Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: June 28, 2024 **CASE NO(S).:** OLT-24-000037

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

Appellant:	Bill Glover
Appellant:	Oro-Medonte Association of Responsible STRs
Appellant:	Stephen Schroeter
Subject:	Proposed Official Plan Amendment
Description:	To institute a new Official Plan for Oro-Medonte
Reference Number:	OM-OP-2201
Property Address:	Township-Wide
Municipality/UT:	Oro-Medonte/Simcoe C
OLT Case No.:	OLT-24-000037
OLT Lead Case No.:	OLT-24-000037
OLT Case Name:	Bill Glover et al v. Simcoe (County)

Heard: June 26, 2024 by Video Hearing

APPEARANCES:

Parties	**Counsel**
Carriage Country Club Inc.	Andrew Jeanrie
HSV GP Inc.	Andrew Jeanrie
Township of Oro-Medonte	Christopher J. Williams Laura Dean (*in absentia*)
County of Simcoe	Will Thomson

MEMORANDUM OF ORAL DECISION DELIVERED BY S. DIXON ON JUNE 26, 2024 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This Decision and Order arises from the second Case Management Conference ("CMC") held regarding multiple appeals filed pursuant to s. 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended ("Act"), concerning a municipally initiated comprehensive update to the Township of Oro-Medonte ("Township") Official Plan ("New OP").

[2] The New OP was adopted by the Township on October 5, 2022 and approved by the County of Simcoe ("County") on November 14, 2023. Five appeals were initially filed by:

- Bill Glover;
- Stephen Schroeter;
- Oro-Medonte Association of Responsible STRs (the "Association");
- Carriage Country Club Inc.; and
- HSV GP Inc.

[3] The appeals by Bill Glover and Stephen Schroeter were withdrawn prior to the first CMC for this matter.

[4] Prior to the second CMC, the *Cutting Red Tape to Build More Homes Act, 2024* ("Bill 185") received Royal Assent on June 6, 2024. At the second CMC, the Parties and the Association agreed that the amendments to the Act enacted through Bill 185 resulted in the dismissal of the Association's appeal. Accordingly, only the following Parties to these proceedings remained at the commencement of the second CMC:

- Carriage Country Club Inc.;
- HSV GP Inc.;
- the Township; and
- the County.

PARTY STATUS REQUEST

[5] In light of the dismissal of the Association's appeal, Counsel for same requested that Mr. Sookman – being a member of the Association and a registered landowner to whose lands the New OP apply – be either added or substituted as an Appellant Party pursuant to Rule 8.2 of the Tribunal's *Rules of Practice and Procedure* ("Rules"), such that Mr. Sookman would "step into the role of appellant".

[6] Counsel for the Township opposed the request, noting that the Association's appeal has been dismissed pursuant to Bill 185. Accordingly, there is no Appellant or Party with which to substitute Mr. Sookman for.

[7] The Tribunal agreed, further noting that the appeal period for this matter has lapsed and that the Tribunal does not have statutory authority to extend same nor to add appellants to a proceeding. However, the Tribunal does have authority to add a Party to these proceedings, whether that be the Association as a whole or Mr. Sookman as an individual, pursuant to ss. 17(44.1) and (44.2) of the Act, which state:

> **Restriction re adding parties**
>
> (44.1) Despite subsection (44), in the case of an appeal under subsection (24) or (36), only the following may be added as parties:
>
> 1. A person or public body who satisfies one of the conditions set out in subsection (44.2).
> 2. The Minister.
> 3. The appropriate approval authority. 2006, c. 23, s. 9 (7).

> **Same**
>
> (44.2) The conditions mentioned in paragraph 1 of subsection (44.1) are:
>
> 1. Before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council.
>
> 2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2006, c. 23, s. 9 (7); 2017, c. 23, Sched. 5, s. 80.

[8] The Tribunal then turned to Rule 8.3 of the Rules, which states that a Party to a proceeding under ss. 17(36) of the Act who is not an Appellant of the municipal decision or enactment may not raise or introduce a new issue in the proceeding and may only participate by sheltering under an issue raised by an Appellant Party.

[9] Accordingly, the Tribunal directed that, should the Association and/or Mr. Sookman wish to be added as a Party, they submit a Party Status Request identifying which issues they intend to shelter under to the Parties and the Tribunal by no later than **Wednesday, July 3, 2024**. The Tribunal further directed that any responses to said Party Status Request by any Party be submitted to the Tribunal by no later than **Wednesday, July 10, 2024**.

