Ontario Land Tribunal

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Website: olt.gov.on.ca

Tribunal ontarien de l'aménagement du territoire

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Site Web: olt.gov.on.ca

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

Appellant:	Lilacpark Inc.
Appellant:	Gino Iacoucci
Appellant:	Frank Renz
Subject:	Proposed Official Plan Amendment
Description:	To permit a new Official Plan for the Township of Clearview
Reference Number:	CV-OP-2401
Property Address:	7391, 7395, 7399, 7403, 7407 & 7411 County Road 91 & 1018 County Road 42, 207 & 209 Quebec Street, etc.
Municipality/UT:	Clearview/Simcoe
OLT Case No.:	OLT-25-000019
OLT Lead Case No.:	OLT-25-000019
OLT Case Name:	Lilacpark Inc. v. Simcoe (County)

The Ontario Land Tribunal ("Tribunal") will conduct a **Case Management Conference (CMC)** by **Video Conference** for this matter.

The event will be held:

AT: 10:00 AM

ON: Friday, March 21, 2025

AT: https://global.gotomeeting.com/join/638422541
Access Code: 638-422-541

The Tribunal has set aside **one (1) day** for this matter.

A copy of the Tribunal's Rules of Practice and Procedure can be found at: https://olt.gov.on.ca/legislation-and-rules/

The purpose of the CMC is set out in Rule 19.1 of the Tribunal's Rules. Parties attending the CMC **must be prepared to discuss** preliminary issues including but not limited to:

- Identification of parties and/or participants
- Identification of issues.
- Draft Procedural Order – parties are strongly encouraged to meet before the CMC to consider a draft Procedural Order, as per Rule 19.2 (available at https://olt.gov.on.ca/forms-submissions/).
- Directions for pre-filing of witness lists, expert witness statements and written evidence.
- Possibility of Settlement and Mediation discussion
- Start date and duration of the hearing.

Event dates are firm – adjournments will only be granted in accordance with the *Tribunal's Rules of Practice and Procedure* Rule 17 on adjournments.

If you do not attend the CMC, the Tribunal may proceed in your absence, and you will not be entitled to any further notice of these proceedings. The Tribunal may finalize the list of appellants, parties and/or participants at this CMC.

Video Conferencing Software

The event will be held using GoToMeeting. The appellant(s), applicant, municipality or approval authority, and those persons who intend to request party or participant status, are asked to log into the video hearing through the link provided above at least fifteen (**15) minutes** before the start of the event to test their video and audio connections.

Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **1-888-299-1889 (Toll Free)** or **+1 (647) 497-9373**. The access code is **638-422-541**.

SUBMISSION REQUIREMENTS

If a person intends to refer to a document at the CMC that is not in the Tribunal's case file, the document is expected to be pre-filed electronically with the Tribunal **at least ten (10) days** before the date of the CMC All pre-filed documents shall be served on the other parties electronically. All contact information is included in Schedule A.

Submissions larger than **30MB** must be transferred to the Tribunal's Case Coordinator using an electronic file sharing link/service. Please see Schedule B for further submission requirements.

PARTY OR PARTICIPANT STATUS REQUEST:

Persons other than the appellant(s), applicant, municipality or approval authority who wish to participate in the proceeding, either as a party or as a participant, are expected to file a written status request with the Tribunal to outline their interest in the proceeding.

The Party Status Request Form and Participant Status Request and Statement Form are available on the Tribunal's website (https://olt.gov.on.ca/forms-submissions/). If you are requesting status, this form **must be provided at least ten (10) days** in advance of the Case Management Conference to the persons listed on Schedule A.

The status request will be reviewed and considered by the presiding Member at the CMC. It will also assist the Tribunal in organizing the hearing event. **Attendance by the requestor, or their representative, at the CMC is required for all status requests**. Where a requestor, or their representative, fails to attend the CMC, the presiding Member may refuse to consider or dismiss the status request in their absence.

