

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: March 03, 2023

CASE NO(S).:

OLT-22-004111

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

Applicant and Appellant:	Eden Oak (Raglan) Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a residential subdivision
Reference Number:	D14122
Property Address:	452 Reglan Street
Municipality/UT:	Collingwood/Simcoe
OLT Case No.:	OLT-22-004111
OLT Lead Case No.:	OLT-22-004111
OLT Case Name:	Eden Oak (Raglan) Inc. v. Collingwood (Town)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Eden Oak (Raglan) Inc.
Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description:	To permit a residential subdivision
Reference Number:	D1201122
Property Address:	452 Reglan Street
Municipality/UT:	Collingwood/Simcoe
OLT Case No.:	OLT-22-004112
OLT Lead Case No.:	OLT-22-004111

Heard: February 21, 2023 by video hearing

APPEARANCES:

Parties

Eden Oak (Raglan) Inc.
("Applicant/Appellant")

Counsel

Leo Longo
Gerald Borean

Town of Collingwood

Thomas Sanderson

**MEMORANDUM OF ORAL DECISION DELIVERED BY G.C.P BISHOP AND
P. TOMILIN ON FEBRUARY 21, 2023 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This is the second Case Management Conference with respect to an application for a proposed Plan of Subdivision and accompanying application for Zoning By-law Amendment on lands located at 452 Raglan Street in the Town of Collingwood. The applications were deemed complete and ultimately, due to neglect to make decisions on these applications, were appealed to the Tribunal.

[2] The Tribunal is in receipt of a draft Procedural Order ("PO") and Issues List ("IL") and, on consent of the parties, the Tribunal finds the IL to be in order. Also, on consent, the Parties have requested a five (5) day merit hearing.

[3] The Tribunal directs that a **five (5) day** hearing on the merits will be held by Video Hearing, to commence on **Monday, July 24, 2023 at 10 am**.

[4] Parties and participants 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:

<https://global.gotomeeting.com/join/914098901>

Access code: 914-098-901

[5] 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](https://app.gotomeeting.com/home.html) or a web application is available:

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

[6] 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**. The access code is **914-098-901**.

[7] 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.

[8] Based on the assigned date of the merit hearing, the Tribunal directed the parties to complete the PO and, on consent, return same to the Tribunal no later than **Friday, March 3, 2023**, to be attached to this Decision.

[9] The Tribunal, now having received, reviewed and accepted the draft PO, the Tribunal has appended the final PO to this Decision as Attachment 1.

[10] The Participants that were in attendance were reminded that any additions to their written Participant Statements will be due, as directed in the final PO, now appended to this Decision.

[11] The PO and directives are so Ordered.

[12] This Panel is not seized.

[13] No further notice is required.

"G.C.P. Bishop"

G.C.P. BISHOP
ALTERNATE-CHAIR

"P. Tomilin"

P. TOMILIN
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.

ATTACHMENT 1

OLT-22-004111

ONTARIO LAND TRIBUNAL

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

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Reference Number	D14122
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OLT File No.:	OLT-22-004111

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PROCEDURAL ORDER

1. The Tribunal may vary or add to the directions in this procedural order at any time by an oral ruling or by another written order, either on the parties' request or its own motion.

Organization of the Hearing

2. The video hearing will begin on **July 24, 2023** at 10:00 a.m.
3. Five (5) hearing days have been scheduled. The parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues where possible.

4. The parties and participants identified at the case management conference are set out in Attachment 1.
5. The issues are set out in the Issues List attached as Attachment 2. There will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
6. The order of evidence shall be as set out in Attachment 3 to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on the parties' consent, subject to the Tribunal's approval, or by Order of the Tribunal.
7. Any person intending to participate in the hearing should provide a mailing address, email address and a telephone number to the Tribunal as soon as possible – ideally before the case management conference. Any person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address, email address and the phone number as soon as possible.
8. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's [Video Hearing Guide](#), available on the Tribunal's website.

Requirements Before the Hearing

9. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before **April 24, 2023** and in accordance with paragraph 22 below. A party who intends to call an expert witness must include a copy of the witness' Curriculum Vitae and the area of expertise in which the witness is prepared to be qualified.
10. Expert witnesses in the same field shall have a meeting on or before **May 12, 2023** and use best efforts to try to resolve or reduce the issues for the hearing. Following the experts' meeting the parties must prepare and file a Statement of Agreed Facts and Issues with the OLT case co-ordinator on or before **May 19, 2023**.
11. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in paragraph 13 below. Instead of a witness statement, the expert may file his or her entire report if it contains the

required information. If this is not done, the Tribunal may refuse to hear the expert's testimony.

12. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence as in paragraph 13 below. A party who intends to call a witness who is not an expert must file a brief outline of the witness' evidence, as in paragraph 13 below.
13. On or before **May 26, 2023**, the parties shall provide copies of their [witness and] expert witness statements to the other parties and to the OLT case co-ordinator and in accordance with paragraph 22 below.
14. On or before **May 26, 2023**, a participant shall provide copies of their written participant statement to the other parties in accordance with paragraph 22 below. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
15. On or before **June 23, 2023**, the parties may provide to all other parties and the OLT case co-ordinator a written response to any written evidence in accordance with paragraph 22 below.
16. On or before **June 23, 2023**, the parties shall confirm with the Tribunal if all the reserved hearing dates are still required.
17. On or before **July 14, 2023**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with paragraph 22 below. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
18. The parties shall cooperate to prepare a joint document book which shall be shared with the OLT case co-ordinator on or before **July 14, 2023**.
19. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. *See Rule 10 of the Tribunal's Rules with respect to Motions, which requires that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.*
20. A party who provides written evidence of a witness to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of

their record.

- 21.** The parties shall prepare and file a preliminary [hearing plan](#) with the Tribunal on or before **July 14, 2023** with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the hearing plan. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.
- 22.** All filings shall be submitted electronically and in hard copy. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by the *Rule 7*.
- 23.** No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

**This Member is [not] seized.
So orders the Tribunal.**

BEFORE:

Name of Members: P. Tomilin & G. Bishop

Date: February 20, 2023

TRIBUNAL REGISTRAR

**ATTACHMENT 1
PARTIES & PARTICIPANTS**

PARTIES

1. Eden Oak (Raglan) Inc.
2. Town of Collingwood

PARTICIPANTS

1. Steve Roper
2. Deborah Melin
3. James Copp
4. Elizabeth Doherty
5. Larry & Marlene Johns
6. Mark Crawford
7. Jody Smith

ATTACHMENT 2 ISSUES

The identification of an issue on this list does not mean that all parties agree that the issue, or the manner in which it is expressed, is appropriate for or relevant to the proper determination of the appeals. The extent of the appropriateness and/or relevance of the issue may be a matter of evidence and/or argument at the hearing.

1. Do the proposed draft plan of subdivision and related zoning by-law amendment (the “**Applications**”) have regard to the matters of provincial interest set out in section 2 of the *Planning Act*, including (without limitation) subsections 2(a), (h), (f), (j), and (p), and particularly in respect of:
 - a) proposed vegetation buffering and grade difference from existing residential uses to the north;
 - b) proposed street connection to Kirby Avenue, including the crossing of the Clearview-Collingwood Train Trail;
 - c) anticipated traffic impacts; and
 - d) anticipated reservation and use of open space lands, and connection to recreational trail systems (the “**Specified Aspects**”)?
2. Are the Applications, including the Specified Aspects, consistent with the provisions of the Provincial Policy Statement, including (without limitation) policies 1.1.1, 1.5.1, 2.1.1, 2.1.2?
3. Do the Applications, including the Specified Aspects, conform to and implement the policies of the Growth Plan for the Greater Golden Horseshoe, including (without limitation) policy 4.2.2?
4. Do the Applications, including the Specified Aspects, conform to and implement the affordable provisions of the County of Simcoe’s Official Plan, including (without limitation) policies 3.3.15, 3.3.16, and 4.1.5?
5. Do the Applications, including the Specified Aspects, conform to and implement the affordable provisions of the Town of Collingwood’s Official Plan, including (without limitation) policies 4.1.2 and 5.3.10?
6. Do the Applications create or exacerbate any environmental issues or concerns that have not been adequately addressed, assessed and mitigated?
7. In the context of these issues, do the Applications constitute good land use planning?

8. What are the appropriate conditions to impose on the proposed draft plan of subdivision approval?"

**ATTACHMENT 3
ORDER OF EVIDENCE**

1. Appellant – Eden Oak (Raglan) Inc.
2. Town of Collingwood
3. Appellant – Eden Oak (Raglan) Inc. - Reply