

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** March 25, 2026

**CASE NO(S).:**

OLT-23-000660

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

Applicant and Appellant:

Thornbury Acres Holding Inc.

Subject:

Request to amend the Official Plan – Failure to adopt the requested amendment

Description:

To permit a 37-unit residential farm co-operative P3266

Reference Number:

Property Address:

Concession 8, Part Lot 27, 16R-11537, Parts 2 and 3; Concession 8, East Part Lot 27

Municipality/UT:

Town of Blue Mountains / County of Grey

OLT Case No.:

OLT-23-000660

OLT Lead Case No.:

OLT-23-000660

OLT Case Name:

Thornbury Acres Holding Inc. v. Blue Mountains (Town)

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

Applicant and Appellant:

Thornbury Acres Holding Inc.

Subject:

Application to amend the Zoning By-law – Refusal or neglect to make a decision

Description:

To permit a 37-unit residential farm co-operative P3266

Reference Number:

Property Address:

Concession 8, Part Lot 27, 16R-11537, Parts 2 and 3; Concession 8, East Part Lot 27

Municipality/UT:

Town of Blue Mountains / County of Grey

OLT Case No.:

OLT-23-000661

OLT Lead Case No.:

OLT-23-000660

**Heard:** July 07, 2025 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Thornbury Acres Holding Inc.

Paul DeMelo

Town of the Blue Mountains

Denise Baker

**DECISION DELIVERED BY SHARYN VINCENT AND ORDER OF THE TRIBUNAL**

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[Link to Order](#)

**INTRODUCTION**

[1] Thornbury Acres Holding Inc. proposes to develop a multi-phase, 31-unit, residential farm cooperative as an “innovative form of rural land use”, pursuant to the existing County of Grey Official Plan policy encouraging the same land use as the quoted language. The Town of The Blue Mountain’s Official Plan does not include the same language or policy, but all Parties agree, that it is appropriate to amend the Town of The Blue Mountain’s Official Plan to bring it in line with the County of Grey Official Plan and to consider in Phase 1 of the hearing, the principle of the land use for the subject lands.

[2] The only opposition proffered to the Tribunal challenged “the proportion and scale” of the proposed co-operative.

[3] There is no disagreement between the witnesses put forward by the Parties that there is no definition as to what constitutes a residential farm cooperative, and similarly the witnesses agree that the only policy to guide the resolution of the dispute at hand is

section 5.4.1.3 of the County of Grey Official Plan, which directs the reader of the plan to Policy 5.4.2 of the County of Grey Official Plan.

[4] Policy 5.4.2 of the County of Grey Official Plan, in subsection 5.4.2.8)a), addresses the issue of proportion by stating that:

a minimum of 60% of the original land holding will remain available for the active primary agricultural or recreational use [emphasis added]

[5] The witnesses disagree in their respective interpretations of how the word 'or' is meant to be understood, and therefore, how the 60% is to be determined.

[6] The witness for Thornbury Acres Holding Inc. submits that the word is meant to be inclusive (i.e. one and/or the other), whereas the witness for the Town of The Blue Mountains submits that the 'or' is meant to be exclusionary, meaning one or the other.

[7] Over the course of the hearing, the position of the Town of The Blue Mountains expanded to include concerns about species at risk potentially relying upon the water feature. Although not part of the approved issues list, Thornbury Acres Holding Inc. lead evidence to satisfactorily address these concerns. In this phase of a two-phase hearing.

[8] The Tribunal, having considered the evidence of the respective planner and transportation planner put forth by each Party, has determined that the simple reading of the language in the County of Grey Official Plan is meant to be read as inclusionary, therefore allowing either, and that 60 % can be derived from a combination of both within the relative range of 60%.

[9] The application before the Tribunal for consideration proposes a combination of approximately 65% open space/recreational and agricultural.

## FINDINGS

[10] The Tribunal has come to its determination on the following basis.

[11] The Official Plan of the County of Grey specifically sets out the goal of encouraging innovative forms of rural development [emphasis added] and the Parties agree that:

- (i) Town of The Blue Mountains Official Plan should be amended to align with the in force County of Grey Official Plan. The Tribunal agrees.
- (ii) The concept, as proposed by Thornbury Acres Holding Inc. presents an opportunity to implement and ultimately achieve the County of Grey Official Plan policy. The Tribunal agrees.
- (iii) In the preliminary hearing events, the Parties were directed to prepare for a phased hearing; Phase 1 being the determination of whether the proposed land use as a residential co-operative is an appropriate use of the lands. Subsequent phases were to deal with the implementation strategies, wherein the specific requirements of the respective approval authorities were to be set out and acknowledged, unless otherwise contested.
- (iv) Thornbury Acres Holding Inc. maintains that the objections and evidence of the Town of The Blue Mountains relate to the Phase 2 workplan and are therefore prematurely before the Tribunal. The Tribunal agrees.