Persons who are granted **party status** shall participate fully in the proceeding (see Rule 8). Persons who are granted **participant status** may only participate in writing by way of a participant statement (see Rule 7.7).Only persons who are granted party or participant status by the Tribunal at the CMC are permitted to participate in any further hearing event that is convened by the Tribunal for this appeal.

For more information on requesting status, please review the Tribunal's video "How to request party or participant status" video located at this link: https://olt.gov.on.ca/guides-videos/

DUTY TO REVIEW THE TRIBUNAL RULES OF PRACTICE AND PROCEDURE

Parties are expected to familiarize yourselves with the Tribunal's Rules, including but not limited to the excerpted Rules included in Schedule C to this notice.

FURTHER DIRECTIONS

Tribunal proceedings are open to the public and all documents filed in a proceeding will be included in the Tribunal's public file (except those documents that may be deemed confidential in accordance with the Ontario Land Tribunal's Rule 22.1).

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible by emailing OLT.COORDINATOR@ontario.ca. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance.

Pour recevoir des services en français, veuillez communiquer avec la Tribunal au 1-866-448-2248/(416) 212-6349 ou OLT.COORDINATOR@ontario.ca.

For general information concerning the Tribunal, visit our website at https://olt.gov.on.ca or you may contact the Tribunal's offices at 1-866-448-2248 or local (416) 212-6349.

DATED at Toronto, this 5th day of February, 2025.

Euken Lui
Acting Registrar

SCHEDULE A

Please provide materials electronically to the assigned Tribunal Case Coordinator **Ryan Co** at **Ryan.Co@ontario.ca**.

On the same day that documents are submitted to the Tribunal, electronic copies are to be submitted to:

APPELLANTS

Lilacpark Inc.

John Alati
johna@davieshowe.com

Grace O'brien
graceo@davieshowe.com

Gino Iacoucci
geemack85@yahoo.ca

Frank Renz

Konstantine Stavrakos
stavrakos@omh.ca

MUNICIPALITY

Township of Clearview

Harold Elston
helston@barristonlaw.com

APPROVAL AUTHORITY

County of Simcoe

Zarah Walpole
Zarah.walpole@simcoe.ca

Samantha Trottola
Samantha.Trottola@simcoe.ca

SCHEDULE B

INSTRUCTIONS FOR ELECTRONIC PRE-FILING SUBMISSIONS

Submission requirements to organize the video hearing

If a person intends to refer to a document at the video hearing (for clarity, any document that is not in the Tribunal's case file), it is expected to be pre-filed electronically with the Tribunal at **least ten (10) days** before the date of the video hearing and provided to all parties. The deadline applies unless otherwise specified in the Rules.

Submission emails **under 30MB** in size may be emailed directly to the assigned Tribunal Case Coordinator. Emails **larger than 30MB** must be transferred to the Tribunal's Case Coordinator using an electronic file sharing link/service to avoid sending documents across multiple email parts. Where appropriate, documents are to be submitted in .pdf format.

Naming convention

To assist the Tribunal and the adjudicator during the event, it is important that all submissions are **paginated and labelled appropriately** to clearly identify the content of each document. Where a document contains numerous sections, each section is to be indexed to a table of contents.

Additionally, clearly identify and separately tab the relevant sections that will be relied upon for quicker reference. The entirety of the policy documents (e.g. the PPS, Planning Act, Official Plans, Zoning By-laws, etc.) are not required unless deemed necessary to be presented by the parties or as otherwise directed by the Tribunal.

Parties are asked to adhere to the following naming convention: **case number_party role_ document type_date of hearing event.**

For example: PL123456_Applicant_Notice of Motion_Jan 1, 2020

Please see Rules 7.1 and 7.2 for the standard document submission requirements.

