

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 10, 2022

CASE NO(S):

PL210198

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

Applicant and Appellant: Richard Gates
Subject: Request to amend the Official Plan - Failure of Township of The Archipelago to adopt the requested amendment
Purpose: to create 4 new, non-waterfront affordable housing lots fronting a privately maintained road within the Woods Bay Neighbourhood.
Property Address/Description: 11 Woods Bay Lane
Municipality: Township of The Archipelago
Approval Authority File No.: OP01-02
OLT Case No.: PL210198
OLT File No.: PL210198
OLT Case Name: Gates v. The Archipelago (Township)

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

Applicant and Appellant: Richard Gates
Subject: Application to amend Zoning By-law No. A2000-07 - Refusal or neglect of Township of The Archipelago to make a decision
Existing Zoning: General Residential (GR) and Environmentally Sensitive (ES)
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit to create 4 new, non-waterfront affordable housing lots fronting a privately maintained road within the Woods Bay Neighbourhood.
Property Address/Description: 11 Woods Bay Lane
Municipality: Township of The Archipelago
Municipality File No.: Z02-20

OLT Case No.: PL210198
 OLT File No.: PL210199

PROCEEDING COMMENCED UNDER subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Richard Gates
 Subject: Application for Consent - Failure of Township of The Archipelago to make a decision
 Property Address/Description: 11 Woods Bay Lane
 Municipality: Township of The Archipelago
 Municipal File No.: B16-20
 OLT Case No.: PL210198
 OLT File No.: PL210200

PROCEEDING COMMENCED UNDER subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Richard Gates
 Subject: Application for Consent - Failure of Township of The Archipelago to make a decision
 Property Address/Description: 11 Woods Bay Lane
 Municipality: Township of The Archipelago
 Municipal File No.: B17-20
 OLT Case No.: PL210198
 OLT File No.: PL210209

PROCEEDING COMMENCED UNDER subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Richard Gates
 Subject: Application for Consent - Failure of Township of The Archipelago to make a decision
 Property Address/Description: 11 Woods Bay Lane
 Municipality: Township of The Archipelago
 Municipal File No.: B18-20
 OLT Case No.: PL210198
 OLT File No.: PL210210

Heard: December 16, 2021 by telephone conference call

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

Richard Gates

Marc Kemerer

Township of The Archipelago

Christopher J. Tzekas

DECISION DELIVERED BY S. BRAUN AND ORDER OF THE TRIBUNAL

[1] This Telephone Conference Call (“TCC”) was convened by the Ontario Land Tribunal (“OLT”) to obtain a status update in the matter of appeals by Richard Gates (“Applicant/Appellant”), who owns the property located at 11 Woods Bay Lane (“subject property”). Mr. Gates applied to the Township of The Archipelago (“Township”) for an Official Plan Amendment (“OPA”), Zoning By-law Amendment (“ZBLA”) and consents to sever four new residential lots (collectively, the “Applications”). The Township failed to make a decision on the Applications and pursuant to s. 22(7), s. 34(11) and s. 53(14) of the *Planning Act* (“Act”), Mr. Gates appealed to this Tribunal.

[2] The purpose of the proposed OPA is to add a new paragraph to section 16, Special Provisions of the Official Plan for the Township, in order to allow for the creation of four new, non-waterfront lots on Woods Bay Lane, fronting on a privately maintained road. The purpose of the proposed ZBLA is to rezone Lot 40, Concession 3 in the geographic Township of Conger, now in the Township from the General Residential (GR) zone to a site specific General Residential (GR) zone, so as to allow for the creation of four new non-waterfront lots that will be eligible for building permits.

[3] At a previous Case Management Conference, the Tribunal scheduled a three-day hearing commencing on February 14, 2022. At that time, Counsel for the Township indicated his client had yet to take a position on the appeals. This TCC was convened in order for the Tribunal to receive an update on the Township’s position and determine whether the number of hearing days could be reduced.

[4] Counsel for the Township advised that his client opposes the application and intends to take an adverse position at the hearing. The parties anticipate that the three days set aside for the hearing will be required, although they will continue to engage in discussions aimed at settlement or narrowing the issues. The hearing will proceed as scheduled commencing at **10 a.m. on February 14, 2022.**

[5] Given that the hearing dates are quickly approaching, the parties agreed that a fulsome Procedural Order would not be necessary or practical. However, they agreed to submit to the Tribunal no later than **Friday, January 14, 2022** an Issues List and a condensed Procedural Order which, at the very least, sets out deadlines for the submission of participant statements, the submission and exchange of witness statements and the submission of a joint document book.

[6] This Member is not seized, but will remain available for case management, schedules permitting.

[7] The Tribunal so orders.

“S. Braun”

S. BRAUN
MEMBER

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 (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.