

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 27, 2022

CASE NO(S): OLT-21-001360
OLT-22-003148
(Formerly PL040510)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Consulate Developments (Ontario) Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit a residential plan of subdivision with a maximum of 655 dwelling units
Reference Number: D14818
Property Address: 11664 Highway 26
Municipality/UT: Collingwood/Simcoe
OLT Case No.: OLT-21-001360
OLT Lead Case No.: OLT-21-001360
OLT Case Name: Consulate Developments (Ontario) Inc. v. Collingwood (Town)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act* (Bill 20), R.S.O. 1990, c. P.13, as amended

Appellant: Consulate Developments (Ontario) Inc.
Subject: Proposed Official Plan Amendment No. CW-OP-0001
Municipality/UT: Collingwood/Simcoe
OLT Case No.: OLT-22-003148
Legacy Case No.: PL040510
OLT Lead Case No.: OLT-22-003148
Legacy Lead Case No.: PL040510
OLT Case Name: Consulate Developments (Ontario) Inc. v. Collingwood (Town)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Consulate Developments (Ontario) Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit Variable Residential uses on a portion of the subject lands that are considered appropriate for development
Reference Number:	CW-T-0605
Property Address:	Part of Lots 49, 50, 51, Concession 12
Municipality/UT:	Collingwood/Simcoe
OLT Case No.:	OLT-22-003155
Legacy Case No.:	PL070932
OLT Lead Case No.:	OLT-22-003148
Legacy Lead Case No.:	PL040510

Heard: September 29, 2022 by video hearing

APPEARANCES:

Parties

Counsel

Consulate Developments (Ontario) Inc.	Scott Snider / Shelley Kaufman
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Town of Collingwood	Steven O'Melia
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MEMORANDUM OF ORAL DECISION DELIVERED BY CARMINE TUCCI ON SEPTEMBER 29, 2022 AND ORDER OF THE TRIBUNAL

[1] The matter before the Ontario Land Tribunal ("Tribunal"), was with respect to the three appeals by the Appellant:

1. Under s.34(11) of the *Planning Act*, for the failure of the Town of Collingwood ("Town") to make a decision regarding an Application to amend the Town By-law.

[2] The proposed Zoning By-law Amendment would rezone the land from four (4) Residential zones (R3-5, R3-12, R3-23 and R3-24) to one (1) Residential Third Density Exception (R3-E) zone for a residential plan of subdivision with a maximum

of 655 dwelling units. The dwelling types will be group or clusters of single detached, semi-detached, townhouses and one (1) apartment dwelling. The apartment dwelling would also be subject to specific zoning setbacks, including 6 metre minimum front, side and rear yards, maximum height of 15 metres and 4 storeys and a minimum setback of 55 metres from the Environmental Protection (EP) zone.

2. Under s.17(36) and s. 22(7) of the *Planning Act* (Bill 20), for the Town's failure to adopt the requested Official Plan amendment ("OPA").

[3] The Appellant describe the purpose of the OPAs as to permit a range of residential uses on a portion of the subject lands.

[4] The purpose of the Case Management Conference ("CMC") was to receive status updates from both parties to organize the hearing of these appeals.

[5] The Tribunal was informed that the Parties on consent would be seeking a hearing date for only the appeal under s.34(11).

[6] The Tribunal was further informed that the Parties on consent will be seeking Tribunal led mediations for the appeals under s.17(36) and s. 22(7). The Parties are encouraged to initiate their applications for Tribunal led Mediations.

[7] The Tribunal was presented with one request for Participant Status.

[8] Mr. Christopher Mifflin, representing Blue Mountain Watershed Trust Foundation, submitted a request for Participant Status.

[9] The Tribunal canvassed all Parties for any comments, there were no objections.

[10] The Tribunal granted Blue Mountain Watershed Trust Foundation, Participant Status.

[11] The Tribunal further heard that there may be further Status requests. Those with any interests are to submit their completed Request Applications to the Tribunal no later than October 31, 2022.

[12] The Tribunal hereby schedules a hearing of the Appeals under s.34(11) commencing on **Wednesday May 17, 2023 at 10 a.m.** Three days has been set aside.

GoTo Meeting: <https://global.gotomeeting.com/join/638422541>

Access code: 638-422-541

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

[14] Parties and Participants 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 at:

<https://app.gotomeeting.com/home.html>

[15] 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) 497-9373 or (Toll-Free) 1(888) 299-1889.**
Access Code is 638-422-541.

[16] 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 hearing by video 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.

[17] No further notice will be given

[18] The Member is not seized.

[19] So Orders the Tribunal.

"Carmine Tucci"

CARMINE TUCCI
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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.