

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 03, 2024

CASE NO(S): OLT-24-000646

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

Applicant/Appellant:	Visture Property Group
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit three 2-storey stacked townhouses, each containing a primary and an additional residential unit, for a total of six dwelling units.
Reference Number:	D06-2022-021
Property Address:	158 Colborne Street West
Municipality:	Kawartha Lakes
OLT Case No.:	OLT-24-000646
OLT Lead Case No.:	OLT-24-000646
OLT Case Name:	Visture Property Group v. Kawartha Lakes (City)

Heard: September 10, 2024 by Video Hearing

APPEARANCES:

Parties

Visture Property Group

City of Kawartha Lakes

Counsel

J. Savini
D. Querques (Articling Student)

R. Carlson

**MEMORANDUM OF ORAL DECISION DELIVERED BY MEMBERS S. GOPIKRISHNA
AND S. DEBOER ON SEPTEMBER 10, 2024 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was the first Case Management Conference (“CMC”) regarding the appeal brought pursuant to s. 34(11) of the *Planning Act* by Visture Property Group. (“Appellant”) as a result of the failure of the City of Kawartha Lakes (“City”) to make a decision on their application requesting a Zoning By-law Amendment (“ZBA”) to facilitate the redevelopment of the property known municipally as 158 Colborne Street West (“Subject Lands”) in the town of Lindsay, which is described in the next paragraph.

[2] The purpose of the Application is to rezone a portion of the land in the Town of Lindsay Zoning By-law No. 2000-75 (“ZBL”) from the Residential Two (R2) Zone to the Residential Multiple One Special Twenty (RM1-S20) Zone, and the other portion of the land from the Residential Two (R2) Zone to the Residential Two Special Forty-Three (R2-S43) Zone with site-specific development standards and facilitate a future severance. On the portion rezoned RM1-S20, the Applicant intends to construct three (3) stacked townhouses with two (2) storeys each, providing six (6) dwelling units cumulatively, such that each townhouse includes a primary and a secondary residence.

AFFIDAVIT OF SERVICE

[3] The Panel Members reviewed the Affidavit of Service (“AOS”), sworn by Heather Allen dated August 13, 2024, with the Parties. The Tribunal deemed the AOS as appropriate and marked the AOS as Exhibit 1 to the Hearing event.

PARTY AND PARTICIPANT STATUS REQUESTS

[4] Mr. Michael Puffer stated that he represented an unincorporated local resident’s association which had applied for Party status. After the Panel Members explained the differences between the rights and responsibilities of Parties and Participants, Mr. Puffer

requested that his status be changed from Party status to Participant status. The Parties did not raise an issue with the request and the Panel Members ruled that Mr. Puffer would be a Participant to the matter.

SETTLEMENT HEARING

[5] The Parties informed the Panel Members at the CMC that a Settlement had been reached on the matter. The Parties requested that the Tribunal schedule a one-day Hearing event to hear the merits of the Settlement as soon as it was available to do so.

[6] The Tribunal has scheduled a Settlement Hearing to occur on **Monday, October 28, 2024, at 10 a.m.** by videoconference, to hear the merits of the Settlement. As such, the Tribunal instructed that Mr. Puffer complete his Participant Statement and submit it to the Tribunal by October 11, 2024. The Parties were instructed to submit the pertinent documents concerning the Settlement to the Tribunal by October 18, 2024.

[7] Parties and/or Participants and/or Observers are asked to log in to the event at least **15 minutes** before it begins, to test their video and audio connections:

GoTo Meeting: <https://meet.goto.com/765093501>

Access Code: 765-093-501

[8] Parties and/or 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 [GoTo Meeting](https://app.gotomeeting.com/home.html) or a web application is available:

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

[9] Persons who experience technical difficulties accessing the GoTo Meeting application or who only wish to listen to the event can connect to it by calling in to an audio-only telephone line: **+1 (647) 497-9391 or (Toll Free) 1-888-455-1389**. The access code is: **765-093-501**. The access code is the same as the **access code noted in paragraph [7]**.

[10] 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 event to ensure that they are properly connected at the correct time. Questions prior to the event may be directed to the Tribunal's Case Coordinator.

ORDER

[11] **THE TRIBUNAL ORDERS THAT** a Settlement Hearing is scheduled to commence on **Monday, October 28, 2024, at 10 a.m.** by video.

[12] No further notice is required, and the Panel Members are not seized but may be called upon in the event that assistance is required.

"S. Gopikrishna"

S. GOPIKRISHNA
MEMBER

"S. deBoer"

S. deBOER
MEMBER

Ontario Land Tribunal

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