Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: April 29, 2026 **CASE NO(S).:** OLT-24-001113

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

Appellant:	Adventurous Holding Limited
Appellant:	Consulate Developments (Ontario) Inc. (Bridgewater on Georgian Bay)
Appellant:	DNRN Holdings Inc.
Appellant:	Huntingwood Trails (Collingwood) Ltd.; and others
Subject:	Proposed Official Plan Amendment
Description:	To institute a new official plan for Collingwood
Reference Number:	By-law No. 2023-095
Property Address:	Township-Wide
Municipality/UT:	Collingwood/Simcoe
OLT Case No.:	OLT-24-001113
OLT Lead Case No.:	OLT-24-001113
OLT Case Name:	Maffei v. Simcoe (County)

Heard: April 22, 2026 by Video Hearing

APPEARANCES:

Parties	**Counsel**
Huntingwood Trails (Collingwood) Ltd.	Kyle Gossen Liam Valgardson
12123045 Canada Inc	Sobiga Kamalakaran
Adventurous Holdings Limited	Sobiga Kamalakaran
Vincent Maffei on behalf of the Estate of Grazia Maffei	Amber Stewart

Consulate Developments (Ontario) Ltd.	Shelly Kaufman
County of Simcoe	Will Thomson Alex Freeman
Town of Collingwood	Thomas Sanderson

MEMORANDUM OF ORAL DECISION DELIVERED BY J. INNIS ON APRIL 22, 2026 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This appeal arises from the adoption of a new Official Plan by the Town of Collingwood ("Town") on December 11, 2023, and its approval by the County of Simcoe ("County") on September 24, 2024, save and except for certain non-decisions identified in the Notice of Decision. Multiple appeals were filed pursuant to s. 17(36) of the *Planning Act* ("Act"). The matter is before the Tribunal with respect to a proposed partial settlement of the issues raised by the appellant, Huntingwood Trails (Collingwood) Ltd. ("Appellant").

BACKGROUND

[2] The appeal pertains to lands municipally known as 5 Silver Creek Drive ("Subject Lands"). The Subject Lands, comprised of the East Lands and West Lands, are subject to an established site-specific policy framework originating from an Official Plan Amendment approved by the former Ontario Municipal Board in 2014, which established development areas, environmental protection lands, and associated policies governing permitted uses, density, servicing, and environmental constraints.

[3] The modified Official Plan retains this framework through updated land use designations and area-specific policies applicable to the Subject Lands. The lands have also been the subject of subsequent planning approvals and ongoing proceedings before the Tribunal, including subdivision and zoning matters and related appeals.

[4] In this appeal, the Parties have engaged in Tribunal-led mediation and reached agreement on modifications to certain general policies of the modified Official Plan, while site-specific issues identified in the appeal have been adjourned pursuant to a prior Tribunal Order and will be addressed at a later stage.

PROPOSED MODIFICATIONS TO THE OFFICIAL PLAN

[5] The proposed modifications refine a number of general policies of the modified Official Plan. In broad terms, the changes are intended to ensure consistency with the Provincial Policy Statement, 2024 ("PPS 2024"), including with respect to natural heritage policies, infrastructure permissions, and the application of the "no negative impact" test. The modifications also clarify the interpretation and application of key policy terms, including "conform to" and "consistent with", and provide greater certainty in the relationship between this Plan and supporting municipal documents, guidelines, and standards.

[6] Additional revisions address the treatment of existing development approvals and in-process applications, ensuring that prior approvals are appropriately recognized and that extensions or revisions may be considered having regard to the original approval context. The proposed modifications further align the Plan with the requirements of the Act, including with respect to complete application requirements and the hierarchy of planning instruments, and clarify the role and primacy of area-specific policies where conflicts or inconsistencies arise.

[7] The matter before the Tribunal is the consideration of the proposed modifications, which reflect a partial settlement for the general issues within the appeal. The Tribunal confirms that it has received, reviewed and considered the following materials and submissions:

i. the uncontested opinion evidence of Tim Schilling, a Registered Professional Planner and full member of the Canadian Institute of

Planners, who was qualified by the Tribunal to provide land use planning opinion evidence, contained in his comprehensive affidavit sworn March 5, 2026 (marked as Exhibit 1);

ii. the Affidavit of Tiffany Thompson, Manager of Planning, County of Simcoe, dated April 15, 2026 (marked as Exhibit 2);

iii. the Affidavit of Nathan Wukasch, Senior Planner, Town of Collingwood, dated April 9, 2026 (marked as Exhibit 5);

iv. the Participant Statements filed with the Tribunal in the names of:

- Sharon Carr
- Chris Mufflin; and
- The Blue Mountain Watershed Trust Foundation;

v. the Parties' oral/written submissions in support of the partial settlement; and

vi. the Minutes of Settlement between Huntingwood Trails (Collingwood) Ltd. and The Corporation of the Town of Collingwood and The Corporation of the County of Simcoe, dated January 14, 2026.

