Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: March 30, 2026 **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 County
OLT Case No.:	OLT-24-000037
OLT Lead Case No.:	OLT-24-000037
OLT Case Name:	Bill Glover et al v. Simcoe (County)

Heard: February 12, 2026, by Video Hearing

APPEARANCES:

Parties	**Counsel**
Carriage Country Club Inc.	Samuel Judson Andrew Jeanrie (*in absentia*)
HSV GP Inc.	Samuel Judson Andrew Jeanrie (*in absentia*)
Oro-Medonte Association of Responsible STRs	Barry Sookman Jonathan Nehmetallah (*in absentia*)

Township of Oro-Medonte	Laura Dean Christopher J. Williams (*in absentia*)
County of Simcoe	Will Thomson

DECISION DELIVERED BY S. DIXON AND ORDER OF THE TRIBUNAL

Link to Order

INTRODUCTION

Background

[1] This Decision and Order results from a Hearing on the Merits of 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 Official Plan of the Township of Oro-Medonte ("New OP").

[2] The New OP was adopted by the Township on October 5, 2022 and approved by the County of Simcoe on November 14, 2023. The New OP introduces s. 4.13 pertaining to short-term rental ("STR") accommodations.

[3] There are three remaining appeals in these proceedings, all of which pertain to the STR policies of s. 4.13, related glossary terms, and mapping. The remaining appellants are:

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

[4] By operation of s. 17(27) of the Act, those sections of the New OP not subject to appeal are deemed to have come into full force and effect for all lands not subject to appeal as of the day after the last day for filing a notice of appeal, being December 12, 2023 in this instance.

Settlements

[5] The Township advised the Tribunal that settlements between the Township and each of the appellants had been reached. Collectively, the settlements propose to:

1. Replace the policies of s. 4.13 of the New OP with a revised s. 4.13;

2. Define STR accommodations in the glossary of the New OP; and

3. Modify *Schedule B2 – Land Use* of the New OP to add the Horseshoe Valley Resort lands to the "Village Designation Boundary".

[6] In support of the settlements, the Tribunal received an Affidavit of Brent Spagnol, which was marked as **Exhibit 1**. Mr. Spagnol is the Director of Development Services at the Township and a Registered Professional Planner. He has been practicing land use planning for over 20 years and has been previously qualified to provide the Tribunal with expert opinion evidence in Land Use Planning. Mr. Spagnol was so qualified once again at this Hearing.

REQUESTED RELIEF

[7] At the outset of the Hearing (and as provided for in a draft order submitted to the Tribunal), counsel for the Township submitted the following requests:

1. That the Tribunal approve the revised STR policies, definition and mapping, in principle, in the form attached as Exhibit "D" to the Affidavit of Mr. Spagnol (attached hereto as **Schedule 1**); and

2. That the Tribunal "withhold the issuance of its Final Order approving the Revised OP Schedule and Revised STR Policies until the Parties have requested in writing that the Final Order be issued."

The Revised Policies

[8] The first request is strictly a question of the planning merits of the revised STR policies, definition, and mapping, which the Tribunal finds to meet all applicable legislative tests, be in the public interest, and represent good planning.

[9] Mr. Spagnol proffered that, concurrent to settlement discussions with the Appellants, the Township undertook a significant two-year review of its overall framework for STRs to establish the revised policies as part of a program to better manage and regulate STR uses in the Township. That review, he proffered, consisted of an analysis of best practices and considerable public consultation, resulting in seven key objectives to be considered by the Township when making decisions regarding STR permissions:

1. Ensure safe, healthy, and peaceful neighbourhoods;

2. Ensure life safety provisions are in place to manage the operation of STRs;

3. Provide an effective tool for regulation and enforcement;

4. Establish a structured process for the establishment of STRs;

5. Establish clear land use regulations (permissions versus prohibitions);

6. Reduce the potential for significant costs associated with litigation (Court and Tribunal appeals); and

7. Establish a financially sustainable program (revenue generation to cover costs).

[10] The revised policies distinguish between STRs that advertise versus those that do not. STRs that advertise are considered by the Township to be commercial uses – devoted toward business revenue, whereas those that do not advertise are considered to be residential uses. In Mr. Spagnol's opinion, utilising advertising as an indicator as to when an STR moves from

residential to commercial provides the City with an effective threshold to gauge the type and intensity of a proposed use.

