



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

Date Stamp

(OLT Office Use Only)

OLT Case Number
(OLT Office Use Only)

Date Stamp – Appeal Received
by OLT

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Welton		John	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
John Welton Custom Homebuilding Ltd., operating as Sunvale Homes			
Email Address:			
johnzwelton@sunvalehomes.com			
Daytime Telephone Number:		Alternative Telephone Number:	
519-341-6443	ext. 104	416-346-0883	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
Unit 106	685	Riddell Road	
City/Town:	Province:	Country:	Postal Code:
Orangeville	Ontario	Canada	L9W 4E5

Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name: Stewart	First Name: Amber
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Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):
Amber Stewart Law

Email Address:
amber@amberstewartlaw.com

Daytime Telephone Number: 416-436-8355	ext.	Alternative Telephone Number:
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Mailing Address

Unit Number: Unit 6	Street Number: 70	Street Name: Plunkett Road	P.O. Box:
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City/Town: Toronto	Province: Ontario	Country: Canada	Postal Code: M9L 2J5
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Note: If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the *OLT Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.

I certify that I understand that my representative is not licensed under the *Law Society Act* and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.

Location Information

Are you the current owner of the subject property? Yes No N/A

Address and/or Legal Description of property subject to the appeal:

Entire Municipality

Municipality: Town of Collingwood

Upper Tier (Example: county, district, region):

Country of Simcoe

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal	Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example: Minor Variance	<i>Planning Act</i>	45(12)
1 Zoning By-law Amendment	Planning Act	34(19)
2		
3		
4		
5		

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A

<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

N/A

Municipal Reference Number(s):

Town File No. D14121 - Staff Report P2022-05

List the reasons for your appeal:

Appeal of Zoning By-law No. 2022-007

Please see attached letter citing reasons for appeal.

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:
Please see attached.

Oral/Written submissions to council
Did you make your opinions regarding this matter known to council?
<input checked="" type="checkbox"/> Oral submissions at a public meeting of council
<input checked="" type="checkbox"/> Written submissions to council
<input type="checkbox"/> Not applicable

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <u>Section 3B Checklist(s)</u> located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information
Outline the grounds for the appeal and the relief requested:
Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission’s website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all “Filed Only” Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

ext.


Alternative Telephone Number:

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.			

Section 7 – Filing Fee

Required Fee			
Please see the attached link to view the OLT Fee Chart .			
Total Fee Submitted: \$ 1,100			
Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>
	<input type="checkbox"/>	Money Order	<input type="checkbox"/>
	<input type="checkbox"/>	Lawyer's general or trust account cheque	
	<input checked="" type="checkbox"/>	Credit Card	
If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.			
If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form .			
<input type="checkbox"/> Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)			

Section 8 – Declaration (Mandatory)

Declaration		
I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.		
By signing this appeal form below, I consent to the collection of my personal information.		
Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Amber Stewart		2022/03/28
Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions.		
We are committed to providing services as set out in the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> . If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.		

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation	
You must file your Appeal Form with the appropriate authority(s) by the filing deadline.	
If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.
If the completed Section is:	You must file with the following:
Section 3A	Municipality or the Approval Authority/School Board

	<p>*If you are filing under the <i>Ontario Heritage Act</i>, including under s. 34.1(1), please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.</p>	
<p>Section 3A & 3B or Section 4A or Section 4B or Section 6</p>	<p>Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p>	<p>Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca</p>
<p>Section 5</p>	<p>For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p>For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with: NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>

NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.

70 PLUNKETT ROAD
UNIT 6
TORONTO, ONTARIO
M9L 2J5

T: 416.436.8355

AMBERSTEWARTLAW.COM

Please refer to: amber@amberstewartlaw.com

March 28, 2022

Delivered by email and by courier

Ms. Sara Almas, Clerk
The Corporation of the Town of Collingwood
P.O. Box 157
97 Hurontario Street
Collingwood, Ontario
L9Y 3Z5

Dear Ms. Almas:

Re: Notice of Appeal of Zoning By-law No. 2022-007 pursuant to s. 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, on behalf of Sunvale Homes

I am counsel to John Welton Custom Homebuilding Ltd., operating as Sunvale Homes, and Mr. John Welton, President of the Corporation. Sunvale Homes is the owner of lands within the Town of Collingwood (“the Town”), more particularly described below.

The purpose of this letter is to file Notice of Appeal on behalf of Mr. Welton and Sunvale Homes pursuant to s. 34(19) of the *Planning Act*, in respect of the Town’s Zoning By-law No. 2022-007. The purpose of By-law 2022-007 is to prohibit the use of land or the erection or use of buildings or structures unless adequate municipal water and wastewater services are available to service the land, buildings or structures, except where development is permitted on private individual onsite water and wastewater systems and/or for minor construction activities. The By-law was enacted pursuant to the Land Use Planning Policy Study associated with Interim Control By-law (“ICBL”) No. 2021-024.