DECISION AND ORDER

[8] The Tribunal understands that the aforementioned sworn affidavit evidence of Mr. Schilling reflects revisions to the modified Official Plan before the Tribunal that were reached through the cooperative efforts of the Parties.

[9] The Tribunal accepts that the proposed modifications are directed at refining a number of general policies of the modified Official Plan to improve clarity, ensure consistency with applicable provincial policy, and support the appropriate

implementation of the Plan. In particular, the evidence demonstrates that the modifications address the interpretation of key policy terms, align natural heritage and infrastructure policies with the Provincial Policy Statement, 2024, and clarify the treatment of existing development approvals and applications in process. The Tribunal further finds that the modifications are intended to ensure that the Plan functions coherently when read in conjunction with the applicable legislative and policy framework, including the *Planning Act* and the County of Simcoe Official Plan.

[10] Therefore, the Tribunal accepts the opinion evidence of Mr. Schilling as presented in his affidavit and similarly finds that the proposed policy modifications have regard to those applicable matters of provincial interest found in section 2 of the *Planning Act*, is consistent with the Provincial Planning Statement, 2024, conforms to the County of Simcoe Official Plan, and otherwise reflects principles of good land use planning.

[11] The Order contains provisions to ensure that this partial approval does not prejudice the disposition of the remaining appeals, including those scoped on a site-specific or area-specific basis.

[12] **THE TRIBUNAL ORDERS THAT:**

1. The appeal by Huntingwood Trails (Collingwood) Ltd. is allowed, in part, and the Town of Collingwood Official Plan is hereby modified in accordance with **Attachment 1** to this Order.

2. This partial approval of the Town of Collingwood Official Plan is made without prejudice to the Tribunal's disposition of the remaining appeals (including the site-specific issues arising from the appeal filed by Huntingwood Trails (Collingwood) Ltd.) and shall not have the effect of limiting:

a. The rights of a party to seek modifications, deletions, or additions in relation to the remaining appeals; or

b. The jurisdiction of the Tribunal to consider and approve such modifications, deletions, or additions in relation to the remaining appeals on a general, area-specific or site-specific basis, as the case may be, provided that the parties shall be bound by the commitments made by them to scope their issues on a site-specific or area-specific basis.

3. Remaining appeals have been scoped on a site-specific or area-specific basis. Any Tribunal approval will be without prejudice to the ability of the Parties to argue the merits of such scoped appeals, either viewed independently of the approvals as they apply to other lands or as an exception to those approvals. The Tribunal retains the jurisdiction to consider and dispose of those scoped appeals on either basis.

4. The Tribunal may be spoken to by the Parties if any difficulties arise in implementing this Order.

"J. Innis"

J. INNIS
MEMBER

Attachment 1

ATTACHMENT 1

The policies of the Town of Collingwood Official Plan (2024) are modified as follows:

Policy	Policy Modifications
7.2.1 a) i. and ii.	i. The term "conform with" or "conform to" when used in this Plan means to ~~comply with the policies or requirements of this Plan. Conformity is a mandatory requirement of this Plan, unless otherwise modified by specific wording to the contrary~~ be in accordance with, and to implement the vision, community priorities and policies of this Plan, to the satisfaction of the Town. ii. The term "consistent with" when used in this Plan means to ~~comply/conform with the policies or requirements of this Plan, unless there are compelling circumstances that do not permit compliance/conformity~~ be compatible or in general agreement with the vision, community priorities and policies of this Plan. The "consistent with" test permits interpretation of this Plan or the documents referenced in this Plan, as applicable, where conformity may not be required, but where there is a reasonable justification for not achieving conformity, to the satisfaction of the Town.
1.2 j)	This Plan recognizes that there are existing development approvals that have not yet been built. It is important to state that where there is a conflict between this Plan and any existing development approval, the existing development approval shall prevail. Further, there are development applications in process at the Town. All development applications deemed complete by the Town prior to the approval of this Plan shall be subject to the Official Plan policies in place at the time the development application was deemed complete by the Town. For further clarity, amendments, extensions or revisions to existing approvals that require new applications under the *Planning Act* after the adoption and approval of this Plan shall be subject to the policies of this Plan. In the case of extensions, revisions and amendments to draft approved plans, regard shall be had for original approvals and the progress made by the applicant toward final approval and registration.
5.1.3 b)	Notwithstanding a) above, within the Environmental Protection Designation and the Adjacent Lands Overlay, parks and open spaces ~~and~~, open space linkages/trails ~~and~~, municipal roads, sewer and water services, stormwater management facilities, and public/private utilities may be permitted ~~within the Environmental Protection Designation and the Adjacent Lands Overlay~~, subject to the relevant policies of this Plan, including demonstration of no negative impacts on natural heritage features, functions, linkages and connections, to the satisfaction of the Town, in consultation with the Conservation Authority, and any other agency having jurisdiction, and provided no other reasonable alternative exists. Sewage treatment plants and water filtration plants shall also