[11] Residential STRs (e.g., a homeowner renting all or part of their home or cottage to a friend or colleague, without advertising) are permitted throughout the Township and do not require a planning application or STR license.

[12] Commercial STRs are permitted only within the Village One (V1) Zone, including any (V1) Exception Zone, and the Residential Two Exception 123 (R2* 123) Zone. However, site-specific zoning by-law amendments are required to permit the operation of commercial STRs. In that regard, Mr. Spagnol proffered that the revised policies establish a structure to permit commercial STRs within specific zones as of right, but require site-specific zoning by-law amendments to ensure that the following criteria – intended to address community character considerations – are met:

- The intent of the New OP is maintained;
- The STR use does not generate conflicting land use impacts with surrounding land uses;
- The STR use is consistent with and maintains the character of the surrounding area;
- The scale of the proposed STR use is suitable for the site and surrounding area;
- Adequate water and sewage services can be provided to the satisfaction of the Township;
- Appropriate access routes and/or on-site parking can be provided;

- The shoreline and water quality are protected, if located within the Shoreline designation; and

- Nuisance mitigation measures such as setbacks, buffering, and landscaping are to be implemented.

[13] Mr. Spagnol further proffered that the revised policies address previously conflicting policy directions by clarifying that commercial STRs are indeed permitted in certain residential areas. The revised policies also remove the previous requirement for proposed STRs to obtain site plan approval prior to obtaining an STR license.

[14] In Mr. Spagnol's opinion, the revised policies provide for the establishment of STRs in the Township, supporting tourism and economic well-being while preserving neighbourhood character, land use compatibility, and ensuring safe, healthy, and resilient communities through the application of criteria to identify suitable sites for commercial STRs.

[15] Accordingly, it is Mr. Spagnol's opinion that the revised policies and mapping have appropriate regard for matters of provincial interest as set out in s. 2 of the Act, are consistent with the Provincial Planning Statement, 2024, conform to the County of Simcoe Official Plan, conform to the New OP, are in the public interest, and represent good planning.

[16] Mr. Spagnol emphasised that, following considerable "efforts and angst" regarding the need for STR policies in the Township, approval of the revised policies will establish a balance between several objectives, provide STR guidance on a Township-wide basis, and provide a mechanism for the Township to move forward with zoning and licensing by-laws to establish a clear, concise, and enforceable STR framework. The Tribunal agrees.

The Withholding Request

[17] The second request (that the Tribunal withhold its Final Order until the Parties request it be issued) is a question of mechanics regarding how (or when) the revised policies come into force.

[18] The Tribunal acknowledges that requests for Interim Orders are common and are regularly used by the Tribunal to ensure various prerequisite matters are completed prior to the Tribunal's final approval of a planning instrument. Examples include, but are not limited to, the finalisation of draft wording of a planning instrument, the submission of supporting studies that are not anticipated to materially impact the contents of the instrument, and/or confirmation that outstanding comments have been addressed.

[19] Notwithstanding the commonality of Interim Orders, the requested relief in this instance struck the Tribunal as peculiar. Unlike Interim Orders that are tied to the completion of specific prerequisite matters to the approval of an instrument, the requested relief in this instance is ambiguous and void of any prerequisite matters to be fulfilled prior to final approval. It simply requests that the Tribunal withhold its Final Order until the Parties request it be issued – thereby establishing an indefinite timeline for approval.

[20] The Parties are not seeking any further modifications to the revised policies. Nor are there any outstanding studies required to support the merits of same. As noted in Mr. Spagnol's Affidavit, which includes summaries of the settlements between the Township and each appellant (no Minutes of Settlement have been filed with the Tribunal), all three appellants have agreed not to oppose the approval of the revised policies.