ISSUES LIST

[10] The Appellants, Township, and County provided the Tribunal with a draft Issues List filed on consent. The Tribunal reviewed same with the Parties and hereby approves the Issues List attached to this Decision and Order as Schedule 1.

POTENTIAL SETTLEMENT

[11] Counsel for the Township advised the Tribunal that the Township has been engaged in productive without prejudice settlement discussions with the Appellants, which they believe may result in a full resolution of the Appeals. The potential settlement would require modifications to the New OP that would first need

endorsement from Council for the Township, which could be received in the very near future.

[12] The Tribunal directed that Counsel for the Township provide the Tribunal with a status update in that regard by no later than **Monday, July 15, 2024**.

PROCEDURAL ORDER

[13] In addition to the draft Issues List, the Parties submitted a Draft Procedural Order ("DPO") to the Tribunal. However, given the potential settlement discussed above, the Tribunal deferred approval of same until the next hearing event, discussed below.

THIRD CMC

[14] The Tribunal scheduled a third CMC to be held by Video Hearing on **Friday, July 26, 2024** at **10 a.m.** Should a settlement be reached between the Parties, they may request that the Tribunal convert the third CMC to a one-day Hearing of Merits for the purposes of considering the settlement. Should a settlement not be reached, the third CMC should be used to address any Party Status Requests, finalise the DPO, and schedule a Hearing of Merits.

[15] Parties are asked to log in to the Video Hearing at least **15 minutes** before the start of the event to test their video and audio connections:

GoTo Meeting: https://global.gotomeeting.com/join/442599157

Access Code: 442-599-157

[16] Parties are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at **GoToMeeting** or a web application is available: **https://app.gotomeeting.com/home.html**.

[17] 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 (647) 497-9391** or **(Toll Free) 1-888-455-1389**. **The access code is as indicated above**.

[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 Video Hearing 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.

ORDER

[19] **THE TRIBUNAL ORDERS** that the issues to these proceedings are set out in the Issues List attached to this Order as Schedule 1. There will be no changes to the Issues List unless the Tribunal permits, and a Party who asks for changes may have costs awarded against it.

[20] There will be no further notice.

[21] This Member is not seized.

"*S. Dixon*"

S. DIXON
MEMBER

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

SCHEDULE 1

ISSUES LIST

Consistency With the Provincial Policy Statement (2020)

1. Are the short-term rental accommodation ("**STRA**") policies consistent with the Provincial Policy Statement (2020), including but not limited to:
   - 1.1.1 a) and b) (healthy, livable, and sustainable communities);
   - 1.1.3.1 (*settlement areas* growth and development);
   - 1.1.3.2 a) (*settlement areas* – efficient use of land and resources);
   - 1.3.1 b) and d) (economic development); and
   - 1.7.1 h) (tourism)?

Conformity With the Growth Plan (2019)

2. Do the STRA policies conform to the provisions of the Growth Plan for the Greater Golden Horseshoe (2019), including but not limited to the following policies:
   - 1.2.1 (guiding principles);
   - 2.2.1.4 (achievement of complete communities); and
   - 2.2.6 (housing)?

Township of Oro-Medonte Official Plan

3. Do the STRA rules and requirements in the Proposed Official Plan (Policy 4.13) negatively impact or unduly restrict development and/or the future use of the Horseshoe Valley Settlement Area, Oro, or 90 Highland Drive and 3303 Line 3 North, Oro (together, the "**Lands**")?

4. Do the STRA policies (Policy 4.13) support the Goals of the Township of Oro-Medonte Official Plan, including but not limited to:

   - the role of the Horseshoe Valley Settlement Area and "Village" designation; and
   - conflicting with Policies 1.8 c), d) and e)?

5. Do the STRA policies support the Objectives of the Township of Oro-Medonte Official Plan, including but not limited to Policy 1.9.2 which directs the majority of population and employment growth to *Settlement Areas*?

6. Is the characterization that STRAs as being "commercial nature …and their potential to negatively impact an adjacent residential property…" accurate?

7. Is it good planning to have very prescriptive requirements?

8. Does Policy 4.13.2. unnecessarily restrict STRAs to areas zoned for commercial permission?

9. Is the Policy 4.13.2. requirement that all STRAs be subject to Site Plan Control good planning?

10. Is the definition of STRA in the Official Plan Part 7 Glossary good planning?

General

11. Do the STRA policies represent good planning for the Lands?