

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE:

CASE NO(S).:

OLT-22-004185

PROCEEDING COMMENCED UNDER Section 17 (24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:

Alexandra Stevenson

Subject:

Official Plan Amendment - OPA 12

Description:

The purpose of this amendment is to update the Ashfield-Colborne-Wawanosh Official Plan following a Five-Year Review of the plan.

Reference Number:

OPA 12

Property Address:

81421 Champlain Boulevard

Municipality:

Township of Ashfield-Colborne-Wawanosh

OLT Case No:

OLT-22-004185

OLT Lead Case No:

OLT-22-004185

OLT Case Name:

Stevenson v. Ashfield-Colborne-Wawanosh
("Township")

Heard:

November 9, 2022 by Video Hearing

APPEARANCES:

Parties

Counsel*/Representative

Alexandra Stevenson
("Appellant")

Self-represented

Township of Ashfield-Colborne-
Wawanosh ("Township")

Greg Stewart*

Quarry Holdings Corp.

Patrick Duffy*

**MEMORANDUM OF ORAL DECISION DELIVERED BY ERIC S. CROWE ON
NOVEMBER 9, 2022 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] The Tribunal convened a Case Management Conference (“CMC”) on an appeal filed by Alexandra Stevenson (“Appellant”) against the Township of Ashfield-Colborne-Wawanosh (“Township”) Council decision related to an Official Plan Amendment (“OPA”) application concerning 81421 Champlain Boulevard (“Subject Lands”).

[2] The purpose of the OPA application is to update the Ashfield-Colborne-Wawanosh Official Plan (“Plan”) following a Five-Year Review of the Plan.

[3] The Planning Report noted that most site-specific issues that were raised before, during, or after a public meeting have been resolved, with the exception of the proposed Settlement Area designation impacting the Subject Lands.

[4] The Appeal focusses on section 8.10 Settlement Area and section 8.6.4 (5) Residential Park Policies of the OPA. Previously, the Subject Lands were designated as prime agricultural lands by the Township Official Plan and Huron County Official Plan. The Appeal claims the creation of a new Settlement Area in place of prime agricultural lands is not consistent with the Provincial Policy Statement (“PPS”). A comprehensive review is required before changes are made to designations.

[5] The Notice of Affidavit was marked as Exhibit 1.

PARTY STATUS REQUEST

[6] During the start of the Hearing, one Party Status Request was received from Quarry Holdings Corp who are owners of the Subject Lands. There were no objections

raised by the Parties to the request for Party Status except for clarification from the Appellant on who owned the Subject Lands since she did not receive any information on the change of ownership.

[7] Patrick Duffy, counsel for Quarry Holdings Corp., confirmed Quarry Holdings Corp. is the owner of the Subject Lands. Therefore, the Tribunal granted Party status to Quarry Holdings Corp. as it has a substantial interest in this matter and evidence to offer, which is necessary for the adjudication of this matter by the Tribunal.

HEARING

[8] Greg Stewart, Counsel for the Township, provided the background information concerning the application. Mr. Stewart stated the application is to amend the Official Plan, including potential amendments to existing Settlement Area boundaries across the Township as part of the Official Plan Review. There are outstanding objections which have been received with regard to property-specific proposed Land Use Designation changes.

[9] Mr. Stewart indicated that he had spoken with both Parties and advised that they will be seeking a second one-day ("1-day") CMC. Mr. Stewart noted Bill 23, the *More Homes Built Faster Act, 2022*, tabled by the government on October 25th, 2022, which may affect these proceedings.

[10] Ms. Stevenson suggested setting a Hearing Date, as well, to ensure that whatever Legislation is passed doesn't interfere with the important concerns of the community.

[11] Mr. Stewart and Mr. Duffy, with whom the Tribunal agrees, both advised that setting a Hearing Date would be premature at this time. A second CMC is reasonable considering the new Legislation and completion of a Draft Procedural Order and Issues List.

[12] The Parties are reminded that the Tribunal is a creature of statute. The Tribunal will be bound by Bill 23, the *More Homes Built Faster Act, 2022*. The Bill, as tabled on October 25, 2022, provides that any Third-Party appeal that had not already been scheduled for a Hearing on the merits by October 25, 2022 shall be deemed to be dismissed once the Bill comes into effect. Despite the Tribunal's continued scheduling of this matter, any future Hearing events are therefore subject to change. Parties should not rely on the scheduling of a subsequent Hearing event as indicative of whether such a Hearing event or an eventual Hearing on the merits may occur.

[13] The intent of the Parties is to set a 1-day Case Management Conference ("CMC") at the next available date in the new year. As noted above, according to the Parties, this proposed timeframe will allow for finalization of the new Legislation and will still allow time to complete a Draft Procedural and Issues List.

MEDIATION

[14] The Tribunal advised the Parties of the opportunity for Tribunal-led mediation.

HEARING DATE

[15] The Tribunal directs that a second CMC of one (1) day will be held by Video Hearing, commencing on **Thursday, February 2, 2023, at 10 a.m.**

[16] Parties and Participants are asked to log in to the Video Hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://meet.goto.com/559205565>

Access code: 558-205-565

[17] 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 at:

<https://app.gotomeeting.com/home.html>

[18] 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: **+1 (647) 497-9373** or toll-free: **1 888 299 1889**.

The access code is **558-205-565**.

[19] 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 Video Hearing 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.

[20] No further notice will be given.

[21] The Tribunal Member is not seized but may be spoken to for Case Management purposes, subject to the availability of the Tribunal's calendar.

[22] The directions in this Decision are so Ordered.

“Eric S. Crowe”

ERIC S. CROWE
MEMBER

Ontario Land Tribunal

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