

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



**ISSUE DATE:** January 16, 2025

**CASE NO(S):**

OLT-23-001173

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

Appellant:

Domtech Inc.

Subject:

By-law No.

Description:

To permit the redevelopment of the site by converting the existing commercial buildings into 15 townhouse dwelling units D09/M11/23 & By-Law 23-148  
40 Frankford Crescent (Part of 3, 4, and 5, Plan 219; City of Trenton; County of Hastings)

Reference Number:

Property Address:

Municipality/UT:

OLT Case No.:

OLT Lead Case No.:

OLT Case Name:

Quinte West/Hastings

OLT-23-001173

OLT-23-001173

Domtech Inc. V. Quinte West (City)

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

Appellant:

Domtech Inc.

Applicant:

1126501 Ontario O/A Voskamp Enterprises  
Proposed Official Plan Amendment

Subject:

Description:

To permit residential uses on the subject property by allowing the existing commercial building to be converted to 15 residential townhouse dwelling units  
D09/M10/23

Reference Number:

Property Address:

Municipality/UT:

OLT Case No.:

40 Frankford Crescent (Part of 3, 4, and 5, Plan 219; City of Trenton; County of Hastings)

Quinte West/Hastings

OLT-23-001078

OLT Lead Case No.: OLT-23-0011173  
OLT Case Name: Domtech Inc v. Quinte West (City)

**PROCEEDING COMMENCED UNDER** subsection 9(1) of the *Ontario Land Tribunal Act, 2021, S.O. 2021, c. 4, Sched. 6*

Request by: Domtech Inc.  
Request for: Request for Directions

**Heard:** August 20, 2024 by Video Hearing;  
October 3, 2024 further written submissions completed

### **APPEARANCES:**

#### **Parties**

Domtech Inc. (“Appellant” or “Domtech”)

City of Quinte West (“City”)

#### **Counsel**

Mark Pedersen

John Ewart

### **DECISION DELIVERED BY WILLIAM R. MIDDLETON AND ORDER OF THE TRIBUNAL**

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[Link to Order](#)

### **INTRODUCTION**

[1] The history of this matter was set out in the previous Decision of the Tribunal issued May 2, 2004 (“Past Decision”) and need not be reiterated here.

[2] On November 1, 2023, the City passed a Zoning By-law Amendment to Zoning By-law No. 23-148 (“ZBA”) pursuant to the provisions of section 34 of the *Planning Act* R.S.O. 1990, c. P.13, as amended (“Act”). On November 1, 2023, the City passed an Official Plan Amendment, D09/M10/23 (“OPA”), to permit the re-development of property municipally known as 40 Frankford Crescent (“Subject Property”).

[3] The current motion before the Tribunal arises from the Tribunal's correspondence to the Parties dated July 9, 2024 ("OLT July 9-24 Letter"), which advised that the Tribunal no longer had jurisdiction to consider the appeals filed by Domtech Inc., pursuant to s. 17(36) and 34(19) of the Act with respect to the City's approval of the ZBA and the OPA.

[4] The OLT July 9-24 Letter, *inter alia*, stated (below emphasis added):

"On June 6, 2024, the *Cutting Red Tape to Build More Homes Act, 2024*, S.O 2024, c. 16 (Bill185) received Royal Assent.

Bill 185 modified the *Planning Act* ("*Act*") by amending the appeal rights under sections 17(24), 17(36) and 34(19) of the Act. The Act now requires that the person filing an appeal must be one of:

The Applicant or the person that requested the amendment;

A specified person, as defined under subsection 1(1) who, before the plan was adopted or the by-law was passed, made oral submissions at a public meeting or written submissions to the council;

A public body, as defined under subsection 1(1) that, before the plan was adopted or the by-law was passed, made oral submissions at a public meeting or written submissions to the council;

The registered owner of any land to which the plan or by-law would apply, if, before the plan or by-law was adopted or passed, the owner made oral submissions at a public meeting or written submissions to the council; or The Minister.

