

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 06, 2021

CASE NO(S):

PL210123

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

Applicant and Appellant:
Subject:

Sarah Properties Ltd.
Request to amend the Official Plan - Failure of the Town of Orangeville to adopt the requested amendment

Existing Designation:
Proposed Designated:

Employment Area
Low Density Multiple, High Density Residential Special and Neighbourhood Commercial

Purpose:

To permit a mixed-used development consisting of 140 bungalow townhouses; three 8-storey apartment buildings containing 270 units; and three 140 squared metres of neighbourhood commercial uses

Property Address/Description:
Municipality:
Approval Authority File No.:
LPAT Case No.:
LPAT File No.:
LPAT Case Name:

Blocks 62, 63 & 64, Registered Plan 7M-47
Town of Orangeville
OPZ 5/19
PL210123
PL210123
Sarah Properties Ltd. v. Orangeville (Town)

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

Applicant and Appellant:
Subject:

Sarah Properties Ltd.
Application to amend Zoning By-law No. 22-90 - Refusal or neglect of the Town of Orangeville to make a decision

Existing Zoning:
Proposed Zoning:

General Industrial (M1)
Residential Fifth Density (R5), Multiple Residential High Density (RM2) Zone, Neighbourhood Commercial (C2) Zone, and

Purpose: Open Space – Conservation (OS2) Zone with Special Provisions
To permit a mixed-used development consisting of 140 bungalow townhouses; three 8-storey apartment buildings containing 270 units; and three 140 squared metres of neighbourhood commercial uses

Property Address/Description: Blocks 62, 63 & 64, Registered Plan 7M-47
Municipality: Town of Orangeville
Municipality File No.: OPZ 5/19
LPAT Case No.: PL210123
LPAT File No.: PL210124

Heard: June 30, 2021 by video hearing (“VH”)

APPEARANCES:

Parties

Sarah Properties Ltd. (“Applicant”)

Town of Orangeville (“Town”)

Transmetro Limited/Cachet Developments (Orangeville) Inc. (“Cachet”)

Counsel

P. Harrington

A. Biggart

M. Keating

MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON JUNE 30, 2021 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Applicant had made a development proposal to the Town seeking an Official Plan Amendment (“OPA”) and a Zoning By-law Amendment (“ZBA”) for the lands described as Blocks 62, 63, and 64 on Registered Plan 7M-47 (“Subject Lands”) to facilitate a mixed-use development of 140 bungalow townhouses, three 8 storey apartment buildings, and three areas of 140 square metres of commercial uses.

[2] As the Town had failed to deal with the applications within the statutory time frames, the Applicant appealed to the Tribunal.

[3] At the Case Management Conference (“CMC”), the Tribunal dealt with all the required matters pursuant to Rule 19 from the Tribunal’s *Rules of Practice and Procedure* including hearing a request for party status, hearing a status update from the parties, and counsel recommendations for moving these appeals forward.

[4] For the reasons set out below, the Tribunal set a second CMC for **Thursday, October 14, 2021** commencing at 10 a.m. by VH.

DECISION

[5] Cachet had filed a Request for Party Status (Exhibit 2). The Tribunal, on consent of the parties, granted party status to Cachet.

[6] The Tribunal then canvassed for any other either party or participant status requests but there were none.

[7] The Tribunal inquired with regard to alternative dispute resolution or Tribunal-led mediation and was advised that while the parties had not provided instructions to that effect, that counsel would engage on off-line discussions for the purpose of narrowing or scoping of issues.

[8] The Tribunal was requested to set a second CMC date for the fall of 2021, at which time the Tribunal would hear an update from the parties and would also if required consider a draft Procedural Order and Issues List (“PO”).

[9] The Tribunal set a second CMC for **Thursday, October 14, 2021** commencing at **10 a.m.** by VH.

<https://global.gotomeeting.com/join/738308189>

Access Code: 738-308-189

[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 1-888-299-1889 or +1 (647) 497-9373**. The **access code** is **738-308-189**.

[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 CMC by VH 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] The Tribunal tasked counsel for the Applicant to coordinate the preparation of the draft PO. The parties are to provide their issues to counsel for the Applicant **on or before October 1, 2021**, and counsel for the Applicant with the consent of the parties shall provide the draft PO to the Tribunal's Case Coordinator **on or before October 8, 2021**.

[14] The Tribunal also gave directions with regard to the content of the draft PO which shall include: mandatory meetings of all like experts, the preparation and submission of a draft Hearing Plan 65 days in advance of the hearing date, and all materials are to be provided in both electronic and hard copy formats.

[15] There will be no further notice.

[16] I am not seized.

[17] Scheduling permitting, I may be available for case management purposes.

[18] This is the Order of the Tribunal.

“Blair S. Taylor”

BLAIR S. TAYLOR
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.