[21] As further noted in Mr. Spagnol's Affidavit, the Township has agreed to prepare a site-specific zoning by-law amendment to expressly permit STRs on 10 properties owned by members of the Association. Therein lies the rub – the request to withhold a Final Order approving the STR policies on a Township-wide basis is to enable the Township to advance the site-specific amendment prior to the STR policies coming into full force and effect.

[22] To that end, counsel for the Association submitted that the settlement between the Township and the Association is on a "*quid pro quo*" basis, whereby the Association will not oppose approval of the revised policies in exchange for a Township-initiated site-specific zoning by-law amendment for 10 of the Association's properties.

[23] According to Mr. Spagnol's Affidavit, the Minutes of Settlement between the Township and the Association specifically require, among other matters:

- That planning staff (i.e., Mr. Spagnol) provide evidence in support of the revised STR policies;

- That the Association not oppose approval of the revised policies;

- That the Township prepare the aforementioned site-specific zoning by-law amendment; and

- That the Parties request the Tribunal withhold any Final Order approving the revised policies until such time as the site-specific zoning amendment is approved by either Township Council or, in the event of appeal, the Tribunal.

[24] In accordance with the above settlement summary, the Parties have requested that the Tribunal withhold its Final Order. However, the Tribunal is not satisfied that the *quid pro quo* arrangement between the Association and the Township amounts to a justifiable prerequisite or a true condition precedent to the approval of the revised policies. The request is therefore denied.

[25] The Tribunal has a public interest mandate. Previous decisions by this Tribunal and its predecessors confirm that the appeal process is not merely a dispute between parties but a process requiring the Tribunal to exercise that mandate. In fulfilling its responsibilities, decisions of the Tribunal must transcend the interests of the immediate parties to determine whether a proposal is in the public interest.

[26] That responsibility extends to decisions on settlements. The Tribunal's consideration of a settlement between two or more parties is not merely a rubber stamp exercise. Rather, a hearing on the merits of a proposed settlement is precisely that – a hearing on the merits. To that end, it is the merits of the revised STR policies that are currently before the Tribunal for consideration. The Tribunal is not a signatory to the Association's Minutes of Settlement, nor is it charged with enforcing same.

[27] The Township has agreed to advance a site-specific zoning by-law amendment to benefit members of the Association. That amendment may not be adopted by Township Council. If it is adopted, the adoption may not be according to anticipated timelines. If anticipated timelines are achieved, there is no certainty as to whether Township Council will adopt the amendment as proposed, adopt the amendment with modifications, refuse to adopt the amendment, or fail to adopt the amendment within the timelines prescribed by the Act. As contemplated in Mr. Spagnol's settlement summary, there may be appeals of Council's decision or lack thereof. If one or more appeals are filed, there is no certainty as to how long the appeal process may take, nor whether that process will result in the Tribunal's approval of the requested site-specific zoning by-law amendment.

[28] The variables are many. Any combination of the above potential outcomes leads the Tribunal to the same conclusion: Withholding a Final Order approving Township-wide policies for an indeterminate amount of time, so that a separate planning application can be made pursuant to a separate section of the Act (and therefore a separate approval and appeal process) in accordance with a private agreement to potentially benefit 10 landowners, is not in the public interest and not a justifiable prerequisite or true condition precedent to the approval of the revised STR policies on a Township-wide basis.

ORDER

[29] **THE TRIBUNAL ORDERS THAT** the appeals are allowed in part and the Official Plan for the Township of Oro-Medonte is modified by:

1. Replacing *Section 4.13 – Short-Term Rental Accommodations*, with the introductory text and policies as set out in **Schedule 1** to this Order;

2. Adding the definition of Short-Term Rental Accommodations to *Part 7 – Glossary*, as set out in **Schedule 1** to this Order; and

3. Modifying *Schedule B2 – Land Use* as set out in **Schedule 1** to this Order.

[30] **THE TRIBUNAL ORDERS THAT** the Official Plan for the Township of Oro-Medonte is approved as modified.