In satisfaction of the requirements of s. 34(19)2. of the *Planning Act*, we confirm that Mr. Welton made oral submissions at a public meeting and written submissions to Council in respect of the proposed By-law, including the following:

- Letter to Council dated January 18, 2022, attached hereto as Schedule 1
- Deputation by Mr. Welton at the Council meeting of January 24, 2022
- Deputation by Mr. Welton at the public information session of February 9, 2022
- Letter to Council dated February 22, 2022, attached hereto as Schedule 2
- Other correspondence was submitted dealing with related matters, including the Servicing Allocation Policy and the ICBL, not attached hereto.

A completed Appellant Form is attached to this Notice of Appeal. We have indicated on the Form that payment of the appeal fee will be made by credit card in accordance with the Tribunal's procedure.

Sunvale Homes Lands – Description and Approval Status

As a preliminary matter, we note that Sunvale Homes owns other lands within the Town, for which building permits have already been issued, and/or for which an exemption has been granted to the ICBL. Although the servicing capacity for those lands is not presently in question, Sunvale Homes reserves the right to raise other lands in connection with its appeal if necessary.

Sunvale Homes is the owner of lands ("Lands") that are legally described as Part of the South Half of Lot 40, Concession 8, in the Geographic Township of Nottawasaga, Town of Collingwood, County of Simcoe. The Lands are also described as Blocks 181, 183, and 185 on Registered Plan of Subdivision 51M-945. The Lands are located on the north side of Poplar Sideroad, east of Portland Street.

The predecessor in title to Sunvale Homes, 1579669 Ontario Inc. ("157"), received draft plan approval for a larger parcel that includes the Lands on December 9, 2002, and revised on August 27, 2007. 157 registered Plan of Subdivision 51M-945 on November 27, 2009. Phase 1 of Plan 51M-945 has already been developed and is known as Pretty River Estates. The Sunvale Homes Lands comprise the Phase 2 development of the Pretty River Estates subdivision.

On October 15, 2015, 157 made applications for an Official Plan Amendment and Zoning By-law Amendment to redesignate and rezone the Lands to permit residential development. The applications were appealed to the then Local Planning Appeal Tribunal ("Tribunal") in December of 2017.

Through discussions with the Nottawasaga Valley Conservation Authority, the proposal was withdrawn in respect of Block 185.

On February 24, 2020, 157 entered into Minutes of Settlement with the Town to resolve the appeals in respect of Blocks 181 and 183. The purpose of the Minutes was to facilitate the construction of residential units on the Lands, including 90 bungalow townhouses on Block 181 and 44 bungalow townhouses on Block 183. The Minutes were authorized by By-law No. 2020-011 passed by the Town on February 24, 2020. The By-law was passed and the Minutes executed prior to the adoption of the ICBL on April 26, 2021.

The settlement was not immediately presented to the Tribunal because another landowner party, Eden Oak (McNabb) Inc. ("Eden Oak"), maintained objection to the proposal based on cost sharing matters. Eden Oak's concerns were resolved by way of a private agreement in December of 2020. The agreement included payment to Eden Oak to satisfy cost-sharing obligations related to the servicing of

the Lands. Eden Oak advised the Tribunal of the resolution on December 29, 2020 and withdrew from the proceedings.

The Tribunal set a hearing date for June 22, 2021, and issued a final Decision on June 30, 2021. In the Decision, Blocks 181 and 183 of the Lands were redesignated to Low-Medium Density Exception Two, which permits townhouses with a maximum density of 23 units per hectare. Blocks 181 and 183 were rezoned to Holding Nineteen-Residential Third Density Exception Sixty (H19) R3-60, and Holding Nineteen-Residential Third Density Exception Sixty-One (H19) R3-61, which permit the proposed 134 unit townhouse development. The holding provision requires confirmation of adequate and functional municipal water services, which was imposed in order to address the adoption of the ICBL on April 26, 2021. I note that Sunvale Homes was a party to the Tribunal hearing given the purchase of the Lands, which was in process at that time.

A plan of condominium application for Blocks 181 and 185 has been submitted and is in process to implement the Tribunal approvals.