	be subject to the policies of the Environmental Protection Designation and the Adjacent Lands Overlay.
5.6 a)	The Natural Heritage System is complex and highly integrated. It is the intent of this Plan to ~~ensure~~ protect natural heritage features and areas for the long term. It is also the intent of this Plan that the ~~bio~~diversity and connectivity of natural features in an area, and the long-term ecological function and ~~connectivity of the~~ biodiversity of natural heritage ~~System is protected~~ systems, should be maintained, restored or, where possible, ~~enhanced for the long term~~ improved, recognizing linkages between and among natural heritage features and areas, ~~hazard lands, source water resources,~~ surface water features and ground water features. The Natural Heritage System is intended to: i. Protect the health and water quality of the Nottawasaga Bay Shoreline and the Nottawasaga River Watershed, and its associated tributaries; ii. Protect source water resources, surface and underground water resources; iii. Conserve biodiversity; iv. Protect all significant natural heritage features and their associated ecological functions; v. Provide for connections and linkages between significant natural heritage features that maintain functionality and provide corridors for wildlife movement; and vi. Enhance the protection of public health and safety from natural hazards, including flooding.
5.6.1.1 a)	It is the intent of this Plan to ensure that ~~lands~~ natural heritage features and functions within the Environmental Protection Designation are protected from ~~the~~ any negative impacts of development and that the biodiversity, connectivity and ecological function of the natural heritage features ~~incorporated~~ within the Designation are protected, maintained, restored or, where possible, ~~enhanced~~ improved for the long-term.
5.6.1.2 b)	a) Permitted uses, subject to the results of an Environmental Impact Study, on lands within the Environmental Protection Designation may include: i. Conservation uses; ii. Parks and trails and other associated passive recreational opportunities and facilities that do not require substantial site alterations; iii. Buildings or structures appropriate and supportive of public parks and trails and other associated passive recreational opportunities and facilities;

	iv. Buildings or structures necessary for flood or erosion control; v. Existing golf courses and other existing lawful uses restricted to their geographic location as of the date of the adoption of this Plan; and vi. Agricultural uses. b) In addition to the permitted land uses listed, municipal service infrastructure projects and public/private utilities, where the alignments or locations of those facilities have been established in this Plan, and/or an approved Environmental Assessment process, may be permitted on lands within the Environmental Protection Designation, subject to the application of specific mitigation measures as set out in an approved Environmental Impact Study. Notwithstanding the permission provided by this policy, no municipal service infrastructure projects shall be permitted within any identified Provincially Significant Wetland. c) In addition to the identified list of permitted uses, uses accessory to any of the identified permitted use, such as the rental of bikes, canoes, and kayaks, may also be permitted within the Environmental Protection Designation. d) The list of permitted uses may be further refined through the Zoning By-law to ensure that any new development or site alteration adequately considers and protects the Natural Heritage System and its associated ecological functions.
5.6.1.4 i)	The establishment of any permitted use shall demonstrate no negative impact to ~~any element of the~~ natural heritage ~~System~~ features or associated ecological functions, as demonstrated through the required Environmental Impact Study. Where a permitted use requires impact mitigation, the mitigation shall result in no negative impact on the natural heritage features or their ecological functions.
6.1.3 c)	Lands obtained for Active Transportation facilities through Parkland Dedication, Community Benefits Charge By-law, if applicable, or other tools, shall be improved by the developer to the satisfaction of the Town. The precise nature of these improvements shall be included as part of the applicable Development Agreement and may be subject to applicable credits. An Amendment to this Plan shall not be required to facilitate an alternative facility location preferred by the Town as a result of more detailed analysis.
7.1.1.b)	The Town shall ensure that this Plan is in conformity with the *Planning Act* and, where applicable the County of Simcoe Official Plan. Further, the Town shall ensure that this Plan is consistent with The Provincial Policy Statement and/or Planning Statement. This Plan may be more restrictive than the Provincial Planning Statement to address matters of community importance, unless doing so would conflict with any policy of the Statement. Where there is a conflict between this Plan and ~~any Provincial or County Policy documents,~~ the County Official Plan, the upper tier policies~~, or the more restrictive policies~~ shall prevail

