

Local Planning Appeal Tribunal
 Tribunal d'appel de l'aménagement
 local



ISSUE DATE: February 10, 2021

CASE NO.:

PL190352

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

Appellant: Beeton Meadows Holdings Inc.
 Appellant: Beeton Station Condominiums Corporation
 Subject: Failure of County of Simcoe to announce a decision respecting
 Proposed Official Plan Amendment No. NT-OP-1801
 Municipality: Town of New Tecumseth
 LPAT Case No.: PL190352
 LPAT File No.: PL190353

BEFORE:

S. JACOBS)
)
 VICE-CHAIR) Wednesday, the 10th
)
) day of February, 2021

THE TRIBUNAL ORDERS that the Procedural Order, attached hereto as Appendix "1" shall be in force and effect for the purpose of governing the required procedures leading up to and including the hearing scheduled to commence on **Monday, July 19, 2021** at 10:00 a.m. by Videoconference at <https://global.gotomeeting.com/join/138743125>.
 The length of the hearing will be 5 days.

"Becky Fong"

BECKY FONG
REGISTRAR

If there is an attachment referred to in this document,
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Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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APPENDIX 1



Local Planning Appeal Tribunal
Procedural Order

ISSUE DATE:

CASE NO: PL190352

LOCAL PLANNING APPEAL TRIBUNAL

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

Appellant:	Beeton Meadows Holdings Inc.
Appellant:	Beeton Station Condominiums Corporation
Subject:	Failure of County of Simcoe to announce a decision respecting Proposed Official Plan Amendment No. NT-OP-1801
Municipality:	Town of New Tecumseth
LPAT Case No.:	PL190352
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PROCEDURAL ORDER

The Tribunal Orders that:

1. The Tribunal may vary or add to the directions in this procedural order at any time by an oral ruling or by another written order, either on the parties' request or its own motion.

Organization of the Hearing

2. The video hearing will begin on **Monday July 19, 2021** at 10:00 a.m.
3. The parties' initial estimation for the length of the hearing is 5 days. The length of the hearing may be shortened as issues are resolved or settlement is achieved.
4. The parties and participants identified at the case management conference are listed in Attachment 1 to this Order.

5. The issues are set out in the Issues List attached as Attachment 2 to this Order. There will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
6. The order of evidence shall be as set out in Attachment 3 to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply, and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Tribunal.
7. Any person intending to participate in the hearing should provide a mailing address, email address and a telephone number to the Tribunal as soon as possible – ideally before the case management conference. Any person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address, email address and the phone number as soon as possible.
8. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's Video Hearing Guide, available on the Tribunal's website (<https://olt.gov.on.ca/tribunals/lpat/>).

Requirements Before the Hearing

9. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before **Thursday May 20, 2021** in accordance with Section 21 of this Order. A party who intends to call an expert witness must include a copy of the witness' Curriculum Vitae and the area of expertise in which the witness is prepared to be qualified.
10. Expert witnesses in the same field shall have a meeting on or before **Friday May 28, 2021** and use best efforts to try to resolve or reduce the issues for the hearing. Following the experts' meeting the parties must prepare and file a Statement of Agreed Facts and Issues with the LPAT case coordinator on or before **Wednesday June 9, 2021** in accordance with Section 21 of this Order.
11. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Instead of a witness statement, the expert may file his or her entire

report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony.

12. An expert witness must provide the Tribunal and the parties with a witness statement on or before **Friday June 18, 2021** in accordance with Section 21 of this Order, or the witness may not give oral evidence at the hearing.
13. On or before **Friday June 18, 2021**, a participant shall provide copies of their written participant statement to the other parties in accordance with Section 21 of this Order. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
14. On or before **Tuesday June 29, 2021**, the Parties may provide to all other parties and the Tribunal a written response to any written evidence in accordance with Section 21 of this Order
15. On or before **Friday July 9, 2021**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with Section 21 of this Order. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
16. The parties shall cooperate to prepare a joint document book which shall be filed with the LPAT case coordinator on or before **Friday July 9, 2021**.
17. Any documents which may be used by a party in cross examination of an opposing party's witness shall be password protected and only be accessible to the Tribunal and the other parties if it is introduced as evidence at the hearing, pursuant to the directions provided by the LPAT case co-ordinator, on or before **Wednesday July 14, 2021**.
18. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. *See Rule 10 of the Tribunal's Rules with respect to Motions, which requires that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.*
19. A party who provides written evidence of a witness to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of

their record.

20. The parties shall prepare and file a preliminary [hearing plan](#) with the Tribunal on or before **Friday July 9, 2021** with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the hearing plan. The parties shall prepare and file a final hearing plan prior to the further case management conference outlined in Section 5 of this Order. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.
21. All filing shall be electronic and in hard copy. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by the Rule 7 of the Tribunal's Rules of Practice and Procedure.
22. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

This Member is [not] seized.