[31] **THE TRIBUNAL ORDERS THAT**, by operation of s. 17(27) of the *Planning Act*, the parts of the new Official Plan for the Township of Oro-Medonte that are not the subject of an appeal are deemed to have come into effect as of December 12, 2023.

"*S. Dixon*"

S. DIXON
MEMBER

SCHEDULE 1

4.13 Short-Term Rental Accommodations

In order to protect and maintain the *character* of neighbourhoods and to provide for the tourism accommodation needs of the Township the following policies apply:

1. This Plan recognizes that there are a variety of forms of commercial short-term rental accommodation uses within the Township. These include *Bed and Breakfast Establishments*, Residential Care Homes, Timeshare Establishments, Village Commercial Resort Units (except where they are part of a rental or lease management program) and *Short-Term Rental Accommodations* that advertise to the travelling public provided in *dwelling units*.

2. *Short-Term Rental Accommodation* that advertise are permitted in any Village One (VI) Zone including any (VI) Exception Zone and Residential Two, Exception 123 (R2*-123) Zones, which zones may be renamed, revised or amended from time to time.

3. For the purpose of Policies 4.13.1; 4.13.2; 4.13.5; 4.13.6; and 4.13.7 "advertise" includes promote, broker, market, facilitate or offer for rent, directly or indirectly, in any medium including a platform. "Platform" means to market or broker the booking, reservation, rental or listing of a *Short-Term Rental Accommodation* on behalf of a host by means of a website or digital application.

4. Residential rental accommodation in a residential *dwelling* for a period of twenty-eight (28) days or more shall not be considered a *Short-Term Rental Accommodation* use and is considered a principal residential use. Such uses are governed through other legislation including the *Residential Tenancies Act*, as amended.

5. *Short-Term Rental Accommodation* uses that advertise should be regulated to ensure that the principal residential *character* of a neighbourhood is generally maintained and potential *negative impacts* are minimized.

6. *Short-Term Rental Accommodation* uses that advertise shall not be permitted within registered plans of subdivision and other *existing* residential areas except in accordance with the policies and criteria contained in Policies 4.13.5; 4.13.7; 4.13.8; and 4.13.9.

7. Due to the commercial nature of *Short-Term Rental Accommodation* uses that advertise and their potential to negatively impact adjacent residential properties, where a *Short-Term Rental Accommodation* use that advertises is proposed, it shall be subject to a Zoning By-law Amendment. In reviewing any proposed Zoning By-law Amendment, the following criteria shall be considered:

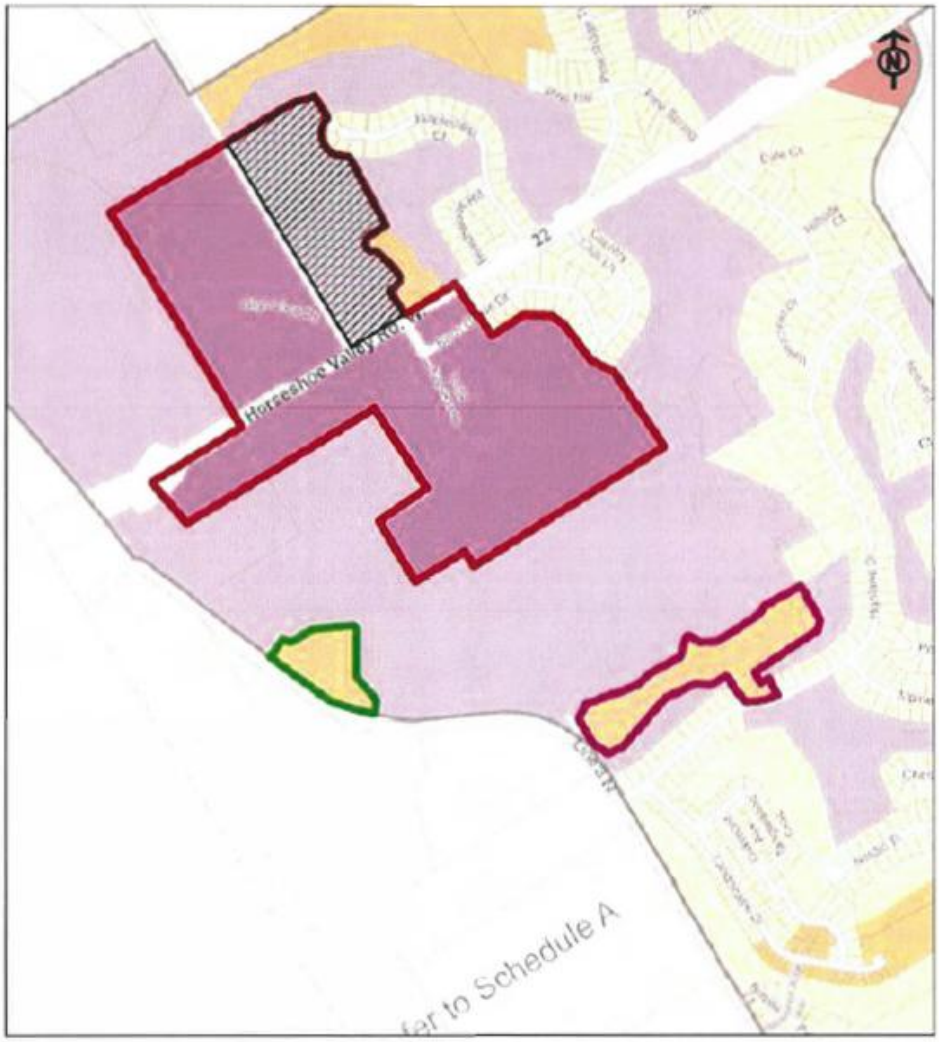
    i. the intent of this Plan is maintained;
    ii. the use does not generate conflicting land use impacts with the surrounding land uses, such as noise, garbage, etc.;
    iii. the use is consistent with and maintains the *character* of the surrounding area;
    iv. the scale of the proposed use is suitable for the site and surrounding area;
    v. adequate water and sewage services can be provided to the satisfaction of the Township;
    vi. appropriate access routes and/or on-site parking can be provided;
    vii. the shoreline and water quality are protected, if located within the Shoreline designation;
    viii. nuisance mitigation measures such as setbacks, buffering, and landscaping are to be implemented.

8. The implementing Zoning By-law shall establish appropriate provisions related to the scale of *Short-Term Rental Accommodation* uses such as parking requirements, separation distance, setbacks and buffering. The location, size and scale of the *Short-Term Rental Accommodation* use shall be regulated in a manner, which is considered *compatible* with surrounding uses. Where mitigation measures cannot adequately address potential land use conflicts, consideration of an amendment to the Zoning By-law will not be supported by the Township.

9. In addition to zoning by-laws, *Short-Term Rental Accommodation* uses may also be subject to, but not limited to, other municipal by-laws including licensing, parking, noise, property standards, Building Code, and fire and safety regulations.

Part 7 Glossary

Short-Term Rental Accommodation (STRA): means a *dwelling* or *dwelling unit,* or any portion of it, that is rented for any portion of a period of less than 28 days and includes a *Bed and Breakfast Establishment,* but does not include a hotel, motel, boarding lodging or rooming house, residential care home, time-share establishment, and Village Commercial Resort Units that are part of a rental or lease management program.


Horseshoe Valley Rd W
Refer to Schedule A
PROPOSED TOWNSHIP LAND USE
Freed/Sunray OP Appeal
Horseshoe Valley
Township of Oro-Medonte
County of Simcoe
LEGEND
Village Designation Boundary
Carriage Country Club Boundary
Carriage Ridge Boundary
Proposed Village Designation
Low Density Residential
Medium Density Residential
Commercial
Recreational
Village
Jul. 19, 2024
MHBC

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