

# **NOTICE OF DECISION**

## **ON APPLICATION FOR APPROVAL OF DRAFT PLAN OF VACANT LAND CONDOMINIUM**

### **under Subsection 51(37) of the *Planning Act***

**TAKE NOTICE** that the Town of Collingwood Council granted draft approval on **September 20, 2022** for a proposed Plan of Vacant Land Condominium pursuant to Section 51(31) of the *Planning Act*.

The proposed Plan of Vacant Land Condominium (Town File No. D07121) pertains to a property approximately 12.53 hectares (30.96 acres) in area that is municipally addressed as 11403, 11453 & 11461 Highway 26 and legally described as Part Lots 47 and 48, Concession 10, Nottawasaga, Designated as Parts 1, 2 and 3, Plan 51R42850, Town of Collingwood, Town of Collingwood, County of Simcoe (see key map below).

The 'Residences of Silver Creek' Draft Plan of Vacant Land Condominium generally consists of five (5) units of vacant land and a common elements block. Unit 1 would be retained for the proposed future development of apartment dwellings and an amenity building. Unit 5 would be sold for proposed future development of townhouse dwellings. Units 3 and 4 would contain proposed future signage for the full condominium plan. The common elements block would provide for legal rights, such as access for the proposed condominium units.

The proposed Plan of Vacant Land Condominium has been granted Draft Approval subject to the fulfilment of certain conditions for a period of two (2) years and will lapse on **September 20, 2024**. The approval may be extended pursuant to Subsection 51(33) of the *Planning Act*, but no extension can be granted once the approval has lapsed unless the Town of Collingwood Council chooses to exercise its authority under Section 51(33.1) of the *Planning Act*.

**PUBLIC AND AGENCY COMMENTS RECEIVED:** All written and oral submissions received in response to the application were considered, the effect of which helped to make an informed recommendation and decision as summarized in Staff Report P2022-32.

#### **WHEN AND HOW TO FILE AN APPEAL**

An appeal of the decision of the Town of Collingwood Council to the Ontario Land Tribunal (OLT) must be filed with the Town of Collingwood no later than 20 days after the date of this notice. The last date of appeal is **October 19, 2022**. The appeal package should be sent to the attention of the Clerk, Town of Collingwood, P.O. Box 157, 97 Hurontario Street, Collingwood, Ontario L9Y 3Z5 and must:

1. Set out the reasons for the appeal;
2. Be accompanied by the fee required by the Tribunal as prescribed under the *Ontario Land Tribunal Act*; and
3. Include the completed appeal forms from the Tribunal's website <https://olt.gov.on.ca/appeals-process/forms/>

#### **WHO CAN FILE AN APPEAL**

Only certain prescribed persons\*, corporations or public bodies may appeal decisions in respect of a proposed plan of vacant land condominium to the OLT. An appeal may not be filed by an unincorporated association or group. However, an appeal may be filed in the name of an individual

who is a member of the association or group on its behalf.

No person or public body is entitled to appeal the decision of the Town of Collingwood Council nor shall they be added as a party to the hearing of the appeal of the decision of the Council, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the Council, made oral submissions at a public meeting or written submissions to the Town of Collingwood, or made a written request to be notified of changes to the conditions or, in the OLT's opinion, there are reasonable grounds to add the person or public body as a party.

\*Notwithstanding the above, only a 'person' listed in subsection 51(48.3) of the *Planning Act* may appeal the decision of the Town of Collingwood Council to the OLT as it relates to the proposed plan of vacant land condominium. Below is the prescribed list of 'persons' eligible to appeal a decision of the Town of Collingwood related to a proposed plan of vacant land condominium. These are recent changes that have been made to the *Planning Act* by the province. The *Planning Act* can be found via the following link: <https://www.ontario.ca/laws/statute/90p13>

The prescribed list of 'persons' eligible to appeal a decision of the Town on the proposed plan of Vacant Land Condominium as per subsection 51(48.3) of the *Planning Act* is as follows:

1. A corporation operating an electric utility in the local municipality or planning area to which the plan of vacant land condominium would apply.
2. Ontario Power Generation Inc.
3. Hydro One Inc.
4. A company operating a natural gas utility in the local municipality or planning area to which the plan of vacant land condominium would apply.
5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of vacant land condominium would apply.
6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of vacant land condominium would apply.
7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of vacant land condominium would apply.
8. A company operating as a telecommunication infrastructure provider in the area to which the plan of vacant land condominium would apply.

### **RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS**

The following may, at any time before the approval of the final plan of vacant land condominium, appeal any of the conditions imposed by the approval authority to the Tribunal by filing an appeal with the Town of Collingwood: the applicant; any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority; the Minister; or the municipality in which the subject land is located.

### **HOW TO RECEIVE NOTICE OF CHANGED CONDITIONS**

The conditions of approval of draft plan of vacant land condominium may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of the approval of proposed plan of vacant land condominium if you have made a written request to be notified of changes to the conditions through the Town Clerk.

### **RELATED APPLICATIONS**

Town of Collingwood Site Plan Control Application (File No. D11920)

**ADDITIONAL INFORMATION**

A copy of the decision, including the Draft Plan Conditions is available on the Town’s website: <https://www.collingwood.ca/building-business/proposed-developments/hwy-26-west-residences-silvercreek-aka-sydevco-applications>

Additional information about the application and about your appeal rights is available by contacting Justin Teakle, Community Planner, during regular office hours: [jteakle@collingwood.ca](mailto:jteakle@collingwood.ca), 705-445-1030, ext. 3270.

**DATED** at the Town of Collingwood  
this 29<sup>th</sup> day of September, 2022.

Town File No. D07121