After conducting a review of the matter(s), the Tribunal has determined that the following appellant does not meet the above criteria:

**Domtech Inc.**

Further, Bill 185 added transitional rules to the Act by adding sections 17(24.0.1) to 17(24.0.4), 17(36.0.1) to 17(36.0.4) and 34(19.0.0.1) to 34(19.0.0.4). The transitional rules require a hearing on the merits of the appeal to have been scheduled before April 10, 2024, or for there to be a notice of appeal filed by one of those persons set out above in respect of the same plan or by-law to which the appeal relates. Otherwise, the matter will be deemed to be dismissed. ("Transitional Rules")

As the Tribunal did not order the scheduling of the hearing of the merits before April 10, 2024, and there are no other remaining valid appeals, the Tribunal no longer has jurisdiction to consider these matter(s) and our file(s).

is/are closed. The event scheduled to commence on Thursday, October 3<sup>rd</sup>, 2024, is cancelled."

[5] The October 3, 2024 date that was cancelled, as described in paragraph [4] above, had been scheduled pursuant to the Past Decision in order to deal with a motion related to a dispute between the Parties as to the validity of the OPA appeal by Domtech; more specifically, concerning the question of whether submissions made for an earlier and different OPA proposal for the Subject Property fulfills the requirement for written submissions to council before the plan was adopted pursuant to s. 17(36) of the Act. ("OPA Motion Dispute").

[6] The conclusion communicated in the OLT July 9-24 Letter was challenged by Domtech, although supported by the City. This led to this motion event first convened on August 20, 2024, at the invitation of the Tribunal so that it could receive oral and written submissions of the Parties in order to fully adjudicate the issue of whether Bill 185 precludes the ZBA Appeal and the OPA Appeal of Domtech (collectively, the "Bill 185 Motion").

[7] For the purposes of clarity, the Parties agreed, as did the Tribunal, that the OPA Motion Dispute would not be specifically adjudicated as part of the Bill 185 Motion. Depending on the outcome of the Bill 185 Motion, the OPA Motion Dispute might then need to be dealt with in a subsequent motion proceeding. Notwithstanding this, both Domtech and the City appear to accept that if this Tribunal upholds the conclusion set out in the OLT July 9-24 Letter in ruling on the Bill 185 Motion, then both the ZBA *and* the OPA appeals will be deemed dismissed.

[8] Following the August 20, 2024 motion hearing, the Tribunal requested further written submissions from the Parties on the Bill 185 Motion. As of October 3, 2024, the Tribunal was advised that all such submissions had been completed.

## **BILL 185 MOTION ISSUES FOR ADJUDICATION**

[9] There is no contention by Domtech or the City that the Transitional Rules, as defined in paragraph [4] above, are applicable or relevant to this Bill 185 Motion. The Parties, in their oral and written arguments, agreed that the issues to be determined by the Tribunal on this Bill 185 Motion are as follows:

- (a) Is Domtech a “Specified Person” as defined in section 1 (1) of the Act?;
- (b) If Domtech is a “Specified Person”, did it make oral submissions at a public meeting or written submissions to the council prior to the enactment by the City of the OPA and the ZBA?;
- (c) Does the law applicable to motions to dismiss an OLT proceeding without a hearing apply to this Bill 185 Motion – if so, what is the outcome of those requirements here?; and
- (d) Does the Act, as amended by Bill 185, limit the scope of Domtech’s ZBA and OPA appeals to solely and exclusively the issue of inconsistency with the land use compatibility policies of the Provincial Planning Statement, 2024 (“PPS”)?

## **ISSUES ANALYSIS AND FINDINGS**

[10] The Parties here have differing views as to the issue described above in paragraph [9](c). Counsel for Domtech contends that the law applicable to the dismissal of an appeal without a hearing does not apply to this Bill 185 Motion. Domtech argues instead that (below emphasis added):

“...we submit that it does not bear on the instant Motion. This is because the instant Motion is focussed upon whether Domtech is a proper Appellant (evaluating specifically whether Domtech falls within the definition of a

'specified person'), not upon whether Domtech has disclosed a land use planning ground in its Appeal (being the focus of the *Bacher* decision [*Bacher v. GR (CAN) Investments et al.*, 2022 ONSC 2937 (CanLII)]). (“Bacher”)

[11] On the one hand, counsel for the City seemed to agree with Domtech’s counsel in written submissions that the jurisprudence on dismissal of an appeal without a hearing (below emphasis added):

“...[has]... limited application to the within motion as the subject matter before the Tribunal does not deal with whether there are authentic land use planning issues upon which evidence may be called and which are capable of adjudication in a hearing on the merits... Furthermore, it is not the Tribunal's role in the context of the within motion to determine whether the Appellant will be successful when the appeals are heard and at which time evidence will be called...”