## ISSUE OF PROPORTION

[12] As set out in paragraph [8] above, the Town of The Blue Mountains has taken the position that the percentage provision cannot be determined as a cumulative total of recreational and residential, whereas Thornbury argues that no such restriction is clear

on the face of the document, and that while perhaps the preference of the approval authority, the in force documents do not provide a definitive interpretation.

[13] In coming to their respective positions, the Parties rely upon the following.

### **Town of The Blue Mountains**

[14] The planning witness for the Town of The Blue Mountains relied upon the definition of “residential farm cooperative” and other clarifications introduced in Amendment 23 to the County of Grey Official Plan (approved April 10, 2025), which the witness advised the Tribunal is not determinative as the matter under appeal predated the amendment.

[15] The Tribunal is of the view that, while perhaps demonstrative of the Town of The Blue Mountains Council’s quest for clarity in potential future applications, the fact remains that the underlying land use of a residential farm cooperative continues to be promoted by Official Plan policies as an innovative way of diversifying rural economies. To implement this concept the cooperative will create units within a Vacant Land Draft Plan of Condominium, meaning the lands will remain as one parcel on title.

### **Thornbury Acres Holding Inc.**

[16] With reference to above, the proposal was conceived in 2022 with independent consulting advice, and subject of two pre-consultation meetings with the appropriate County of Grey staff, prior to the application being filed. The proposal was revised in response to the direction arising out of the meetings with County of Grey staff. These directions form part of the public record.

[17] The County of Grey did not participate in any capacity before the Tribunal.

**ORDER**

[18] The Tribunal grants the appeal and orders the following amendments, as set out in the Attachments to, and forming part of this Decision, be brought into force and effect:

- Amendment to Official Plan of the Town of The Blue Mountains; and
- Amendment to the Town of the Blue Mountains Zoning By-law.

*“Sharyn Vincent”*

SHARYN VINCENT  
VICE-CHAIR

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.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**

Authority: Ontario Land Tribunal Order issued on [DATE] in Tribunal File OLT-23-000660

**THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS**

**BY-LAW NO. \_\_\_\_\_**

**Being a By-law to adopt Amendment No. XX to the  
Official Plan of the Town of The Blue Mountains**

Whereas the Owner of the lands legally described in the year 2022 as Concession 8, Part Lot 27, 16R-11537, Parts 2 and 3; Concession 8, East Part Lot 27 appealed a proposed official plan amendment to the Ontario Land Tribunal pursuant to Section 22(7) of the Planning Act, R.S.O. 1990, c. P. 13, as amended; and

Whereas the Ontario Land Tribunal, by its Decision and Order issued effective on [DATE], 2025 in Tribunal File OLT-23-000660, approved amendments to the Official Plan for the Town of The Blue Mountains with respect to the lands;

The Ontario Land Tribunal Orders:

1. The attached Amendment XXX to the Official Plan is hereby in force pursuant to the Planning Act, as amended.

Ontario Land Tribunal Decision and Order effective on [DATE] in Tribunal File OLT-23-000660

The Official Plan is hereby amended as follows:

A Site-Specific Amendment to:

1. To redesignate portions of the Subject Lands identified as:

- "Agricultural" and "Hazard" to "Rural – Special Exception 4.4.6.X"
- "Rural" and "Hazard" to "Rural – Special Exception 4.4.6.Y"
- "Rural" and "Hazard" to "Special Agricultural – Special Exception 4.3.8.Z"

as shown on Schedule A attached hereto.

2. To add a Special Policy to Section B.4.4.6 as follows:

Special Policy 4.4.6.X

A residential farm cooperative within a vacant land plan of condominium which incorporates 31 units for residential purposes and private roads, agricultural areas, recreational areas and open space as common elements shall be permitted on the Subject Lands. The Subject Lands shall have a minimum of 32.0 ha to be used for agricultural uses along with a minimum of 6.2 ha to be used for open space / recreational uses. The agricultural, open space and recreational components of the residential farm cooperative shall be identified as common elements of the vacant land plan of condominium.

Agricultural areas associated with the residential farm cooperative shall be located within either the *Rural Special Exception 4.4.6.X*, *Rural Special Exception 4.4.6.Y* or *Special Agricultural Special Exception 4.3.8.Z* designated portions of the Subject Lands.