SCHEDULE C

EXCERPTS
TRIBUNAL RULES OF PRACTICE AND PROCEDURE (DECEMBER 2, 2024)

RULE 7 - DOCUMENTS, EXHIBITS, FILING, SERVICE

7.1 Form of Documents Unless otherwise directed by the Tribunal, every document filed or introduced by a party or participant in a proceeding before the Tribunal shall be legible and prepared electronically and shall have each page numbered consecutively, throughout the entire text or within tabs, including any graphic content. When a document is directed to be provided as a paper document, the paper document shall be identically numbered as the electronic copy and shall be prepared on letter size paper (8 ½" x 11"), except for large documents such as plans, surveys or maps.

7.2 Other Exhibits Large graphic or other such types of visual evidence should not be glued to foam or other boards. They shall be on paper and be removed from the boards following the hearing event, and folded to 8 ½" x 11". Three-dimensional models must be photographed and the photographs must be introduced with the model. Visual evidence must be reviewed by the other parties before the hearing event or by an earlier date if set out in a procedural order.

7.3 Copies of Documents for Parties and the Municipal Clerk A party who intends to introduce a document as evidence at a hearing event shall provide a copy of the document to all the parties at the beginning of the proceeding or by an earlier date if that is required by the terms of a procedural order or otherwise directed by the Tribunal. If the document is an official plan, those parts of the plan to be referred to at the hearing event should be distributed to the parties, and a copy of the entire plan must be made available to the Tribunal Member(s). If the Tribunal orders that the Municipal Clerk keep copies of documents for public inspection, they do not need to be certified copies, unless a party objects that they are not authentic copies.

7.4 Prefiling of Witness Statements and Reports If the hearing is expected to last more than 5 days, the Tribunal may require that parties calling expert or professional witnesses serve on the other parties any expert witness statements and reports prepared for the hearing, at least 30 days in advance of the commencement of the hearing, unless otherwise directed by the Tribunal. The Tribunal may in its discretion, or at the request of a party, also make this prefiling order for hearings expected to last fewer than 5 days. The expert witness statement must contain:

a. an executed acknowledgment of expert's duty form (attached to these Rules) and the expert's qualifications;
b. the issues the expert will address, their opinions on these issues, the reasons that support their opinions and their conclusions; and
c. a list of the reports or documents, whether prepared by the expert or by someone else, that the expert will refer to at the hearing.

The expert's complete report may be filed instead of this statement if it contains the required information.

An expert may not be permitted to testify if this statement or report is not served on all parties when so directed by the Tribunal.

7.5 Duty of the Expert Witness It is the duty of every expert engaged by or on behalf of a party who is to provide opinion evidence at a proceeding under these Rules to acknowledge, either prior to (by signing the acknowledgment form attached to the Rules) or at the proceeding, that they are to:

a. provide opinion evidence that is fair, objective and non-partisan;
b. provide opinion evidence that is related only to the matters that are within the expert's area of expertise;
c. provide such additional assistance as the Tribunal may reasonably require to determine a matter in issue;
d. not to seek or receive assistance or communication from any third party, except technical support, while giving oral evidence in examination in chief, while under cross-examination, or while in reply; and
e. acknowledge that these duties prevail over any obligation owed by the expert to the party by whom or on whose behalf he or she is engaged.

7.6 Other Witnesses The Tribunal may also require that a witness who is not presenting expert evidence provide a witness statement. A witness statement should contain:

a. a short written outline of the person's background experience and interest in the matter;
b. a list of the issues that they will discuss; and
c. a list of reports or materials that they will rely on at the hearing.

The Tribunal may decline to allow the witness to testify if this statement is required by the Tribunal and has not been provided to the other parties.

7.7 Participant Statements A person who wishes to participate in a proceeding as a participant, shall file a written participant statement that sets out their position on the appeal and issues of the proceeding, together with an explanation of their reasons in support of their position. A participant may only make submissions to the Tribunal in writing unless otherwise provided for by an Act or regulation.

7.8 Amendment of Documents Documents filed with the Tribunal can only be amended with the consent of the parties or by order of the Tribunal. The Tribunal may require that the person requesting an amendment do so by way of a motion under Rule 10.