[12] Yet, the City’s counsel later argued in written submissions that the law on dismissal of an appeal without a hearing *does apply* to the extent that a “Specified Person” must provide sufficient detail in an appeal as to the alleged inconsistency of the planning instruments – here being the OPA and ZBA – with the PPS.

[13] The Parties also differ as to whether Domtech meets the requirements of section 1(1) of the Act as a “Specified Person”. That provision states (below emphasis added):

““specified person” means,

- (a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,
- (b) Ontario Power Generation Inc.,
- (c) Hydro One Inc.,
- (d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,
- (e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,
- (f) 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 relevant planning matter would apply,

- (g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply,
- (h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; (“personne précisée”)
- (i) NAV Canada,
- (j) the owner or operator of an airport as defined in subsection 3 (1) of the *Aeronautics Act* (Canada) if a zoning regulation under section 5.4 of that Act has been made with respect to lands adjacent to or in the vicinity of the airport and if any part of those lands is within the area to which the relevant planning matter would apply,
- (k) a licensee or permittee in respect of a site, as those terms are defined in subsection 1 (1) of the *Aggregate Resources Act*, if any part of the site is within 300 metres of any part of the area to which the relevant planning matter would apply,
- (l) the holder of an environmental compliance approval to engage in an activity mentioned in subsection 9 (1) of the *Environmental Protection Act* if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the holder of the approval intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act,
- (m) a person who has registered an activity on the Environmental Activity and Sector Registry that would, but for being prescribed for the purposes of subsection 20.21 (1) of the *Environmental Protection Act*, require an environmental compliance approval in accordance with subsection 9 (1) of that Act if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the person intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act, or
- (n) the owner of any land described in clause (k), (l) or (m);

[14] Counsel for Domtech argues that, based on its materials filed, Domtech meets the requirements of section 1(1) (l) because:

- (a) “Domtech is the holder of an ECA, bearing Certificate No. 6145-93ZMBT;
- (b) The ECA applies to Domtech's Property situated at 40 East Davis Street, Trenton (Domtech's Property), such Property situated within an Area of Employment as defined in the City's Official Plan;
- (c) Domtech's Property is located immediately across a municipal roadway from the Subject Property, such properties therefore being situated within 30 metres of one another; and
- (d) ...Domtech has appealed the instant Municipal Decisions on the basis of their inconsistency with the PPS.”

[15] Interestingly, the City does not contest any of the elements of the definition of a “Specified Person” as applied to Domtech as set out in (a), (b) and (c) of paragraph [14] but argues that Domtech does not meet the requirement set out below (emphasis added):

“...but only if the holder of the approval intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act...”

[16] However, the City’s counsel states simply that (below emphasis added):

“...The Notice of Appeal filed by the Appellant fails to provide sufficient detail as to how either the OPA or ZBLA passed by the City is inconsistent with the land use compatibility policies as set out in the PPS...in the case at hand, it is submitted that despite the intention to lead evidence at any hearing of the issues set forth in the Notice of Appeal, there remains a sufficiency threshold that still must be met by an Appellant identified as a specified person which has not been met...”

[17] The City also obliquely refers to the ‘dismissal without hearing’ provisions of section 17(45) and 34(25) of the Act along with the principles stemming from the cases of *Harbour View Investments Inc. re: 2015 CarswellOnt 3615 (OMB)* and *Bacher* (see paragraph [10] above) but makes no further substantive arguments beyond those described in paragraph [12] above. The City also does not expressly seek the dismissal of Domtech’s appeals based on sections 17(45) and 34(25) of the Act.

