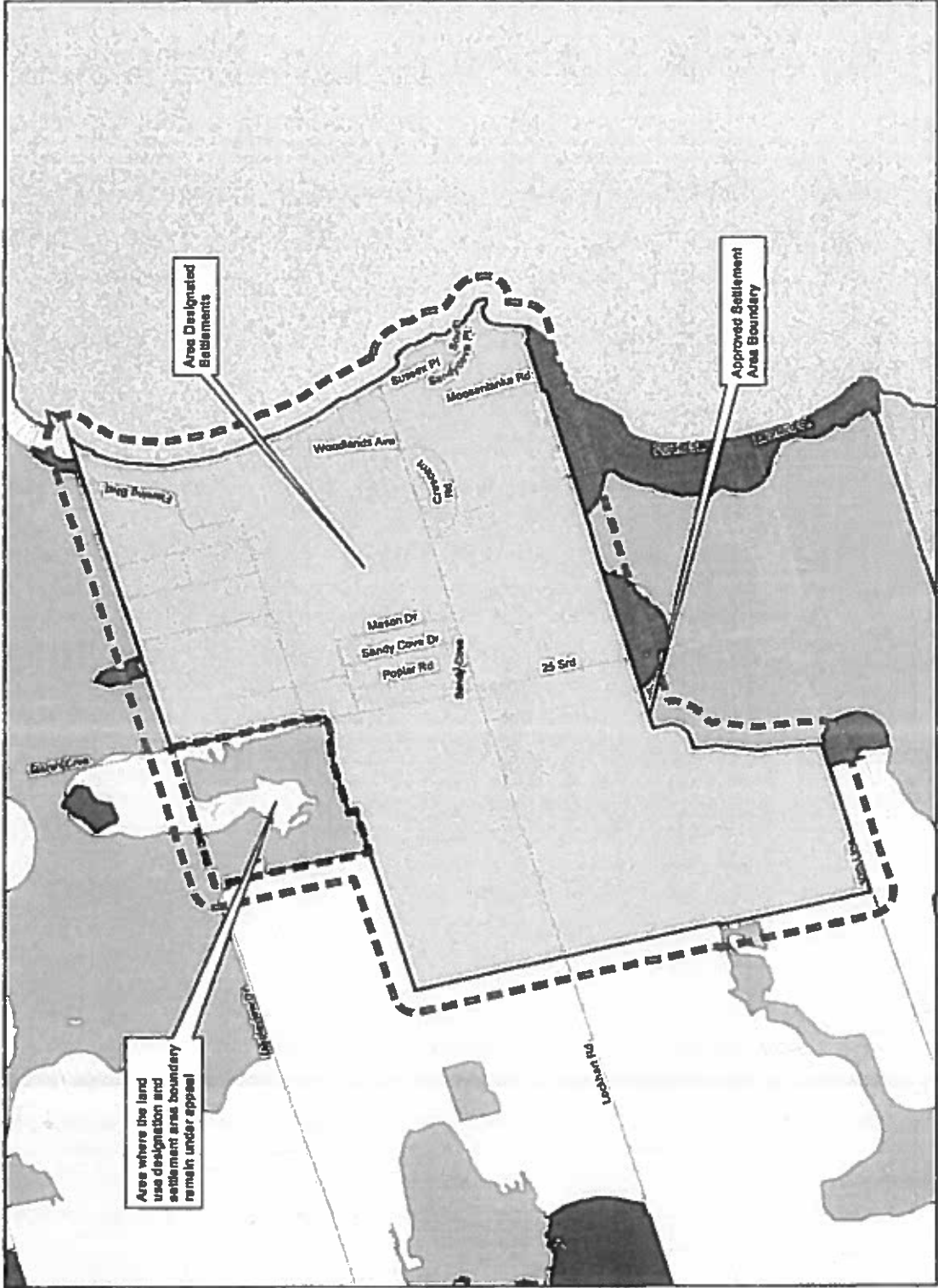
- Settlement Area Boundary
- Built Boundaries
- Simcoe Upzones / Lowlands Boundaries
- Special Development Area - Big Bay Point
- Greenbelt Plan - Protected Countryside
- (Refer to Schedule 6.3.3 For Details) Niagara Escarpment Plan Area
- (Refer to Schedule 5.3.1 For Details) Oak Ridge Merilee Conservation Plan Area
- (Refer to Schedule 5.3.2 For Details) Provincial Highway
- County Road
- Local Road
- Trans Canada Pipeline
- Live Simcoe Protection Plan - Watershed Boundary

This map must be referred to in conjunction with the text of the County of Simcoe Official Plan



Approved by OMB

Printed: 2016/03/29



Area where the land use designation and settlement area boundary remain under appeal

Approved Settlement Area Boundary