7.9 Copies of Tribunal Documents A person may examine any document, including electronic documents, filed with the Tribunal and copy it after paying the Tribunal's fee, unless a statute, a Court Order, an order of the Tribunal or these Rules provide otherwise.

7.10 Return of Exhibits Exhibits of all types introduced at a hearing will be kept for 180 days after the Tribunal decision issues. The person introducing an exhibit may ask for

its return after this time, and it may be given back if the Tribunal agrees. If no such request is made, the exhibit becomes the property of the Tribunal and may be archived.

7.11 Service by Personal Service or Electronic Service Where any document is required to be served or filed, including the one commencing a proceeding or a motion or providing notice, it shall be served by personal service, registered mail or electronically (unless a statute or the Tribunal requires another method of service) and shall be sent to:

a. the party's representative, if any;
b. where the party is an individual and is not represented, to that party directly, where that party has provided an address for service and/or an e-mail address;
c. where that party is a corporation and is not represented, to the corporation directly, to the attention of an individual with apparent authority to receive the document;
d. where served on or filed with a local board or commission, or any department, ministry or agency of the federal, provincial or municipal government, to an individual with apparent authority to receive the document; or
e. where served on or filed with the Tribunal, to the Registrar, or the assigned administrative staff.

Subject to Rule 7.12, if a document is served by e-mail, then service is effective on the date of service.

7.12 If Served Electronically After 4:30 p.m. Any document served electronically after 4:30 p.m. is deemed to have been served on the next business day.

7.13 Proof of Electronic Service A confirmation printout received by the sender is proof of the full transmission and receipt of the electronic service.

RULE 8 - ROLE AND OBLIGATIONS OF A PARTY

8.1 Role and Obligations of a Party Subject to Rule 8.2 below, a person conferred party status to a proceeding before the Tribunal shall participate fully in the proceeding, and by way of example may:

a. Identify issues arising from a notice(s) of appeal for the approval of the Tribunal;
b. Bring or respond to any motion in the proceeding;
c. Receive copies of all documents and supporting information exchanged, relied upon or filed in connection with any hearing event conducted in the proceeding;
d. Present opening and closing submissions at the hearing;
e. Present and examine witnesses and cross-examine witnesses not of like interest;
f. Claim costs or be subject to a costs award when ordered by the Tribunal; and
g. Request a review of the Tribunal's decision or order as set out in Rule 25.

8.2 Power of Tribunal to Add or Substitute a Party The Tribunal may add a party to a proceeding when that person satisfies applicable legislative tests necessary to be a party and the Tribunal has reasonable grounds to do so, provided that the person's presence is necessary to enable the Tribunal to adjudicate effectively and completely.

The Tribunal may substitute a party and transfer another party's interest to the substituted party when the Tribunal has reasonable grounds to do so.

8.3 Non-Appellant Party A party to a proceeding before the Tribunal which arises under any of subsections 17(24) or (36), 34(19), 37(17), 42(4.9) or 51(39) of the *Planning Act* or section 14 of the *Development Charges Act* who is not an appellant of the municipal decision or enactment may not raise or introduce a new issue in the proceeding. The non-appellant party may only participate in these appeals of municipal decisions by sheltering under an issue raised in an appeal by an appellant party and may participate fully in the proceeding to the extent that the issue remains in dispute.

8.4 Common Interest Class Where the Tribunal is of the opinion that more than one party is of common interest with another party or other parties, the Tribunal may, on its own initiative or on the request of any party, appoint a person of that class of parties to represent the class in the proceeding.

RULE 17 - ADJOURNMENTS

17.1 Hearing Dates Fixed Hearing events will take place on the date set unless the Tribunal agrees to an adjournment. Adjournments will not be allowed that may prevent the Tribunal from completing and disposing of its proceedings within any applicable prescribed time period.

