

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



ISSUE DATE: November 24, 2020

CASE NO(S):

PL190352

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: Beeton Station Condominiums Corporation
Appellant: Ontario Potato Distributing Inc. & Mattamy Homes
Subject: Proposed Official Plan Amendment No. NT-OP-1801
Municipality: Town of New Tecumseth
LPAT Case No.: PL190352
LPAT File No.: PL190352
LPAT Case Name: Beeton Station Condominiums Corporation v. New Tecumseth (Town)

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

Heard: November 17, 2020 by telephone conference call

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
County of Simcoe (“County”)	Marshall Green
Town of New Tecumseth (“Town”)	James Feehely
Beeton Station Condominiums Corporation (“BSC”)	David White
Beeton Meadows Holdings Inc. (“BMH”)	Christopher Tanzola Michael Cara

**MEMORANDUM OF ORAL DECISION OF M. ARPINO DELIVERED ON
NOVEMBER 17, 2020 AND ORDER OF THE TRIBUNAL**

INTRODUCTION AND BACKGROUND

[1] This Decision and Order is issued following the third Case Management Conference (“CMC”) in the appeals of Mattamy Homes, Ontario Potato Distributing Inc. (“Mattamy”) and BSC, from the County’s approval of the new Official Plan (“OP”) for the Town, and the appeal of BSC and BMH from a non-decision of the County on a portion of the OP, pursuant to s. 17(36) and s. 17(40) of the *Planning Act*, R.S.O. c. P.13, (“Act”) respectively.

[2] At the first CMC on January 8, 2020, the Tribunal ordered that the appeal of Mattamy from the County’s approval of the new OP for the Town pursuant to s. 17(36) of the Act be adjourned *sine die* to allow time for the County to complete a comprehensive review of the County’s Official Plan.

[3] BSC has appealed the decision of the County on the OP regarding a variety of general policies as well as the non-decision of the County in regard to the Town’s proposed Urban Residential designation of lands in Schedule B2. BMH has appealed the non-decision of the County in this same regard.

[4] At the second CMC (“the second CMC”) on September 3, 2020, the Tribunal was informed that BSC was no longer pursuing its appeal of general policies in the Town’s OP; the appeal in relation to the general policies was withdrawn. The BSC appeal is now site-specific.

[5] Mr. White, counsel for BSC informed the Tribunal that BSC did not intend to submit evidence at the hearing of the merits of the Appeal. Mr. White stated that there was a settlement amongst the Parties and that BSC’s roll in the matter before the Tribunal was a “watching brief” to ensure that the new OP carries over the requested Urban Residential designation for the BSC land.

[6] At the second CMC, the Tribunal noted that the County’s comprehensive review of the OP had not been completed, consequently the Tribunal did not deal with the Mattamy appeal under PL190352.

[7] The Tribunal was informed that the County’s review is still ongoing therefore the Mattamy appeal was not the subject of the CMC.

[8] The purpose of the CMC was to consider a draft Procedural Order and to schedule a hearing of merits of the appeal brought by BMH and BSC in PL190353. (“Appeal”).

[9] Mr. Tanzola and Mr. Feehely agreed that they each intended to call two professional witnesses to provide testimony at the merit hearing. They jointly requested that the Tribunal schedule a five-day hearing.

[10] The Tribunal was informed that the County, Town and Appellant have discussed the Appeal and that there is a significant gap between their respective positions on the outstanding issues. The Tribunal determined that it is unlikely that the Appeal can be resolved by settlement or mediation.

[11] Mr. Tanzola, counsel for BMH prepared a draft Procedural Order (“PO”). The

Tribunal noted that the Issues List was expansive. The Parties agreed that they could work collaboratively to scope the issues.

[12] The Tribunal inquired of the Parties if there were any other matters to be addressed that may assist in the fair, just and expeditious resolution of the Appeal, the Parties indicated that there were none.

[13] The Tribunal considered the draft Procedural Order and determined that it was sufficiently detailed to demonstrate to the Tribunal that it was appropriate to schedule a hearing of the merits of the Appeal.

[14] Having heard the submissions of counsel, the Tribunal determined that it would be appropriate to move the Appeal forward by requiring that the Parties work collaboratively to scope the Issues List.

ORDER

[15] The Tribunal orders that a merit hearing to be conducted as a video hearing is set for five days commencing on **Monday, July 19, 2021 to be held each day starting at 10 a.m.** and the VH details are as follows.

[16] Parties are to participate with video and audio enabled. Join the event from a computer, tablet or smartphone by using this link: <https://global.gotomeeting.com/join/138743125> . When prompted, enter the code **138-743-125** to be connected to the hearing by video.

[17] Observers are to participate with audio only enabled. Join the event via telephone conference **by calling: +1 (647) 497-9373 or Toll Free 1 888 299 1889**. When prompted, **enter the code 138-743-125** to be connected to the call.

[18] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video

to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[19] The Tribunal directs the Parties on or before Thursday, July 1, 2021 to submit a redrafted Procedural Order including a scoped Issues list and Witness List, together with an Agreed Statement of Facts, to the Case Coordinator for review by the Tribunal.

[20] If the Parties cannot agree on the terms of the draft Procedural Order or Statement of Facts, they will each submit their version for the Tribunal to consider.

[21] The Member is not seized, and no further notice will be given.

"M. Arpino"

M. ARPINO
MEMBER

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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