

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** March 26, 2021

**CASE NO(S):** PL200502

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

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

Applicant and Appellant: 5005559 Ontario Inc.  
Subject: Application to amend Zoning By-law No. 2005-005 -  
Refusal of Application by Municipality of Middlesex  
Centre  
Existing Zoning: Agricultural  
Proposed Zoning: Surplus Residence  
Purpose: To recognize existing residential use and prohibit  
livestock  
Property Address/Description: 14378 Ilderton Road and 22740 Richmond Street  
Municipality: Municipality of Middlesex Centre  
Municipality File No.: ZBA-29-19  
LPAT Case No.: PL200502  
LPAT File No.: PL200502  
LPAT Case Name: 5005559 Ontario Inc. v. Middlesex Centre  
(Municipality)

**PROCEEDING COMMENCED UNDER** subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 5005559 Ontario Inc.  
Subject: Consent  
Property Address/Description: 14378 Ilderton Road and 22740 Richmond  
Street  
Municipality: Municipality of Middlesex Centre  
Municipal File No.: B-32-19  
LPAT Case No.: PL200502  
LPAT File No.: PL200503

**Heard:** March 25, 2021 by video hearing

**APPEARANCES:****Parties****Counsel**

5005559 Ontario Inc.

Paul Brooks

Township of Middlesex Centre

Wayne Meagher

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON MARCH 25, 2021 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This was the first Case Management Conference (“CMC”) conducted in respect to an appeal filed by 5005559 Ontario Inc. (the “Appellant”) against the Township of Middlesex Centre’s (the “Township”) refusal of an application to amend the Zoning By-law (“ZBA”) and refusal of an Application for Consent (“Consent”). The ZBA and Consent were requested to facilitate the creation of a residential lot and a resultant farm consolidation for the lands located and known as 14378 Ilderton Road and 22740 Richmond Street (the “Subject Lands”).

[2] The Tribunal received an Affidavit of Service sworn March 3, 2021 confirming that notice of the proceedings was completed in accordance with the Tribunal's direction. The Affidavit is marked as Exhibit No. 1.

[3] In advance of the CMC, the Township advised that they have entered into settlement negotiations with the Appellant and will be seeking the scheduling a Settlement hearing in respect to the Appeals.

**CASE MANAGEMENT CONFERENCE**

[4] The Tribunal received a request for Participant Status from Keith and Sheila Wilson, neighbouring property owners to the Subject Lands. The request included their Participant Statement outlining their interest in the Appeals. The Township and the Appellant expressed no opposition to the request.

[5] The Tribunal grants Keith and Sheila Wilson Participant status in the proceedings.

[6] Mr. Meagher advised that the Appellant is proposing a lot severance and farm consolidation. The ZBA would permit the use of the severed lands for residential purposes and the use of the retained lands as a surplus residential lot to be consolidated with the adjacent farming operation. He explained that at the time of the Council meeting considering the applications, the Township had no evidence to confirm the consolidation of the farming operation and subsequently denied the applications. The Appellant has since provided confirmation of an appropriate agreement between the two resultant property owners and the cultivating farmer.

[7] Mr. Meagher advised that Minutes of Settlement are being finalized which will include a recommended draft Zoning By-law, recommended conditions of Provisional Consent and an affidavit in support of the Settlement.

[8] Mr. Brooks confirmed that the Appellant has been working with the Township to finalize the Minutes of Settlement.

[9] The Parties requested that a Settlement hearing be scheduled for this matter.

[10] The Tribunal schedules a Settlement hearing on April 30, 2021. The Tribunal directs the Parties to respond to the issues identified in the Participant Statement of Keith and Sheila Wilson in the Affidavit filed in support of the Settlement.

## **ORDER**

[11] The Tribunal Orders that Keith and Sheila Wilson are Participants in the proceedings.

[12] The Tribunal Orders that a Settlement hearing is scheduled for **Friday, April 30, 2021**, by video conference commencing at **10 a.m.**

[13] 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/174946557>

**Access code: 174 946 557**

[14] 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>.

[15] 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): [1 888 299 1889](tel:18882991889) or [+1 \(647\) 497-9373](tel:+16474979373). The access code is **174 946 557**.

[16] 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.

[17] There will be no further notice provided.

[18] This member is not seized of the matter.

*"David Brown"*

DAVID BROWN  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

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