[18] Domtech’s counsel argues in response that (below emphasis added):

“...As is apparent, both OPA and ZBLA Appeal Forms explicitly and impliedly state that the Decisions in issue are inconsistent with the PPS, and moreover, provide fulsome explanations as to how and why such inconsistency is manifest... the only proper point of inquiry for the OLT in this regard is whether such explanations, in bare form, are provided (which, we submit, is indisputable)...both OPA and ZBLA Appeal Forms explicitly and impliedly state that the Decisions in issue are inconsistent with the PPS, and moreover, provide fulsome explanations as to how and why such inconsistency is manifest...”

[19] The ‘fulsome explanations’ in the appeal forms, as asserted by Domtech’s counsel, are essentially the same for both the OPA and ZBA appeals:

“The Official Plan Amendment (OPA) is inconsistent with the Provincial Policy Statement (PPS), and represents bad land use planning.

The OPA would permit the residential development of property immediately adjacent to existing, large-scale industrial/manufacturing uses.

The development permitted by the OPA would present significant safety concerns arising from interactions between residents and heavy truck traffic serving the adjacent industrial uses.

The development permitted by the OPA would create land use conflicts arising from resident exposure to persistent noise, odour, and light emissions from adjacent industrial uses.

The OPA was not adopted in a manner conforming to the City of Quinte West’s own Official Plan Policies regarding amendments to industrial Employment Lands, which require that an OPA to convert industrial Employment Lands be undertaken only via a comprehensive Official Plan review. Further, the PPS prohibits OPAs for the purpose of converting industrial Employment Lands to non-Employment Lands except pursuant to the comprehensive review process. The OPA in issue was not undertaken via the comprehensive review process.

The OPA is not consistent with the land use compatibility policies of the PPS.

These reasons are non-exhaustive and will be detailed and expanded upon review by the appellant’s experts.”

"The Zoning By-law Amendment (ZBLA) does not conform to the City of Quinte West Official Plan, is inconsistent with the Provincial Policy Statement (PPS) and the provincial interest, and represents bad land use planning.

The ZBLA would permit the residential development of property immediately adjacent to existing, large-scale industrial/manufacturing uses.

The development permitted by the ZBLA would present significant safety concerns arising from interactions between residents and heavy truck traffic serving the adjacent industrial uses.

The development permitted by the ZBLA would create land use conflicts, arising from resident exposure to persistent noise, odour, and light emissions from adjacent industrial uses.

The ZBLA is not consistent with the Land Use Compatibility policies of the Provincial Policy Statement (PPS), in that the ZBLA will permit development which would adversely affect Major Facilities and Employment Areas/Uses.

The ZBLA is not consistent with the Employment policies of the PPS, in that the ZBLA will permit development which conflicts with existing and significant industrial uses.

The ZBLA is not consistent with the provincial interests set out in the Planning Act, most particularly the provincial interest in the adequate provision of employment opportunities, and the provincial interest in the orderly development of safe and healthy communities.

The ZBLA does not conform to the Residential intensification policies of the Official Plan, in that the ZBLA will permit development which will be poorly integrated to the existing neighbourhood, dominated by significant industrial uses.

The ZBLA does not conform to the Economic Development policies of the Official Plan, in that the ZBLA will permit development which will stymie the operation of existing industry and will diminish future employment opportunities.

These reasons are non-exhaustive and will be detailed and expanded upon review by the appellant's experts."

[20] Domtech argues that the Bill 185 Motion should not be treated as "truly" a motion to dismiss without a hearing and contends that, in effect, the City has not alleged here that there was an absence of land use planning grounds described in the OPA and ZBA appeals submitted by Domtech.

[21] The Tribunal agrees with the submissions of Domtech, taking into account the arguments made (as well as those not made) by the City on this Bill 185 Motion. Therefore, at this time, the Tribunal will not consider whether either one of Domtech's appeals ought to be dismissed on the basis of sections 17(45) and 34(25) of the Act as the City has not squarely sought this remedy on this motion (although it is clear that the Tribunal could have initiated its own motion for that relief, the Tribunal has not done so).

[22] The key threshold issue, which the Tribunal will determine, is whether Domtech can satisfy the requirements described in paragraphs [9] (a) and (b) above.

[23] As noted in paragraph [15] above, the City has argued that the only element of the definition of "Specified Person" in section 1 of the Act that Domtech does not satisfy is (below emphasis added):

"only if the holder of the approval intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use

compatibility policies in any policy statements issued under section 3 of this Act.”