Grounds for Appeal of By-law 2022-007

By-law 2022-007 is one aspect of the Town's Servicing Capacity Allocation Framework ("Framework"). It is intended to apply in conjunction with a future proposed Official Plan Amendment and the Servicing Capacity Allocation Policy ("Servicing Policy"). The Servicing Policy is proposed to be adopted by Council on March 28, 2022 pursuant to a By-law passed under the authority of s. 11(3)(4) of the *Municipal Act, 2001*. Due to the three-pronged approach endorsed by the Town in its Framework, By-law 2022-007 cannot be considered in isolation of the Servicing Policy and the Official Plan Amendment yet to be adopted.

We repeat and rely upon the submissions made on behalf of Sunvale Homes to Council in support of this appeal. Sunvale Homes' primary concerns with the Framework, and By-law 2022-007 in particular, are as follows:

1. By-law 2022-007 prohibits the use of any land, buildings or structures or the erection or use of buildings or structures unless "adequate" municipal water and wastewater services are available. The term "adequate" is not defined, and is beyond the scope of authority set out in s. 34(5) of the *Planning Act*.
2. The term "adequate" is overly broad and open to interpretation, particularly when read in conjunction with the proposed Servicing Policy, which is intended to guide Council's determination as to the availability of adequate municipal services. The proposed Servicing Policy imposes a merit-based evaluation that uses a points system, with residual discretion afforded to Council to allocate capacity to projects that may or may not meet the established criteria. It also allows Council to reserve allocation for projects

that (in Council's opinion) are deemed to provide key community benefits and contribute to complete, healthy, and compact communities. Although the Servicing Policy is intended to be "transparent, fair, and predictable" in terms of how servicing will be allocated, it clearly allows for interpretation and flexibility in its application. While this may be appropriate for a guideline document, it is not appropriate for a Zoning By-law (which inherently incorporates application of the Servicing Policy), nor is it appropriate for a document that is to be adopted by By-law under the *Municipal Act*. The Servicing Policy and therefore the Zoning By-law do not adequately recognize or exempt lands that are far advanced in development approvals and implementation, such as the Sunvale Homes Lands.

3. If the Servicing Policy is adopted by way of a By-law, that By-law will be contrary to s. 86(1) of the *Municipal Act*, which sets out a mandatory requirement upon a municipality to supply a building with a water or sewage public utility when enumerated criteria are met. The Servicing Policy would permit the Town to refuse to supply municipal services even where sufficient capacity is available. On the basis that By-law 2022-007 permits the Town to refuse a building permit in reliance on the "inadequacy" of municipal services (which would be determined by application of the Servicing Policy), the Zoning By-law is also contrary to s. 86(1) of the *Municipal Act*.
4. Section 86(1) mandates a "first come, first served" approach which is standard, transparent, predictable, and fair. Proponents like Sunvale Homes have operated under this structure and diligently pursued development approvals over many years, on the basis that servicing capacity would be (or has been) allocated at the appropriate time. The Framework upends this structure, and ultimately permits Council to prioritize projects in its discretion. This is not transparent, predictable, or fair.
5. As noted above, the Framework utilizes a three-pronged approach that incorporates by necessity the Servicing Policy and, presumably, a future Official Plan Amendment in application of the vague term "adequate" in By-law 2022-007. By-law 2022-007 is premature on the basis that the Servicing Policy and the Official Plan Amendment have not yet been adopted. Its final adoption, if appropriate in any form, should be subsequent to the adoption of the other two prongs of the framework, including any appeals or applications to quash a municipal By-law and appeals disposing of an OPA.
6. By-law 2022-007 effectively continues the ICBL on an indefinite basis, because the two By-laws have the same effect, as acknowledged by staff in Reports to Council. By-law 2022-007 freezes all development until Council determines that adequate capacity is available, which is a relatively arbitrary determination. This is an improper use of the provisions of the *Planning Act*,

which intend interim control by-laws to be a temporary restriction on land uses.