	to the extent of the conflict but in all other respects this Plan would remain in effect.
7.1.2.3 d), 7.1.3.2 b), 7.1.4 c), 7.1.5.1 d), 7.1.5.2 c) and 7.1.12.2 g)	7.1.2.3 d) In order for an application for an Amendment to this Plan to be considered complete, the Town may require the submission of any number of ~~the~~ reports or studies, including~~, but not limited to~~ those listed in this Plan or otherwise permitted under the *Planning Act*, at the sole discretion of the Town. 7.1.3.2 b) In order for an application for an Amendment to the Zoning By-law to be considered complete, the Town may require the submission of any number of ~~the~~ reports or studies, including~~, but not limited to~~ those listed in this Plan or otherwise permitted under the *Planning Act*, at the sole discretion of the Town. 7.1.4 c) In order for an application for approval of a Minor Variance or a Consent to Sever to be considered complete, the Town may require the submission of any number of ~~the~~ reports or studies, including~~, but not limited to~~ those listed in this Plan or otherwise permitted under the *Planning Act*, at the sole discretion of the Town. 7.1.5.1 d) In order for an application for a Plan of Subdivision/Condominium to be considered complete, the Town may require the submission of any number of ~~the~~ reports or studies, including~~, but not limited to~~ those listed in this Plan or otherwise permitted under the *Planning Act*, at the sole discretion of the Town. 7.1 5 2 c) In order for an application for Consent to Sever to be considered complete, the Town may require the submission of any number of ~~the~~ reports or studies, including~~, but not limited to~~ those listed in this Plan or otherwise permitted under the *Planning Act*, at the sole discretion of the Town. 7.1.12.2 g) The Town may require ~~provision of supporting studies at its sole discretion as part of a complete application~~ the submission of any number of reports or studies, including~~, but not limited to~~ those listed in Table 2 below (Required Studies), or otherwise permitted under the *Planning Act*. [Table 2]
7.1.5.1 i)	The Town standard shall be to apply the legislative minimum lapsing date to draft Plans of Subdivision/Condominium to ensure that development occurs expeditiously. Once that time period has elapsed, the Town may: i. Lapse the Draft Plan approval, and require that a new application for approval be submitted that is in conformity with the policies of this Plan; or, ii. Extend the approval, where the Town is satisfied that the applicant has made significant progress in satisfying the conditions of Draft Plan approval and available municipal water and wastewater capacity if applicable, subject to the following conditions: > Under no circumstances shall the Town extend a Draft Plan approval if the approval has lapsed before a permissible extension is

	given, except the Town may deem the approval not to have lapsed unless: □ five or more years have passed since the approval lapsed; □ the approval has previously been deemed not to have lapsed; □ an agreement had been entered into for the sale of the land by a description in accordance with the draft approved plan of subdivision; and/or > ~~Under no circumstances shall a~~ Draft Plan approval may not be extended for more than a cumulative or single 3-year period unless extenuating circumstances are demonstrated to the satisfaction of Council. For clarity, this policy applies to Draft Plans approved after the effective date of this Plan. ~~Exceptions to this policy may only be granted by Council, without amendment to this Plan.~~
7.1.12.2 f) ii)	f) The Town may deem an application incomplete unless: i. Comments or pre-approval, ~~approvals~~ and documents from or required by the following agencies are provided; > Federal and/or Provincial Ministries or bodies; > County of Simcoe and/or neighbouring municipalities; > Indigenous Nations; > Conservation Authorities; > Utility providers; > Emergency service providers; > Any other agency with jurisdiction; ii. In the case of a Site Plan Application, any required Zoning By-law Amendment is approved and in full force and effect; iii. In the case of a Draft Plan of Subdivision or Condominium Description application, any required Official Plan Amendment is approved and in full force and effect and any required Zoning By-law Amendment is either approved and in full force and effect or has been applied for concurrently with the Draft Plan of Subdivision or Condominium Description application; iv. All confirmations, clearances, permits, peer reviews, materials and information required by the Town during a pre-consultation has been submitted to the Town's satisfaction; and v. Lands for parkland dedication, if applicable, have been identified.
5.7 a) and 7.2.6 b)	5.7 a) This Section, on Schedule 7, identifies a number of Area Specific Policies that are applicable to specific sites and areas throughout the Town. These policies are to be read in conjunction with the applicable underlying land use

	Designation that are identified on Schedule 2. Where there is a conflict or inconsistency between Area Specific Policies and the underlying Designation, the Area Specific policies shall prevail. 7.2.6 b) In the event of a conflict or inconsistency between the general policies of this Plan and any area specific policies, or the policies of an approved Secondary Plan, the area specific policies or the policies of an approved Secondary Plan shall prevail.