

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



The Ontario Municipal Board (the “OMB”) and the Local Planning Appeal Tribunal (the “LPAT”) is continued under the name Ontario Land Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Local Planning Appeal Tribunal in any publication of the Tribunal is deemed to be a reference to the Tribunal.

ISSUE DATE: July 28, 2021

CASE NO(S): PL190352

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

Appellant:	Beeton Station Condominiums Corporation
Appellant:	Ontario Potato Distributing Inc. & Mattamy Homes
Subject:	Proposed Official Plan Amendment No. NT-OP-1801
Municipality:	Town of New Tecumseth
LPAT Case No.:	PL190352
LPAT File No.:	PL190352
LPAT Case Name:	Beeton Station Condominiums Corporation v. New Tecumseth (Town)

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Beeton Meadows Holdings Inc.
Appellant:	Beeton Station Condominiums Corporation
Subject:	Failure of County of Simcoe to announce a decision respecting Proposed Official Plan Amendment No. NT-OP-1801
Municipality:	Town of New Tecumseth
LPAT Case No.:	PL190352
LPAT File No.:	PL190353

Heard: July 22, 2021 by video hearing

APPEARANCES:

Parties

Counsel

Beeton Meadows Holdings Inc.	Michael Cara Christopher Tanzola
Beeton Station Condominiums Corporation	David White
County of Simcoe	Marshall Green (" <i>in absentia</i> ")
Town of New Tecumseth	James Feehely

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. HARDY AND M.A. SILLS
ON JULY 22, 2021 AND ORDER OF THE TRIBUNAL**

[1] This was a settlement hearing in the matter of an appeal by Beeton Meadows Holdings Inc. ("BMH") of the non-decision by the County of Simcoe ("County") on a portion of the new Official Plan ("OP") for the Town of New Tecumseth ("Town"), pursuant to s.17(40) of the *Planning Act* ("Act"), R.S.O. c.P.13 ("Act"). The portion of land relating to the County's non-decision is Part of Lots 8, 9 and 10, Concession 7, Community of Beeton ("Subject Lands").

[2] The Subject Lands constitute Phase 2 of a residential draft plan of subdivision which was approved on November 25, 2013 to permit a total of 457 single detached dwelling lots, 120 semi-detached dwelling units, park blocks, stormwater management blocks, Open-Space-Environmental protection blocks, walkway blocks and an internal road network.

[3] A draft Official Plan was circulated and proposed to revise Schedule "B2" (Settlement Area of Beeton) by replacing the *Low-Density* designation with the *Urban Residential* designation. The County placed a non-decision on the lands identified as *Urban Residential*. BMH appealed the non-decision to the Tribunal pursuant to s.17(40) of the Act.

[4] The hearing on the merits of this appeal was scheduled for five days commencing July 19, 2021. Shortly before the hearing, the parties informed the Tribunal

that they had reached an agreement to resolve BMH's appeal and requested that the hearing on the merits be converted to a one-day settlement hearing.

[5] As a result, this settlement hearing was scheduled to provide an opportunity for the parties to satisfy the Tribunal that the removal of the non-decision status of the *Urban Residential* designation for the Subject Property meets the legislative and policy requirements, is in the public interest and represents good planning. The proposed modifications to Schedule B2 are attached as Schedule "A" ("Proposed Modification").

THE SETTLEMENT HEARING

[6] At the outset of the hearing, counsel for Beeton Station Condominiums Corporation ("BSCC") advised the Tribunal that BSCC had resolved its appeal in earlier proceedings and was attending the hearing as an observer.

[7] Planning evidence and opinion to support the Proposed Modification was provided by Ryan Guetter. Mr. Guetter is a Registered Professional Planner and a Full Member of the Canadian Institute of Planners and the Ontario Professional Planners Institute.

[8] Mr. Guetter provided detailed contextual and land use planning evidence and rationale to support the proposed settlement. In Mr. Guetter's professional opinion, the Proposed Modification to Schedule B2 of the new Official Plan of the Town of New Tecumseth contained in Schedule "A" constitutes good planning.

[9] The Proposed Modification has regard for matters of provincial interest as set out in s. 2 of the Act in the following manner: it makes efficient use of communication, transportation, sewage and water services, and waste management systems; it supports the provision of a full range and mix of housing opportunities; and it is the appropriate location of growth and development.

[10] The Proposed Modification is consistent with the Provincial Policy Statement,

2020 (“PPS”). It will provide opportunities for more efficient land use patterns that minimize environmental and public health and safety concerns. It will permit increased density and a greater mix and range of housing types and unit sizes making efficient use of available services and infrastructure. This represents an appropriate residential intensification within a settlement area.

[11] The Proposed Modification conforms to the Growth Plan for the Greater Golden Horseshoe, 2019 (“GP”). It permits a broad range of land use permissions directing growth towards a settlement area which will allow for the development of a range and mix of housing options and densities within a settlement area. It will diversify the existing housing stock which will accommodate current and future residents.

[12] The Proposed Modification conforms to the County of Simcoe Official Plan (2016) (“County OP”). It directs growth and intensification within a settlement area providing a diverse range of housing options. It promotes a compact urban form representing an efficient development pattern optimizing servicing and allowing for a range of housing types.

[13] The Proposed Modification conforms to New Tecumseth’s Official Plan 2019 (“Town OP”). The Town OP’s goal is to promote intensification within settlement areas and provide a broad range and mix of housing units and types to ensure supply for current and future residents. The Proposed Modification achieves this by promoting growth within an identified settlement area while maintaining the character of existing residential areas, providing greater housing diversity and promoting intensification of lands that won’t negatively impact drainage or flooding to existing residences. The Proposed Modification allows broader land use permissions and promotes intensification in an area of the Town which has been identified for such purposes.

[14] The Proposed Modification is consistent with the land use planning framework established in the PPS, GP, County OP and Town OP.

FINDINGS AND DISPOSITION

[15] The Tribunal accepts the uncontradicted planning evidence and opinions of Mr. Guetter in whole in the disposition of the appeal of BMH.

[16] The Proposed Modification is consistent with the policy direction of the PPS and conforms to the directives of the GP and the policy intents of the County OP and the Town OP. The Proposed Modification has appropriate regard for matters of provincial interest and is in the public interest.

ORDER

[17] The Tribunal orders that the appeal is allowed in part, and Schedule B2 (Settlement Area of Beeton) of the new Official Plan of the Town of New Tecumseth hereby be replaced by the revised schedule, as agreed to by the City and the County, attached as Schedule A and forming part of this Order.

“C. Hardy”

C. HARDY
MEMBER

“M.A. Sills”

M.A. SILLS
VICE-CHAIR

Ontario Land Tribunal

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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.

ONTARIO LAND TRIBUNAL (OLT)
CASE NUMBER: PL190352