7. As a result of all of the foregoing, the Framework, and By-law 2022-007 in particular, are contrary to provincial legislation and policy, including the following:
 - a. Section 2(e), (f), (h), (j), (l), (n), and (p) of the *Planning Act*; the discretionary system afforded by the Framework could, in Council's discretion, thwart well-advanced development applications, preventing the mandatory supply of services where capacity is available, and preventing the supply of additional housing where growth has been anticipated and planned in an orderly manner, and for which allocation would otherwise be available.
 - b. Policies in the *Growth Plan for the Greater Golden Horseshoe, 2020*, which support the achievement of complete communities and the prioritization of intensification and the provision of housing options, including s. 2.2.1, 2.2.2, 2.2.6, and policies that support the provision of sufficient infrastructure capacity, including s. 3.2.1, 3.2.6, 3.2.8.
 - c. Policies in the *Provincial Policy Statement, 2020*, which provide the building blocks for strong and healthy communities, including policies 1.1.1, 1.1.3, 1.4, 1.6.6, 1.6.10, 1.7.
8. The Framework, and By-law 2022-007 in particular, are contrary to the County of Simcoe Official Plan, including policies that direct planning for sewage and water services to be integrated with land use considerations at all stages of the planning process. The Framework provides a vehicle for Council to effectively disregard the status of planning approvals on any particular site, affording the discretion in Council to prioritize allocation for development, even reserving capacity on an arbitrary basis for projects that Council deems provide key community benefits. The Framework has the potential to politicize the allocation of capacity in a manner that is contrary to policy objectives.
9. The Framework, and By-law 2022-007 in particular, are contrary to the Town of Collingwood Official Plan, including policies that anticipate that new development may proceed when services are available. The Framework will allow the Town to refuse to issue building permits on the basis that it does not wish to allocate capacity to "shovel-ready" developments, notwithstanding that sufficient capacity exists. The fact that an Official Plan Amendment is forthcoming as part of the framework further illustrates the

non-conformity of the Zoning By-law and the Servicing Policy with the Official Plan.

10. By-law 2022-007 is inconsistent with the intent of the Town of Collingwood Zoning By-law No. 2010-040, which regulates the manner in which lands must be connected to municipal or private services. It inappropriately expands the breadth of the zoning to afford discretion to Council to withhold services even where capacity exists.
11. The Framework, and By-law 2022-007 in particular, are not appropriate, do not represent good land use planning, and are in the public interest.
12. Sunvale Homes reserves the right to raise other grounds, including specific areas of policy non-conformity, at the hearing of the appeal.

I trust that the foregoing is sufficient to process the Sunvale Homes appeal of By-law 2022-007, and would appreciate confirmation of receipt of this Notice of Appeal at your earliest convenience.

Best regards,



Amber Stewart



66 Kirby Ave
Collingwood, ON L9Y 3Y8
Phone: 519-341-6443
www.sunvalehomes.com

January 18, 2022

Ms. Sara Almas
Town Clerk
97 Hurontario Street,
Collingwood, Ontario
L9Y 3Z5

BY EMAIL only: clerk@collingwood.ca

Dear Ms. Almas and Members of Town of Collingwood Council

**RE: Comments regarding Zoning By-law to implement Land Use Planning Policy Study associated with ICBL 2021-024
Pretty River Estates, Blocks 181 and 183, Plan 51M-945
Town of Collingwood**

Please accept this as a formal comment regarding the proposed Zoning By-law Amendment which will implement the proposed changes that have been recommended through the Land Use Planning Policy Study associated with the Interim Control By-law No. 2021-24, as amended.

While we recognize the proposed Zoning By-law is limited in scope, providing powers with regard to permitting unless adequate municipal water and wastewater services are available, this by-law remains to be only one component of the overall tools being used to implement the Servicing Allocation Framework.

We continue to be concerned that the Sunvale Homes development on Blocks 181 and 183 will be further delayed as a result of the proposed By-law should the By-law be implemented in conjunction overall Servicing Capacity Allocation Policy, which includes the Capacity Allocation Criteria.

In the past months I have spoken to Council Members unaware of the approved Zoning of these lands.

- Pretty River Estates (Phase 2) was approved by the Ontario Land Tribunal (LPAT Case File No. PL171461) June 22, 2021 for development that includes 90 units (Block 181) and 44 units (Block 183).
- The OLT approvals are for Low-Medium Density townhouse development.
- Water, sanitary sewer and storm sewer servicing were installed within the Plan 51M-945 in 2009 (Phase 1). Sunvale Homes is now in a position to proceed with Phase 2.

We continue to voice a concern that although Pretty River Estates is a longstanding phased development project within the Town, the development is going to fall prey to the proposed planning tools now being proposed. M-Plan 51M-945 was registered in 2009 and water, sanitary sewer and storm sewer servicing were installed. John Welton Custom Homebuilding Ltd. ("Sunvale Homes") has pre-paid the Town of Collingwood and Other Developers, \$500,000 for Community Infrastructure and Downstream Channel Improvement.

Based on this review, we conclude that prioritized status at minimum is warranted based on the recent approval status, pre-payment for community infrastructure and downstream channel improvement, natural heritage blocks that have been conveyed as part of the original subdivision plan, proposal for low

medium density development and the ability of the developer to proceed immediately through the site plan approval process.

We thank you for consideration. Should you have any further questions regarding this request, please contact the undersigned.

Yours Truly,

A handwritten signature in blue ink, appearing to be 'J. Welton', written over the words 'Yours Truly,'.

