

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 07, 2021

CASE NO(S): PL200445

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

Applicant and Appellant: Lou Oosterhoff
Subject: Application to amend Zoning By-law No. 61-16; Refusal of Application by the County of Brant

Existing Zoning: Rural Residential (RR) and Natural Heritage (NH)
Proposed Zoning: Site Specific
Purpose: To facilitate the creation of new residential building lots

Property Address/Description: 3 West Harris Road
Municipality: County of Brant
Municipality File No.: ZBA37-19-AW
LPAT Case No.: PL200445
LPAT File No.: PL200445
LPAT Case Name: Oosterhoff v. Brant (County)

Heard: March 22, 2021 by video hearing

APPEARANCES:

Parties

Counsel

Lou Oosterhoff

James Hitchon

County of Brant

Jyoti Zuidema

Sharon Harris, Robert Logan
Harris and Robert Scott

Self-represented

MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON MARCH 22, 2021 AND ORDER OF THE TRIBUNAL

[1] This was the first Case Management Conference (“CMC”) in the matter of the appeal of Lou Oosterhoff (the “Applicant/Appellant”) from the refusal of the County of Brant (the “County”) of an application to amend Zoning By-law No. 61-16 (“ZBL”) as it pertains to the lands described as RANGE 2 SHR PT LOT H RP 2R6256 PART 3 RP 2R6280 PART 1 4.08AC 424.33FR D, in the former Township of Brantford, and municipally known as 3 West Harris Road (the “subject property”).

[2] The subject property is designated Rural Residential by the County Official Plan (“OP”) and is zoned Rural Residential by the ZBL.

[3] The Applicant is proposing to subdivide the subject property to create two residential building lots. To facilitate the development of the proposed lots an amendment to s. 4.24(a) of the ZBL is required.

[4] Section 4.24(a) of the ZBL stipulates that “... no *building* or *structure* shall be *erected* or *altered* unless it complies with the *Minimum Distance Separation (MDS) Guidelines* developed by Ontario Ministry of Agriculture, Food and Rural Affairs”.

[5] The purpose of the zoning application is to vary the MDS requirement of 514 metres (“m”) to permit a separation distance of 248 m.

[6] On consent, Sharon Harris, Robert Logan Harris and Robert Scott, were jointly granted party status. Participant status was granted to David and Blanca Boki, Sandra Vos and Joseph VanDenHurk. The request by Deanna Langmann for participant status was not approved because she did not attend the CMC.

[7] The Tribunal was provided with a Draft Procedural Order (“DPO”) in advance of this CMC. Ms. Zuidema will take the lead in revising and finalizing a DPO in video hearing format for the consideration and approval of the Tribunal at the next CMC.

[8] The Tribunal has scheduled a second CMC by video hearing on **Friday, August 13, 2021 at 10 a.m.**

[9] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/559279565>

Access code: 559 279 565

[10] Parties and 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 [GoToMeeting](#) or a web application is available: <https://app.gotomeeting.com/home.html>.

[11] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: (Toll Free): [1 888 455 1389](tel:18884551389) or [+1 \(647\) 497-9391](tel:+16474979391). The access code is **559 279 565**.

[12] 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 hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[13] No further notice is required.

[14] This Member is not seized, but will continue with the case management of this file subject to the availability of the Tribunal calendar.

"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.