For clarity, residential units, private roads and infrastructure related to the residential component of the residential farm cooperative shall only be permitted in the *Rural Special Exception 4.4.6.X* designation.

3. To add a Special Policy to Section B.4.4.6 as follows:

Special Policy 4.4.6.Y

Notwithstanding the land use permissions within the *Rural* designation only the following uses shall be permitted:

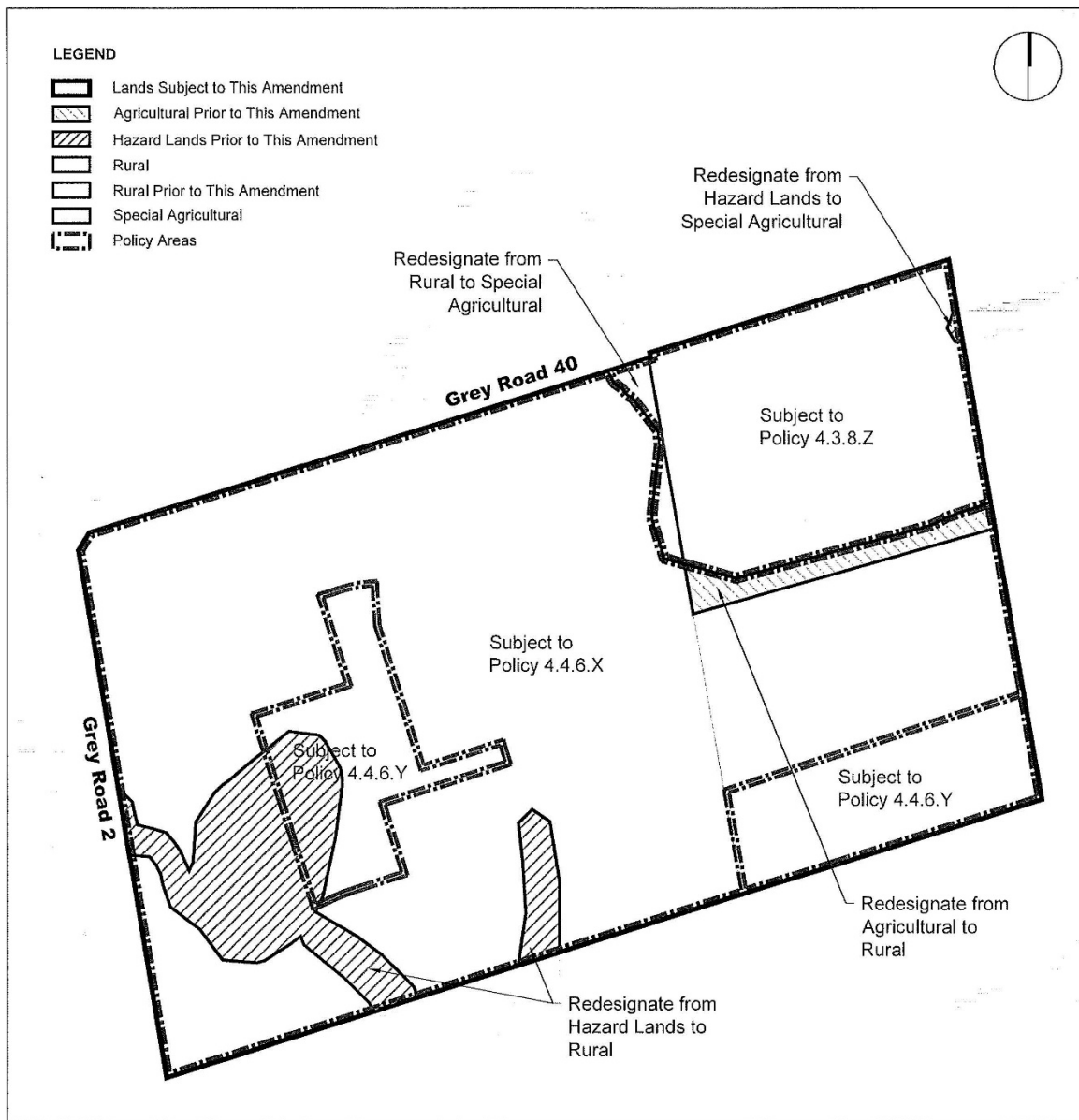
- agro-forestry and related buildings and structures;
- *forestry* and reforestation; and
- passive recreational uses, such as walking trails.

