

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



ISSUE DATE: January 24, 2020

CASE NO(S): PL190352

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 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Beeton Station Condominiums Corporation
Appellant: Ontario Potato Distributing Inc. & Mattamy Homes
Subject: Proposed Official Plan Amendment No. NT-OP-1801
Municipality: Town of New Tecumseth
LPAT Case No.: PL190352
LPAT File No.: PL190352
LPAT Case Name: Beeton Station Condominiums Corporation v. New Tecumseth (Town)

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Beeton Meadows Holdings Inc.
Appellant: Beeton Station Condominiums Corporation
Subject: Failure of County of Simcoe to announce a decision respecting Proposed Official Plan Amendment No. NT-OP-1801
Municipality: Town of New Tecumseth
LPAT Case No.: PL190352
LPAT File No.: PL190353

Heard: January 8, 2020 in New Tecumseth, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
County of Simcoe	M. Green
Town of New Tecumseth	J. Feehely and C. Butler
Mattamy Homes Limited and Ontario Potato Distributing Inc.	C. Barnett
Beeton Station Condominiums Corporation	D. White
Beeton Meadows Holdings Inc.	C. Tanzola
2038148 Ontario Inc. and 1204551 Ontario Inc.	A. Biggart
Flato Developments Inc.	K. Sliwa
Far Sight Developments Alliston Inc.	A. Toumanians
Indy Properties Operator Inc.	R. Howe
Rayville Developments Inc., Copperglen Estates Inc. and 301099 Ontario Ltd.	D. White

MEMORANDUM OF ORAL DECISION DELIVERED BY C.J. BRYSON ON JANUARY 8, 2020 AND ORDER OF THE TRIBUNAL

[1] This was the first Case Management Conference (“CMC”) in the appeals of Mattamy Homes and Ontario Potato Distributing Inc. (“Mattamy”) and Beeton Station Condominiums Corp. (“BSC”) from the County of Simcoe’s (“County”) approval of the new Official Plan (“OP”) for the Town of Tecumseth (“Town”) and the appeal of BSC and Beeton Meadows Holdings Inc. (“BMH”) from a non-decision of the County on a portion of the OP, pursuant to s. 17(36) and s. 17(40) of the *Planning Act*, R.S.O. c. P.13, respectively.

[2] Mattamy appealed the decision of the County to not provide a Primary Settlement Area designation for Alliston on Schedules A and B1 of the OP and in regard to the delineation of the settlement area boundary of Alliston as also depicted on Schedules A and B1. Mattamy has related appeals before the Tribunal regarding the County OP and the Alliston settlement area boundary, which was earlier adjourned *sine die* by the Tribunal in another hearing to allow for completion of the comprehensive review of the County OP, and the Town's refusal of its OP amendment application to designate lands south of Alliston for urban development, which is also on hold pending the County OP comprehensive review currently underway.

[3] BSC has appealed the decision of the County on the OP in regard to a variety of general policies as well as the non-decision of the County in regard to the Town's proposed Urban Residential designation of lands in Schedule B2. BMH has appealed the non-decision of the County in this same regard. BSC has related appeals before the Tribunal in regard to its OP amendment and zoning by-law amendment applications for development of its lands for two, four-storey condominium buildings and a clubhouse. These appeals are still in case management and have not been scheduled for hearings on the merits.

[4] The Tribunal received 15 requests for party status and one request for participant status in the Appeals:

- The Town of New Tecumseth requested party status in all of the appeals;
- Mattamy requested party status in the BSC appeal regarding OP policies;
- BMH requested party status in the BSC appeal regarding OP policies and in the Mattamy appeal;
- Carson Road Development Inc. and Midhurst Development Doran Road Inc. ("Midhurst Doran") requested party status in the Mattamy appeal;

- Flato Developments Inc. (“Flato”) requested party status in the Mattamy appeal and in the BSC appeal regarding OP policies;
- Far Sight Developments Alliston Inc. (“Far Sight”) requested party status in the Mattamy appeal and in the BSC appeal regarding OP policies;
- Indy Properties Operator Inc. (“Indy”) requested party status in the Mattamy appeal and in the BSC appeal of OP policies;
- 2038148 Ontario Inc. and 1204551 Ontario Inc. jointly requested party status in the Mattamy appeal;
- 301099 Ontario Ltd. (“Previn Court Homes”) requested party status in the Mattamy appeal;
- Rayville Developments Inc. requested party status in the Mattamy appeal;
- Copperglen Estates Inc. requested party status in the Mattamy appeal, and;
- Robert MacKenzie requested participant status in the Mattamy appeal.

[5] The requests for party status, but for that of Midhurst Doran, were granted without objection as was the request for participant status by Mr. MacKenzie. Mr. MacKenzie was directed to file his participant statement electronically in Word and in hard copy with the case coordinator at the Tribunal by Friday, January 31, 2020. The case coordinator will then make the participant statement available to the parties to the Mattamy appeal. It was also directed that the participant statement be no longer than 20 pages, exclusive of attachments.

[6] The request of Midhurst Doran for party status in the Mattamy appeal, which is subject of a filed motion, will be dealt with at a further CMC upon the joint request of Mattamy and Midhurst Doran. The Mattamy appeal was adjourned *sine die* on the request of all parties to that appeal to allow for the County comprehensive review of its OP, including settlement area boundaries and primary settlement area designations, to reach completion. Mattamy will request a second CMC from the Tribunal on its appeal, with notice to all parties to this appeal, when the County OP comprehensive review is complete.

[7] The BSC and BMH appeals were not consolidated in any form at this time but will be carried forward together administratively to a second CMC, which will take place after BSC settlement discussions with the Town and County.

[8] The next CMC in the BSC and BMH appeals will commence at **10 a.m.** on **Monday, March 23, 2020 at:**

**Municipal Building
Council Chambers
10 Wellington St. E., Alliston
New Tecumseth, ON
L9R 1A1**

[9] The directions in this Decision are so ordered.

[10] This Member is not seized.

[11] There will be no further notice.

"C.J. Bryson"

C.J. BRYSON
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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