[24] However, although the City suggests that a ‘sufficiency’ element is implied in this aspect of the definition, it has failed to articulate an explanation of what that might comprise, nor does it in any detailed fashion point out why the content in the OPA and ZBA appeal forms fails to meet whatever threshold exists. In the Tribunal’s view, it is the intention of the ‘holder of the approval’ that is crucial, as set out in section 1(1)(l) of the Act.

[25] In the Tribunal’s view, section 1(1)(l) does not require an appellant who otherwise meets the Act’s definition of a “Specified Person” to spell out in its appeal form a detailed analysis of any alleged policy inconsistencies relating to the impugned planning instruments. Here, the content of the appeal forms, as set out above in paragraph [19], clearly identifies the intention of Domtech to appeal the City’s OPA and ZBA decisions on the basis of inconsistency with the PPS. Therefore, in the Tribunal’s opinion, Domtech meets all aspects of a “Specified Person” definition as set out in the Act. As noted, the City does not contest the other elements of that definition, and based on the evidence and arguments submitted by Domtech, the Tribunal is satisfied that those elements have been met.

[26] The issue identified in paragraph [9] (b) that requires some consideration is whether Domtech made oral submissions at a public meeting or written submissions to the council prior to the enactment by the City of the OPA and the ZBA?

[27] It is not disputed by the City that Domtech made written submissions to the City prior to the issuance of the ZBA. However, as conceded by Domtech’s counsel, there remains “an open question” as to whether it can be asserted that the submissions Domtech made concerning a previous version of the OPA should be construed to constitute submissions relating to the OPA that was actually enacted by the City and is the subject of Domtech’s OPA appeal. Counsel for the City agrees that this remains an open issue. However, this motion is not the OPA Motion Dispute described in paragraph

[7] above, which was to be the subject matter of a motion hearing on October 3, 2024, that was cancelled pursuant to the OLT July 9-24 Letter. The OPA Motion Dispute must now be separately adjudicated by the Tribunal, given its other rulings made in this Decision.

[28] The final question to be considered on this Bill 185 Motion was set out in paragraph [9](b): Does the Act, as amended by Bill 185, limit the scope of Domtech's ZBA and OPA appeals to solely and exclusively the issue of inconsistency with the land use compatibility policies of the Provincial Planning Statement ("PPS")?

[29] Counsel for Domtech in written argument essentially reformulates the point that the Tribunal has made in paragraphs [24] and [25]. The definition of a "Specified Person" requires a certain intention as to the nature of the appeal, but Domtech insists that this does not limit the scope of its appeals. On the other hand, counsel for the City argues to the contrary that (below emphasis added):

"Had the legislature not intended to limit the appeal of a specified person as defined in Section 1(1)(l) of the Planning Act, it would not have included the words "but only if the holder of the approval intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statement issued under Section 3 of the Act...When viewed within the scheme of the *Planning Act*, the definition set out in Section 1(1)(1) serves to limit any appeal by the specified person to solely and exclusively to land use compatibility policies as set out in the PPS..."

[30] The Tribunal concurs with the position taken by the City. In the Tribunal's view, it seems clear that the only practical reason for the Legislature to include the appeal intent wording in section 1(1)(l) of the Act under Bill 185 was to circumscribe the scope of the appeals that Specified Persons could pursue. Moreover, here, the only apparent intention of Domtech, as discerned from the OPA and ZBA appeal forms, was to address alleged inconsistency with the PPS. Domtech could have gone further to identify other "land use compatibility policies in any policy statements issued under section 3 of the Act", – but it did not do so.

[31] The Tribunal respectfully disagrees with the position taken by Domtech that the language in section 1(1)(l) merely “imposes a definitional requirement”. In the Tribunal’s view, this is not a reasonable interpretation of the language enacted by the Legislature when the other elements of Bill 185 are taken into account. In other words, Domtech’s arguments run counter to the clear purposes of Bill 185, which were clearly aimed at eliminating certain appeal rights. Indeed, this is at least implicitly conceded in the arguments originally made by Domtech in its factum (below emphasis added):

“On June 6, 2024, the *Cutting Red Tape to Build More Homes Act* (Bill 185) received Royal Assent...Amongst other things, Bill 185 amended the *Planning Act* such that the Appeal rights of third parties were significantly constrained.”