So orders the Tribunal.

BEFORE:

Date:

TRIBUNAL REGISTRAR

Attachment 1**Parties:****Beeton Meadows Holdings Inc.****Overland LLP**

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Attachment 2

Issues List of Beeton Meadows Holdings Inc.

1. Does the Non-Decision have sufficient regard to matters of provincial interest in section 2 of the *Planning Act*, including the matters set out in subsections (h), (j), (l), (o), (p), (q), (s)?
2. Does the Proposal represent good planning and is it in the public interest?
3. Is the Proposal consistent with the Provincial Policy Statement, 2020, in particular but not limited to:
 - Subsection 1.1(Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns);
 - Subsection Section 1.1.3 (Settlement Areas), particularly Policies 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.5, and 1.1.3.6;
 - Subsection 1.2 (Coordination), particularly Policy 1.2.4;
 - Subsection 1.4 (Housing) particularly Policies 1.4.1 and 1.4.3;
 - Subsection 1.6 (Infrastructure and Public Service Facilities) particularly Policies 1.6.2, 1.6.3 and 1.6.4;
 - Subsection 1.6.6 (Sewage, Water and Stormwater) particularly Policy 1.6.6.7
 - Subsection 1.8 (Energy Conservation, Air Quality and Climate Change);
 - Subsection 2.2 (Water);
 - Section 3.0 (Protecting Public Health and Safety) and subsection 3.1 (Natural Hazards), particularly Policies 3.1.1, 3.1.2 and 3.1.3; and,
 - Section 4.0, particularly Policy 4.5.
4. Does the Non-Decision conform to the Growth Plan for the Greater Golden Horseshoe, 2019, in particular but not limited to:
 - Section 2.2.1 (Managing Growth);
 - Section 2.2.2 (Delineated Built-up Areas);
 - Section 2.2.6 (Housing);
 - Section 3.2.7 (Stormwater Management);
 - Section 4.2.1 Water Resource Systems), particularly 4.2.1.1, 4.2.1.3, 4.2.1.4; and,
 - Section 4.2.10 (Climate Change).
5. Does the Non-Decision conform to the Simcoe County Official Plan, in particular, but not limited to:

- Section 3.3 (General Development Policies);
 - Section 3.4 (Land Use Designations);
 - Section 3.5 (Settlements);
 - Section 4.1 (Healthy Communities and Housing Development);
 - Section 4.5 (Resource Conservation)
 - Section 4.10 (Local Municipal Official Plans);
 - Section 4.11 (Implementation).
 - Table 5.1 (Recognized Settlement Areas); and
 - Schedules 5.1 (Land Use Designations).
6. Does the Proposal conform to the Town of New Tecumseth Official Plan, in particular but not limited to:
- Part 2.0 (Vision, Goals and Objectives) (inclusive);
 - Part 3.0 (Design and Livability of Urban Area) (inclusive);
 - Part 5.0 (The Settlement Areas), particularly 5.1, and 5.2;
 - Part 7.0 (Design, Heritage and Parkland, particularly 7.1;
 - Part 8.0 (Exceptions) particularly 8(d) and 8(f);
 - Section 9.0 (Infrastructure), particularly 9.1, 9.2, and 9.3;
 - Section 10.0 (Implementation and Interpretation), particularly 10.3, 10.9;
 - Schedule B2 – Land Use (Beeton); and,
 - Schedule C – Exceptions.
7. Is it appropriate to restrict the range of available housing forms within the Urban Residential designation?
8. Are the results of the Drainage Master Plan relevant to the consideration of replacing the existing Low Density Residential with the proposed Urban Residential designation?
9. Are the results of the Drainage Master Plan relevant to the consideration of permitting higher density housing forms, considering that lower density housing forms are currently permitted?
10. Are the results of the Phase 1 Drainage Master Plan Study, in combination with the stormwater management studies prepared in support of the Approved Draft Plan for the Valleyview Lands, provide sufficient information to render a decision on this matter?

11. Does Section 8.0(d) (ii) and (iii) of the New TNT Official Plan provide sufficient safeguard provisions to ensure that future development approvals will not result in unacceptable drainage impacts?

12. The Non-Decision maintains the Low Density Residential designation applicable to the Subject Lands under the 2010 TNT Official Plan. However, the Town By-law 2019-091 repealed and replaced all of the 2010 TNT Official Plan, including the Beeton Community Secondary Plan, after the New TNT came into effect. This had the effect of repealing all associated policies that inform the land use permissions associated with the Low Density Residential designation. Considering the foregoing, does the Non-Decision result in a land use framework that lacks coherence with provincial and County policies?

Attachment 3**Order of Evidence**

1. Beeton Meadows Holdings Inc. (Applicant/Appellant)
2. Township of New Tecumseth
3. County of Simcoe
4. Beeton Meadows Holdings Inc. (Applicant/Appellant), in reply