17.2 Requests for Adjournment if All Parties Consent If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the written consents of all parties. However, the Tribunal may require that the parties attend in person or convene an electronic hearing to request an adjournment wherein the Tribunal will consider its powers under Rule 17.5, even if all of the parties consent. The consenting parties are expected to present submissions to the Tribunal on the application of any prescribed time period to dispose of the proceeding.

17.3 Requests for Adjournment without Consent If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 15 days before the date set for the hearing event. If the reason for an adjournment arises less than 15 days before the date set for the hearing event, the party must give notice of the request to the Tribunal and to the other parties and serve their motion materials as soon as possible. If the Tribunal refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.

17.4 Emergencies Only The Tribunal will grant last minute adjournments only for unavoidable emergencies, such as illnesses so close to the hearing date that another representative or witness cannot be obtained. The Tribunal must be informed of these emergencies as soon as possible.

17.5 Powers of Tribunal upon Adjournment Request The Tribunal may,

a. grant the request.
b. grant the request and fix a new date or, where appropriate, the Tribunal will schedule a case management conference on the status of the matter;
c. grant a shorter adjournment than requested;
d. deny the request, even if all parties have consented;
e. direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
f. grant an indefinite adjournment, if the Tribunal finds no substantial prejudice to the other parties or to the Tribunal's schedule and the Tribunal concludes the request is reasonable for the determination of the issues in dispute. In this case, a party must make a request, or the Tribunal on its own initiative may direct, that the hearing be rescheduled or resumed as the case may be;
g. convert the scheduled date to a mediation or case management conference; and
h. make any other appropriate order.

RULE 19 - CASE MANAGEMENT CONFERENCES

19.1 Case Management Conference At the request of a party, on its own initiative or as may be required by legislation or regulation, the Tribunal may direct parties to participate in a case management conference conducted by a Member of the Tribunal, which can include settlement conferences, motions or preliminary hearing matters, such as to:

a) Identify the parties and participants;
b) Determine the issues raised by the appeal;
c) Narrow the issues in dispute;
d) Identify facts or evidence the parties may agree upon or on which the Tribunal may make a binding decision;
e) Obtain admissions that may simplify the hearing, which may include the examination of persons by the Tribunal as part of the conference;
f) Provide directions for exchange of witness lists, witness statements, expert witness statements and reports, for meetings of experts including to address the disclosure of information such as the disclosure of the information that was not provided to the municipality before council or the approval authority made its decision that is the subject of the appeal, and for further disclosure where necessary;
g) Provide directions to the parties to file a hearing plan to outline how the hearing will proceed, the order of witnesses, or the anticipated time for submissions to ensure the Tribunal sets aside sufficient time in its hearing calendar to dispose of the issues;
h) Discuss opportunities for settlement, including possible use of mediation or other dispute resolution processes;
i) Fix a date, place and format for the hearing and estimate its length, and encourage the parties to agree upon the dates for any procedural steps;
j) Discuss issues of confidentiality, including any need to hold a part of the hearing in the absence of the public or to seal documents;
k) Address the production and cost sharing of joint document books; and
l) Deal with any other matter that may assist in a fair, just, expeditious and cost-effective resolution of the issues.

19.2 Sample Procedural Order and Meeting Before Case Management Conference Where the parties are known before the case management conference, they are expected to discuss the matters set out in Rule 19.1 and present a draft procedural order to the Tribunal for its approval. Sample procedural orders are listed in the Index to these Rules.

19.3 Serving Notice of a Conference The Tribunal will determine the notice requirements for a Case Management Conference and any directions to serve a Notice of Case Management Conference that provides the time, place and format of the conference. The directions may include a notice to all persons or authorities entitled by legislation or regulation. The person, municipality or approval authority who is issued the direction must serve this notice on those persons entitled to notice of the conference

and provide an affidavit to the Tribunal, at or prior to the conference, to prove service of the notice.

19.4 Tribunal Member Presides The Tribunal's Chair will assign at least one Member of the Tribunal to conduct the conference.