John Z. Welton
President



66 Kirby Ave
Collingwood, ON L9Y 3Y8
Phone: 519-341-6443
www.sunvalehomes.com

February 22, 2022

Ms. Sara Almas
Town Clerk
97 Hurontario Street,
Collingwood, Ontario
L9Y 3Z5

BY EMAIL only: clerk@collingwood.ca

Dear Ms. Almas and Members of Town of Collingwood Council

RE: Comments regarding Zoning By-law to implement Land Use Planning Policy Study associated with ICBL 2021-024

When the Consultant's behind the merit-based Water Allocation policy released the first draft, I was disappointed that the only option they brought forward was their Merit Based review system. All that time and money spent and no options to compare to. Their selection of this option considered best practices from other municipalities selected by the Consultants. But it needs to be pointed out that less than most municipalities use a merit-based system. Nick McDonald of Meridian explained that he took the merit-based point systems in this proposal quite a bit farther than most of the municipalities studied in the best practices review. He also admitted that the merit-based system really provided the Town a stronger tool to negotiate better outcomes for the Town.

From that statement it seems apparent that one of the intents of the Water Allocation Policy is to strengthen the Town's position to the detriment of the rights of landowners. I am not sure why Council would expect landowners to support policies that weaken their property rights.

The stated intent in the Meridian Planning Memorandum is to add an element of fairness and predictability to the process of capacity estimation and allocation. Review of the written study and discussion at the public sessions the Developers and landowners are providing you with feedback that the proposed Water Allocation is neither more fair nor more predictable than the system it is designed to replace.

My property at 17 Portland Street has a historical allocation for water and sewer. It was a block on a plan of subdivision serviced and registered in 2009, it has a subdivision agreement, it is fully serviced to the property line, it was accounted for in the final storm water design, sewer design, parks dedications, external roadway and drainage expenses and works and at the time water and sewer allocation.

Because of a major infrastructure cost sharing dispute between developers my property has been sidelined from being developed and accessing the water allocation reserved from 2009 until an Ontario Land Tribunal hearing last June finalized the zoning. As the OLT hearing occurred during the Interim Control By-law, we had no opportunity to press for confirmation of water allocation.

The proposed water allocation policy provides that water and sewer allocation will be provided upon draft approval. My lands are both draft approved and in a registered plan yet my application for exemption last July was not approved.

The 90 townhomes on 17 Portland represent seventy-five sdu of water and could provide much needed lower priced townhome supply that assists in addressing the severe housing shortage in Town. Affordable housing is described as housing for which the purchase price is at least 10 percent below the average resale unit in the regional market area.

I still have concerns about the points system because it remains subjective due to lack of definition. The merit-based criteria heavily favor small scale development and intensification projects and prejudices larger developments such as mine and creates an uneven playing field. In the Appendix A table addressing public comments, many criticized the subjectivity of the points determination. The latest response from the Consultant:

“Some definitions were added but most terms are purposely left without policy-specific definitions in order to increase flexibility.”

We are not sure who at the Town will conduct the merit-based points review. We are not sure if the applicant will be involved or have any input or right of appeal when the merit-based points are being determined. From the loose terms of the definitions, it is foreseeable that different reviewers can have different interpretations and assign different point ratings for each category. Consistency of staffing could become an issue in doing the merit-based review because there has been a high rate of turnover in the past few years. Without better definitions and understanding of input and participation in the process how can a landowner be expected to agree to it?

Developers have requested that the Water Allocation policy to be addressed as an Official Plan policy where it would be subject to policy tests of the Provincial Planning Policy, the Growth Plan, the County Official Plan and the Town's Official plan has been brushed aside by the Consultants who recommend it stand outside of the Official plan so public input is not required to make any changes to the Service

Allocation policy.

The manner of allocating capacity prior to the ICBL is described as “first come, first served.” It is effectively a merit-based system already. Getting to site plan approval, subdivision or condominium registration is a lengthy, complicated, demanding, and expensive process.

Page 5 of Staff Report P2021-38 outlines that the merit-based system would prioritize capacity for projects that provide key community benefits and contribute to complete, healthy, and compact communities. The existing system of first come first served Planning Act guidelines already accomplishes those stated goals.

The historical method of allocating capacity is well understood, fair and superior to the Merit Based system proposed.

The updated draft Merit based review reduced the minimum score required but it does not increase certainty because competing applications lack security when Council can overlook the score of any applicant and move ahead with whatever developments they wish. Again, this situation is what already exists with the present development approval and allocation process.

We are not better served by the proposed Water Allocation Policy, so it does not make sense to adopt it just because it is the only thing on the table.

Yours Truly,

John Z. Welton
President