Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

ISSUE DATE: May 15, 2024 **CASE NO(S).:** OLT-24-000054

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

Applicant and Appellant:	Pilla Investments Incorporated
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit development of an industrial subdivision on the subject lands
Reference Number:	D12/PIL/22 & Z/19/22
Property Address:	7723 Highway 89
Municipality/UT:	Adjala-Tosorontio/Simcoe
OLT Case No.:	OLT-24-000054
OLT Lead Case No.:	OLT-24-000054
OLT Case Name:	Pilla Investments Incorporated v. Adjala-Tosorontio (Township)

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Pilla Investments Incorporated
Subject:	Proposed Plan of Subdivision – Refusal by Approval Authority
Description:	To permit development of an industrial subdivision on the subject lands
Reference Number:	D12/PIL/22 & Z/19/22
Property Address:	7723 Highway 89
Municipality/UT:	Adjala-Tosorontio/Simcoe
OLT Case No.:	OLT-24-000055
OLT Lead Case No.:	OLT-24-000054

Heard:	May 6, 2024, by video hearing

APPEARANCES:

Parties	**Counsel**
Pilla Investment Incorporated	Kim Mullin
Township of Adjala-Tosorontio	Jay Feehely

MEMORANDUM OF ORAL DECISION DELIVERED BY KURTIS SMITH ON MAY 6, 2024 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This was the first Case Management Conference ("CMC") pertaining to the Appeals filed by Pilla Investment Incorporated ("Applicant" or "Appellant"). The Council for the Township of Adjala-Tosorontio ("Township") refused the Applicant's Zoning By-law Amendment ("ZBA") and Proposed Plan of Subdivision for the land municipally known as 7723 Highway 89 ("Subject Lands").

[2] Located south of Highway 89 and west of Concession Road 7, just west of the community of New Tecumseth, the Subject Lands are vacant, 29 hectares in size, and currently zoned Open Space - Conservation.

[3] The purpose of the applications would see the rezoning of the Subject Lands to Employment One – Hold One to permit the development of a 23 industrial parcel subdivision with blocks for stormwater management facilities and roads.

[4] The Tribunal received and marked the Affidavit of Service of the Notice of the CMC sworn by Dion Long as **Exhibit 1**. There were no issues with the service of Notice of the CMC, and as such, no further notice is required.

PARTY AND PARTICIPANT STATUS REQUEST

[5] Prior to the commencement of the CMC, the Tribunal received one Party status request and no Participant status requests

[6] The Party status request was received from Tenga Capital Corporation ("Tenga"). Tenga is the owner of the neighbouring property municipally known as 4874 Concession Road 7. Tenga is primarily concerned of the potential traffic impacts associated with the proposed industrial subdivision.

[7] Ms. Mullin, Counsel for the Applicant, indicated that Tenga did not participate/engage in the planning process, stating that no oral or written submissions were filed. Mr. Feehely, states that he was retained following receipt of the appeal and in reviewing the documents he concurs that Tenga did not participate. Mr. Richardson, Counsel for Tenga, was also retained following the appeal and was uncertain if Tenga participated in the planning process.

[8] Since there was no documentation or concrete evidence that Tenga participated in the public planning process or that it provided oral or written submissions to municipal council, the Tribunal did not grant it Party status, but granted it Participant status instead.

SETTLEMENT HEARING

[9] Ms. Mullin informed the Tribunal that a Settlement has been reach in principle between the Township and Applicant. As a result of ongoing positive communication, the Parties expect the minutes of settlement to be executed following the Township's May Council meeting.

[10] The Tribunal scheduled a **one-day Settlement Hearing** by video to be held on **Thursday, July 4, 2024 at 10 a.m**. The following timeline was confirmed by the Parties

and Participant to ensure all materials are prepared in advance of the Settlement Hearing:

a. May 31, 2024 – minutes of settlement provided to Tenga and the Tribunal

b. June 14, 2024 – Tenga supplies Participant Statement to the Parties and Tribunal

c. June 27, 2024 – Settlement materials are submitted to the Tribunal.

[11] 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/709076365
Access code: 709-076-365

[12] 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

[13] 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 **indicated above**.

[14] 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.

ORDER

[15] **THE TRIBUNAL ORDERS** as follows:

a. Tenga Capital Corporation is granted Participant Status in these proceedings.

b. On or before **May 31, 2024**, the Applicant will supply the executed minutes of settlement to Tenga Capital Corporation.

c. Tanga Capital Corporation has until **June 14, 2024,** to submit a Participant Statement.

d. The materials in support of the Settlement are to be provided to the Tribunal on or before **June 27, 2024**.

e. A one-day Settlement Hearing is scheduled on **Thursday, July 4, 2024**, at **10 a.m**. by video.

[16] The Member is not seized but may be contacted through the Case Coordinator should procedural issues arise.

"*Kurtis Smith*"

KURTIS SMITH
MEMBER