19.5 Public Attendance at a Case Management Conference A case management conference held in person will be open to the public. A case management conference held by electronic hearing will be open to the public where practical. Despite the general principle of public open sessions, where circumstances prevail that may require confidentiality, in the discretion of the presiding Tribunal Member, part or all of the conference may be conducted in *camera*.

19.6 Conversion from One Procedure to Another The Tribunal Member may, at any time, conduct a procedural discussion, initiate a motion, inquire into a preliminary matter, or convert the conference into a hearing. The Tribunal will state in the notice of a case management conference that the parties are expected to arrive prepared for a procedural and settlement conference as well as a preliminary hearing, where evidence or formal statements or submissions may be heard. Even if no settlement is reached, the Tribunal may proceed to make a final decision on any evidence received during the conference.

19.7 Results of Failure to Attend a Conference If a party fails to attend the conference or by authorized representative, the Tribunal may proceed without that party. The non-attending party is not entitled to notice of subsequent hearing events in the proceedings.

19.8 Tribunal Order Following The Tribunal Member conducting the case management conference will issue an order that may decide any of the matters considered at the conference and provide procedural directions for any subsequent hearing event.

19.9 Hearing Member Bound The Tribunal Member conducting the hearing or any subsequent hearing event is bound by the order resulting from the case management conference unless that Member is satisfied that there is good reason to vary the order.

19.10 Methods of Holding Hearing Events The Tribunal may direct in an order following a conference that hearing events in a proceeding be held by a combination of written, electronic or in person hearing events.

RULE 20 - ELECTRONIC HEARINGS

20.1 Hearing Events by Teleconference or Videoconference The Tribunal may hold a hearing event by electronic hearing, such as by teleconference or videoconference, for the determination of any issue in the proceeding. Where the Tribunal directs that a hearing event be held by electronic hearing, the Tribunal may direct a party to make the necessary arrangements and to give notice of those arrangements to the Tribunal and other parties.

20.2 Objection to the Electronic Format A party who objects to a hearing event being held as an electronic hearing shall notify the Tribunal and all other parties of its objection within the time period specified in the notice of the electronic hearing. The objecting party shall set out the reasons why the electronic hearing is likely to cause the objecting party significant prejudice.

20.3 Response to Notice of Objection The Tribunal may request a written response from other parties to the objection of an electronic hearing within a time period set out by the Tribunal.

20.4 Procedure When Objection is Received If the Tribunal receives an objection to hold a hearing event by electronic hearing, it may:

a) Accept the objection, cancel the electronic hearing, and schedule an in person or written hearing; or
b) If the Tribunal is satisfied, after considering any responding submissions that no significant prejudice will result to a party, then the Tribunal will reject the objection and proceed with the electronic hearing.

20.5 Directions for the Electronic Hearing The Tribunal may direct the arrangements for the electronic hearing or designate an approved location for videoconference to protect the integrity of the hearing process, including the security and confidentiality of evidence as necessary.

20.6 Videoconferences The Tribunal shall pre-approve all arrangements for conducting a hearing event by videoconference, including the pre-filing and exchange of motion materials, documents, written submissions or any visual and written evidence, and the locations for the conference. Any information, statement or material intended to be filed as an exhibit at a videoconference shall be pre-filed with the Tribunal and provided to all parties in accordance with the Tribunal's directions or procedural order for conducting a hearing event by videoconference.

20.7 The View of the Camera A party's representative or a witness in a videoconference shall be in view of the camera, with minimal visual obstructions, in the course of their presentations or submissions to the Tribunal. Where a witness is being examined or cross-examined, there shall be a view of the witness, counsel protecting the witness, and the person conducting the examination or cross-examination. Any document that may be referred to by parties or their witnesses shall be visible and legible to the Tribunal and all other parties to the conference, either by the camera or by referring to a copy of the document exchanged in accordance with the Tribunal's directions.