

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



ISSUE DATE: January 20, 2020

CASE NO(S): PL190354

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Appellant:	Queen’s Court Development Ltd.
Subject:	Proposed Official Plan Amendment No. PT OP-1801
Municipality:	Town of Penetanguishene
LPAT Case No.:	PL190354
LPAT File No.:	PL190354
LPAT Case Name:	Queen’s Court Development Ltd. v. Penetanguishene (Town)

Heard: January 9, 2020 in Penetanguishene, Ontario

APPEARANCES:

Parties

Counsel

Queen’s Court Development Ltd.	S. Mahadevan
Town of Penetanguishene	Q. Annibale
County of Simcoe	M. Green

**MEMORANDUM OF ORAL DECISION DELIVERED BY MARGOT BALLAGH ON
JANUARY 9, 2020 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This Decision and Order results from the first Case Management Conference

(“CMC”) on the appeal by Queen’s Court Development Ltd. (“Appellant”) of the decision of the County of Simcoe (the “County”) to approve the new Official Plan for the Town of Penetanguishene (the “Town”) pursuant to subsection 17(36) of the *Planning Act* (the “Act”).

[2] Prior to the CMC, the Tribunal advised the parties that the appeal will be processed under the provisions of the Act as amended by Bill 108. Accordingly, the Act, the *Local Planning Appeal Tribunal Act* and Part 1 of the Tribunal’s *Rules of Practice and Procedure*, as they read on and after September 3, 2019, apply to this proceeding.

[3] Also prior to the CMC, the Town served a notice of motion to scope the appeal, and subsequently withdrew this motion, on a without prejudice basis on the road issue, upon the confirmation by Sharmini Mahadevan, counsel for the Appellant, that the Appellant: ...is scoping the Queen’s Court Appeal to the policies and Schedules listed below, on an area-specific basis, to only include the Queen’s Court Lands and the Town’s lands that traverse the Queen’s Court Lands and extend north of the existing Beck Boulevard to Broad Street:

- 3.10 Natural Heritage Features & Areas
 - 3.10.6 Significant Woodlands;
 - 3.10.8 Environmental Impact Studies;
- 5.2 Road Network;
- Schedule B1: Policy Overlays; and
- Schedule C: Transportation Network.

[4] The Appellant, the Town and the County are parties and were represented at the CMC by Counsel as noted. Counsel for the County submitted the requisite Affidavit of Service.

[5] There were no other requests for Party status.

[6] There were no requests for Participant status; however, five observers, whose

names are listed in the Order, requested a copy of this decision and notice of any further conference or hearing date.

[7] The parties had not prepared a Draft Procedural Order.

[8] The parties jointly requested that the hearing be adjourned *sine die* to afford an opportunity for the parties to explore possible settlement.

[9] The parties also jointly requested that the Tribunal make an order pursuant to subsection 17(39) of the Act to approve the balance of the Official Plan that is not subject of this appeal, given that this appeal was now scoped to be site-specific and there were no further appeals.

ORDER

[10] The Tribunal orders as follows:

- A. The parties are: Queen's Court Development Ltd., the Town of Penetanguishene and the County of Simcoe.
- B. There are no Participants.
- C. The observers who have requested a copy of this decision and notice of any future hearing or conference are: Susan Wilson; Trish Warriner; David Slivinski; Margaret Livermore-Green; and Eric Max.
- D. At the request of all the parties, the hearing is adjourned *sine die* to allow the parties further opportunity to explore settlement, and without prejudice to the Town and the County to challenge the road issue if the matter is brought back at the request of any party. The parties shall contact the Case Co-ordinator no later than six months from the date of this Decision and Order to provide a status update.

- E. The parties shall prepare and file a Draft Procedural Order prior to any future hearing date.
- F. The appeal is scoped as set out in paragraph [3] above without prejudice to the Town's and the County's right to contest the road issue if the matter proceeds.
- G. At the request of all the parties, and given that the Appellant has reduced the scope of the appeal made under subsection 17(36) of the Act and in doing so has effectively withdrawn his appeal in respect of part of the decision of the County, and given that the time for filing notice of appeal has expired, the Tribunal approves those parts of the Official Plan in respect of which all the appeals have been withdrawn pursuant to subsection 17(39) of the Act.
- H. The parties and named observers are to receive a copy of this Decision and Order.

[11] This Member is not seized.

"Margot Ballagh"

MARGOT BALLAGH
MEMBER

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

Local Planning Appeal Tribunal

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