## ORDER

### [32] THE TRIBUNAL ORDERS THAT:

- (a) The amendments to the *Planning Act* made under the *Cutting Red Tape to Build More Homes Act*, 2024, S.O 2024, c. 16 do not preclude the appeal by Domtech Inc. of the decision of the City of Quinte West (“City”) made on November 1, 2023, to enact zoning bylaw amendment By-law No. 23-148, because Domtech Inc. is a “Specified Person” within the meaning of section 1(1)(l) of the *Planning Act*, as amended;
- (b) The issue of whether Domtech Inc. is entitled to pursue its appeal of the decision of the City on November 1, 2023, to enact an official plan amendment, D09/M10/23 (“OPA”) to permit the re-development of property municipally known as 40 Frankford Crescent, requires a further motion to seek a determination by this Tribunal as to whether Domtech Inc. made written submissions to the council of the City prior to its enactment of this OPA;

- (c) The motion described in paragraph [32] (b) above (“Motion”) shall be made in writing pursuant to Rule 10.3 of the Rules of Practice and Procedure of the Ontario Land Tribunal. If either Party also seeks to have an oral hearing event in relation to this Motion, it shall make submissions to that effect as part of its submissions for the motion in writing;
- (d) For clarity, the Order made in paragraph [32] (a) concerning Domtech Inc. being a “Specified Person” shall govern the Motion proceedings;
- (e) The Motion shall be governed by the amended Procedural Order (“PO”) appended as **Schedule A** to this Decision, which now governs this proceeding, and which supersedes the PO ordered into force in the Decision of the Tribunal issued on May 2, 2024; and
- (f) This Vice Chair shall remain seized of all matters relating to this Decision and the upcoming Motion, but not in relation to any subsequent matters in this proceeding.

*“William Middleton”*

WILLIAM MIDDLETON  
VICE-CHAIR

**Ontario Land Tribunal**

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

**SCHEDULE A****Ontario Land Tribunal**

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**CASE NO.: OLT-23-001173**

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

Appellant:	Domtech Inc.
Subject:	By-law No.
Description:	To permit the redevelopment of the site by converting the existing commercial buildings into 15 townhouse dwelling units
Reference Number:	D09/M11/23 & By-Law 23-148
Property Address:	40 Frankford Crescent (Part of 3, 4, and 5, Plan 219; City of Trenton; County of Hastings)
Municipality/UT:	Quinte West/Hastings
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**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Domtech Inc.
Applicant:	1126501 Ontario O/A Voskamp Enterprises
Subject:	Proposed Official Plan Amendment
Description:	To permit residential uses on the subject property by allowing the existing commercial building to be converted to 15 residential townhouse dwelling units
Reference Number:	D09/M10/23
Property Address:	40 Frankford Crescent (Part of 3, 4, and 5, Plan 219; City of Trenton; County of Hastings)
Municipality/UT:	Quinte West/Hastings
OLT Case No.:	OLT-23-001078

## 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.

### **Preliminary Issue to be Decided**

2. The validity of the Appellant's OPA Appeal (OLT-23-001078) shall be decided by way of a Motion.
3. The Parties shall adhere to the following timetable respecting the said Motion:
  - i. The Municipality shall deliver to the Appellant and file with the Tribunal, on or before **February 28, 2025**, all documents, notes, correspondence, correspondence logs, or other like materials that relate to or bear on submissions, objections, or commentary delivered by the Appellant, itself or via its agents, to the Municipality respecting the Property implicated in the subject proceedings.
  - ii. The Municipality shall serve its Notice of Motion in Writing, together with a factum and brief of authorities pursuant to Rule 10.3 of the *OLT Rules of Practice and Procedure*, on or before **March 17, 2025**.
  - iii. The Appellant shall serve its Notice of Response to Written Motion, together with a factum and brief of authorities, on or before **March 31, 2025**.
  - iv. The Municipality shall serve its Reply submission, if any, on or before **April 7, 2025**.