

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 20, 2025

CASE NO(S).:

OLT-24-000870

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

Applicant/Appellant:	Carey Homes Inc. and 2467858 Ontario Inc.
Subject:	Request to amend the Official Plan – Refusal
of	request
Description:	To permit the construction of a 19-unit
townhome	development
Reference Number:	Perth County OPA 225
Property Address:	1020 Walton Avenue N N4W 3S2
Municipality/UT:	North Perth/Perth
OLT Case No:	OLT-24-000870
OLT Lead Case No:	OLT-24-000870
OLT Case Name:	Carey Homes Inc. and 2467858 Ontario Inc. v. North Perth (Municipality)

Heard: January 15, 2025 by video hearing

APPEARANCES:

Parties

Carey Homes Inc.
2467858 Ontario Inc.

County of Perth

Counsel

Eric Davis
Mariana Braga (articling student)

Peter Pickfield (in *absentia*)

MEMORANDUM OF ORAL DECISION DELIVERED BY A. MASON ON JANUARY 15, 2025 AND ORDER OF THE TRIBUNAL

[1] This first Case Management Conference (“CMC”) was held concerning an appeal by Carey Homes Inc. and 2467858 Ontario Inc. (“Appellant”) pursuant to s. 22(7) of the *Planning Act, R. S. O. 1990, c. PO.13, as amended*, in respect of the refusal by the

Council of the County of Perth (“County”) of an application for Official Plan Amendment (“OPA”) for the property municipally known as 1020 Walton Avenue North, in the Municipality of North Perth (“Subject Lands”).

[2] The OPA seeks to redesignate the Subject Lands to facilitate the development of a 19-unit townhouse project. A corresponding Zoning By-law Amendment is also before the Tribunal separately as Case No. OLT 24-000792 (“ZBA Appeal”).

[3] In advance of the CMC, the Tribunal received correspondence from the County advising that it withdraws its objection to the OPA and will not be participating in any hearing events.

[4] Also in advance of the CMC, Counsel for the Appellant advised the Tribunal that a settlement had been reached with the County (“OPA Settlement”). Counsel advised the Tribunal that it was prepared to provide evidence from its planning consultant on the proposed OPA Settlement between the Parties at the CMC and that an affidavit attesting to the merits had been filed on the matter. The Tribunal declined to hear the evidence of the planning consultant on the proposed OPA Settlement at the CMC for the following reasons:

- a. This was the first hearing event for the matter and the Tribunal was aware of individuals seeking Participant Status whose concerns should be considered in the evidence in support of any proffered OPA Settlement;
- b. The Tribunal presumed that the nature of the evidence presented on the proposed OPA Settlement may overlap on matters to be heard under the ZBA Appeal such that this Member could thereby be seized of both matters unnecessarily; and
- c. Notice of the first hearing event for the related ZBA Appeal has not yet been circulated.

[5] Counsel for the Appellant advised the Tribunal that at the future first hearing event for the ZBA Appeal, they will be seeking to have the Tribunal administratively hear the matters together but not consolidate them.

NOTICE

[6] An Affidavit of Service sworn on December 20, 2024, attesting to the giving of notice for this proceeding, was marked as **Exhibit 1**.

PARTICIPANT STATUS REQUESTS

[7] The Tribunal received two written requests for Participant Status in advance of the CMC from Jason Gerber and from Gail and Bruce Wight, who are all neighbours to the Subject Property. The Tribunal reviewed the Participant Statements and granted the two requests for Participant Status without objection from the Parties.

[8] Since the first hearing event for the related ZBA Appeal has not yet happened, the Tribunal explained to the Participants that they may wish to file separate Participant Status requests for the ZBA Appeal so that their concerns are also considered in that matter. The Tribunal directed them to contact the Case Coordinator for assistance or further information should they need it.

HEARING TO CONSIDER A SETTLEMENT

[9] Counsel for the Appellant requested the Tribunal schedule a one-day hearing event to consider a settlement between the Parties. As noted above, counsel advised that at the first hearing event for the related ZBA Appeal, they intend to request that the settlements for both matters are considered at the same hearing event.

[10] The Tribunal scheduled the hearing to consider a settlement on **Wednesday, March 12, 2025 at 10 a.m.** by video conference.

[11] 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://global.gotomeeting.com/join/687587165>

Access code: 687-587-165

[12] 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://global.gotomeeting.com/join/687587165) or a web application is available:

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

[13] 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: **(647) 497-9373 or Toll Free 1-888-299-1889**. The access code is: **687-587-165**.

[14] 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

[15] **THE TRIBUNAL ORDERS THAT**

- a. Participant Status is granted to Gail Wight and Bruce Wight;
- b. Participant Status is granted to Jason Gerber; and

- c. A hearing to consider a settlement between the Parties is scheduled for **Wednesday, March 12, 2025**, as set out above.

[16] This Member is not seized but may be spoke to for case management purposes.

“A. Mason”

A. MASON
MEMBER

Ontario Land Tribunal

Website: 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.