4. To add a new section, 4.3.8 Special Policies and Policy 4.3.8.Z as follows:

Special Policy 4.3.8.Z

## Town of The Blue Mountains Schedule 'A'

to Official Plan Amendment No. \_\_ to the Town of The  
Blue Mountains Official Plan



## ATTACHMENT 2

Authority: Ontario Land Tribunal Order issued on [DATE] in Tribunal File OLT-23-000660

### The Corporation of the Town of The Blue Mountains By-Law Number 2025 – \_\_\_\_\_

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as "The Blue Mountains Zoning By-law";

Whereas the Owner of the lands legally described in the year 2022 as Concession 8, Part Lot 27, 16R-11537, Parts 2 and 3; Concession 8, East Part Lot 27 appealed a proposed zoning by-law amendment to the Ontario Land Tribunal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c. P. 13, as amended; and

Whereas the Ontario Land Tribunal, by its Decision and Order issued effective on [DATE], 2025 in Tribunal File OLT-23-000660, approved amendments to Zoning By-law No. 2018-65 for the Town of The Blue Mountains with respect to the lands;

The Ontario Land Tribunal Orders:

1. To rezone the lands as shown on Schedule 'A' attached hereto as follows:
  - a. From Rural (RU) Zone, Agricultural (A) Zone and Hazard (H) Zone to Rural Exception (RU-WW-hYY) Zone;
  - b. From Rural (RU) Zone and Hazard (H) Zone to Rural Exception (RU-XX-hYY) Zone;
  - c. From Hazard (H) Zone, Special Agricultural (SA) Zone and Rural (RU) Zone to Special Agricultural (SA-YY) Zone;
  - d. From Special Agricultural (SA) Zone to Special Agricultural (SA-YY-h-ZZ) Zone;
  - e. From Rural (RU) to Wetland (W-ZZ) Zone.
2. To amend Table 9.1 - Exceptions by adding the following:

| Exception Number | Zone      | Special Provisions                                                                                                                                                                                                                                                                             |
|------------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| WW               | RU-WW-hYY | <p>These lands may also be used for a Residential Farm Cooperative as well as uses, buildings and structures accessory thereto. The following provisions shall apply:</p> <p><u>Residential Farm Cooperative</u></p> <p>Means a vacant land plan of condominium with residential units and</p> |

|    |       |                                                                                                                                                                                                                                                                                                                                                               |
|----|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |       | <ul style="list-style-type: none"> <li>Passive Recreational Use</li> </ul>                                                                                                                                                                                                                                                                                    |
| YY | SA-YY | <p>The following uses shall not be permitted in the SA-YY zone:</p> <ul style="list-style-type: none"> <li>Accessory Apartment</li> <li>Accessory Farm Employee Accommodation</li> <li>Group Home</li> <li>Home Child Care</li> <li>Home Industry</li> <li>Home Business</li> <li>Single Detached Dwelling</li> <li>Stormwater Management Facility</li> </ul> |
| ZZ | W-ZZ  | <p>In addition to the uses permitted in the W zone:</p> <ul style="list-style-type: none"> <li>a stormwater management facility shall be permitted</li> <li>agricultural and passive recreation uses may be permitted within the buffer surrounding the reconstructed wetland / stormwater management facility</li> </ul>                                     |

3. To amend Table 10.1 Site-Specific Holding Provisions by adding the following:

| Holding Number | Zone                   | Conditions for Removal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| h-YY           | RU-WW-hYY<br>RU-XX-hYY | <p>The holding 'h' symbol shall not be removed from these lands to permit a Residential Farm Cooperative until the Town is satisfied of the following:</p> <ul style="list-style-type: none"> <li>i. Execution of a Condominium Agreement, including requirements to implement compatibility mitigation vis-à-vis the adjacent cannabis facility and approval of detailed engineering and ecological restoration plans for the reconstructed wetland / stormwater management facility.</li> <li>ii. Registration of the Vacant Land Draft Plan of Condominium.</li> </ul> <p>Notwithstanding the above, all other uses permitted under the RU Zone shall be permitted prior to the holding 'h' symbol is removed.</p> |
| H-ZZ           | SA-YY-h-ZZ             | <p>The holding 'h' symbol shall not be removed from these lands, and no development, other than any required development related to the fulfilment of the provisions below, shall take place until the Town is satisfied of the following:</p> <ul style="list-style-type: none"> <li>i. Completion of a Stage 4 Archaeological Assessment;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                |

4. That Schedule 'A' is declared to form part of this By-law.