

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



**ISSUE DATE:** June 09, 2021

**CASE NO(S):** PL180728

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

Appellant:	Intermarket Real Estate Group
Appellant:	Joseph & Laura Puopolo
Appellant:	White Water Holdings Inc.
Subject:	Proposed Official Plan Amendment No. OPA 128
Municipality:	Region of Waterloo Region
OLT Case No.:	PL180728
OLT File No.:	PL180728
OLT Case Name:	Puopolo v. Waterloo (Region)

BEFORE:

JATINDER BHULLAR	)	Wednesday, the 9 <sup>th</sup>
MEMBER	)	
	)	day of June, 2021

**ORDER**

**THIS MOTION**, made by The Corporation of the City of Cambridge (the "City") was read this eight day of June 2021 by the Tribunal.

**ON READING**

- i. the Motion Record of the City originally returnable February 3, 2020;

- ii. the affidavits of Registered Professional Planner, Allan Ramsay sworn June 9, 2020 and July 30, 2020;
- iii. the Minutes of Settlement signed November 16, 2020 and attached hereto as **APPENDIX I**, filed with the Tribunal; and
- iv. having considered all the evidence before it including the sworn affidavit of Allan Ramsay, an expert in the area of land use planning; the Tribunal finds that the official plan amendment (Schedule A) has regard for matters of Provincial Interest as set out in s. 2 of the Planning Act, is consistent with the Provincial Policy Statement 2020 (the “PPS”) and conforms with applicable Provincial planning policies of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2006 (the “Growth Plan”) and otherwise maintains the intent and purpose of the Official Plan of the Region of Waterloo; and that the settlement additionally represents good land use planning.

**THE TRIBUNAL ORDERS** as follows:

1. The Region of Waterloo Official Plan Amendment No. 2 is amended in accordance with **Schedule “A”** attached to this Order.
2. The appeal of White Water Holdings Inc. is allowed to be withdrawn.

“Becky Fong”

BECKY FONG  
REGISTRAR

**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.

**APPENDIX I****Local Planning Appeal Tribunal**

Tribunal d'appel de l'aménagement local

IN THE MATTER OF subsection 17(36) of the Planning Act, R.S.O. 1990, c.P.13 as amended:

Appellant:	Joseph and Laura Puopolo
Appellant:	Intermarket Real Estate Group
Appellant:	White Water Holdings Inc.
Subject:	Proposed Official Plan Amendment No. 2 (ROPA No.2)
Municipality:	Region of Waterloo
LPAT Case No.:	PL180728
LPAT File No.:	PL180728
LPAT Case Name:	Puopolo v. Waterloo (Region)

**MINUTES OF SETTLEMENT**THIS AGREEMENT made this 16<sup>th</sup> day of November, 2020,

BETWEEN:

the Appellant, White Water Holdings Inc. ("White Water")

AND

The Regional Municipality of Waterloo (the "Region")

AND

The Corporation of the City of Cambridge, (the "City"),

**WHEREAS** the Region adopted Amendment No. 2 to the Regional Official Plan ("ROPA2") on June 27, 2018;**AND WHEREAS** White Water appealed a single policy (Policy 2.D.38) of ROPA 2 in its appeal letter of July 24, 2018 (the "White Water Appeal");**AND WHEREAS** policy 2.D.38 states:

*Development applications for the Urban Designated Greenfield Area will be considered premature until the City of Cambridge Official Plan amendment for the secondary plan is in full force and effect.*

**AND WHEREAS** the City was made a party to the within proceeding by decision of the Local Planning Appeal Tribunal (the "Tribunal") dated October 2, 2019;

**AND WHEREAS** White Water, the Region and the City are entering into these Minutes of Settlement to resolve and settle the White Water Appeal;

**AND WHEREAS** White Water, the Region and the City agree that these Minutes of Settlement do not affect any other appeals before the Tribunal with respect to this matter;

**AND WHEREAS** White Water, the Region and the City previously signed Minutes of Settlement dated January 22, 2020 **AND** now desire and agree to not continue with Schedule "A" of the January 22, 2020 Minutes of Settlement but agree to have approved the policy contained in Schedule "A" to these Minutes of Settlement;

**NOW THEREFORE**, in consideration of the premises, covenants, the sum of two dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby covenant and agree to the final and binding settlement of the White Water Appeal on the terms and conditions outlined below:

1. The existing Policy 2.D.38 of ROPA2 shall be deleted and shall be replaced with new Policy 2.D.38(a) as set out in Schedule "A" which forms part of these Minutes of Settlement and attached hereto;
2. White Water shall withdraw the White Water appeal;
3. The City shall file these Minutes of Settlement with the Tribunal and seek approval from the Tribunal to delete Policy 2.D.38 from ROPA2 and replace it with Policy 2.D.38(a). The Region and the City shall provide expert planning evidence in support of the approval if necessary;
4. White Water, the Region and the City agree that none of them will seek nor are any of them entitled to an award of costs by the Tribunal arising out of the White Water Appeal or these Minutes of Settlement;
5. These Minutes of Settlement may be communicated electronically and may be signed in counterparts and each of such counterparts will constitute an original document and such counterparts, taken together, will constitute one and the same instrument. The parties further agree that each party shall countersign copies of the document in order that each party has an original Minutes of Settlement executed by all parties and same shall be provided on a timely basis; and,
6. The parties acknowledge and agree that these Minutes of Settlement shall enure to the benefit and be binding upon the respective heirs, executors, successors and assigns of each of the parties to these Minutes of Settlement.

IN WITNESS WHEREOF, the parties have executed these Minutes of Settlement on the date first noted above.

WHITE WATER HOLDINGS INC.

**Barry Horosko**

Per: Barry Horosko, President  
I have the authority to bind the corporation.

THE REGIONAL MUNICIPALITY OF  
WATERLOO

Per: Rod Regier, Commissioner of Planning,  
Development and Legislative Services

DocuSigned by:

*Michelle Sergi*

Per: Michelle Sergi, Director of Community  
Planning, Planning, Development and  
Legislative Services  
I have authority to bind the Corporation  
Pursuant to By-Law No. 17-035

THE CORPORATION OF THE CITY OF  
CAMBRIDGE

*Patrick Kraemer*  
Per: Patrick Kraemer, Solicitor for the City of  
Cambridge  
As authorized by the Council of The  
Corporation of the City of Cambridge.

**SCHEDULE "A"**

New Policy 2.D.38(a) to Amendment No. 2 to the Regional Official Plan

The Tribunal is requested to approve the following changes to Amendment No. 2 to the Regional Official Plan:

1. Policy 2.D.38 is hereby deleted in its entirety, such policy being:

*"Development applications for the Urban Designated Greenfield Area will be considered premature until the City of Cambridge Official Plan amendment for the secondary plan is in full force and effect."*

2. Policy 2.D.38(a) is inserted as follows:

*"On lands in the City of Cambridge designated as Urban Designated Greenfield Areas under Regional Official Plan Amendment No. 2:*

- i. Complete development applications for lands shown on Map 3A-C.1 will be considered premature until the earlier of:*
  - a. the City of Cambridge Official Plan amendment for the secondary plan has been adopted;*
  - b. 12 months following the final determination of the Urban Designated Greenfield Area; or,*
  - c. March 1, 2022.*
- ii. Complete development applications for all other lands will be considered and processed after the earlier of:*
  - a. the City of Cambridge Official Plan amendment for the secondary plan has been adopted; or,*
  - b. 12 months following the final determination of the Urban Designated Greenfield Area."*

Map 3A-C.1

