



ADDENDUM TO INFORMATION PACKAGE

February 9, 2021

Information Package

- | | | |
|-----|---|-------|
| 6F) | Lydia Harrison, Realty Services Coordinator
Re: Land Monetization Project | 1-3 |
| 6G) | Paula Boutis, County Solicitor
Re: 24 Lynn Street, Port Dover, Local Planning Appeals Tribunal
Appeal | 4-38 |
| 6H) | Mike King, Director Engineering
Re: Sidewalk Options Cockshutt Road – Additional Information | 39-43 |

Circulated for Information purposes only**



Information Package Memo

To: Mayor Chopp and Members of Council

Cc: Jason Burgess, Chief Administrative Officer
Andy Grozelle, County Clerk
Shelley Darlington, General Manager, Corporate Services
Brandon Sloan, General Manager, Community Development

From: Lydia Harrison, Realty Services Coordinator
Katelyn Bowen-Schweyer, Corporate Services Generalist

Date: February 5, 2021

Re: **Land Monetization Project**

The purpose of this information memo is to provide Council with an update on the progress to-date pertaining to Option 10 – Land Monetization budget initiative that was approved by Council during the 2020 budget deliberations. The original target was to monetize approximately \$7.2 M worth of property sales over a three (3) year period.

County staff have formed the Norfolk County Land Review Committee, spearheaded jointly by Shelley Darlington, General Manager, Corporate Services and Brandon Sloan, General Manager, Community Development. Staff from Community Development, Environmental and Infrastructure Services, Operations, Health and Social Services and Corporate Services form the rest of the committee members.

The committee held its first meeting on October 19, 2020, to review the committee's purpose and mandate as directed by Council and to delegate a subsequent workplan.

A Terms of Reference was prepared for the committee which outlines the phased approach that will be taken over the next three (3) years, the tasks to be completed, the way of communication and the team members involved.

The following sub committees have been formed:

1. Analysis and Information
Comprised of committee members from Community Development,

Environmental and Infrastructure Services, Operations and Corporate Services. This committee researches and provides information pertaining to their department on each of the properties identified by the Quick Wins committee.

2. Criteria and Evaluation

Comprised of committee members from Community Development, Health and Social Services and Corporate Services. This committee is responsible for evaluating the data collected on the properties and shortlisting groups for proposed surplus and disposition.

3. Quick Wins Committee / Next Wins Committee

Comprised of committee members from Community Development, Operations, Environmental and Infrastructure Services and Corporate Services. This committee is responsible for creating the batches of properties to review and providing preliminary comments on each property identified.

Below is a high level summary, as outlined in the Terms of Reference, of the process for the execution of the project:

1. Quick Wins/Next Wins Committee will collaborate to identify groups of parcels for review;
2. Information Committee will provide any information they have on each of the parcels identified in the grouping;
3. Criteria and Evaluation Committee will meet to evaluate, sort and short-list properties created to propose for surplus and disposition;
4. At a Public Hearing Committee meeting, open to the public, staff will present a report to Council to propose a list of properties for consideration to be declared surplus to municipal needs;
5. Staff will initiate the disposition process for the surplus properties determined by Council.

The three (3) sub-committees work in tandem by utilizing Microsoft TEAMS to share documents, post agendas and minutes, meet and collaborate on files. To date there have been three (3) Committee Meetings, and eight (8) Sub Committee Meetings.

Policy EBS-60, Land Purchase and Sale Policy requires municipally owned lands to be declared surplus by Council at a meeting open to the public. In addition to the policy requirements staff will provide a four (4) week public notice for parcels identified as having a potential high-level of public interest. There are also a number of properties that are under consideration for potentially conducting virtual information open house sessions to inform and consult with the community about the land monetization process. This may include identifying and receiving comments on some of the properties under

review (particularly when involving park space). Council and the public will be advised of this process in advance.

The Quick Wins committee completed an initial analysis of 510 parcels owned by Norfolk County and created a shortlist of 31 properties for in-depth review. A detailed review by each department is being conducted to determine a preliminary list of eligible lands for surplus and disposition pending Council's approval.

Additionally, tasked to the committee was proposing possible parcels for housing developments. The committee has identified two (2) possible housing sites in Simcoe and one (1) in Delhi.

Staff are targeting to present the identified quick win properties proposed for surplus and disposition to Council in a subsequent report in Q2 2021, and will continue to review additional potential properties.

If you require any further information, please do not hesitate to contact Realty Services Lydia Harrison, Realty Services Coordinator, ext. 1323 or Katelyn Bowen-Schweyer, Corporate Services Generalist, ext. 1322.

Memo

To: Mayor and Council
From: Paula Boutis, County Solicitor
Date: February 9, 2021
Re: 24 Lynn Street, Port Dover, Local Planning Appeal Tribunal Appeal

A companion closed report is provided to council related to this appeal.

The matter relates to an application to redevelop property at 24 Lynn Street, Port Dover, for a 6-storey, 90-unit condominium. The applicant appealed on the basis of Council's failure to make a decision within the required statutory timelines. The matter is currently scheduled for a hearing, by videoconference, on April 6, 2021.

The parties have appeared twice before LPAT for case management conferences. I attach the decisions and procedural orders released further to those case management conferences.

The Port Dover Waterfront Preservation Association is a participant in this matter.

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



ISSUE DATE: December 21, 2020

CASE NO.: PL190453

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 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Heather-Jo Causyn
Subject:	Application to amend Zoning By-law No. 1-Z-2014 - Neglect of County of Norfolk to make a decision
Existing Zoning:	Marine Commercial (CM) and Hazard Land Zone (HL)
Proposed Zoning:	Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol
Purpose:	To permit the construction of a 6-storey residential apartment building
Property Address/Description:	24 Lynn Street
Municipality:	County of Norfolk
Municipality File No.:	ZNPL2019046
LPAT Case No.:	PL190453
LPAT File No.:	PL190453
LPAT Case Name:	Jo Causyn v. Norfolk (County)

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

Applicant and Appellant: Heather-Jo Causyn
Subject: Application to amend Zoning By-law No. 1-Z-2014 - Neglect of County of Norfolk to make a decision
Existing Zoning: Marine Commercial (CM) and Hazard Land Zone (HL)
Proposed Zoning: Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol
Purpose: To permit the construction of a 6-storey residential apartment building
Property Address/Description: 24 Lynn Street
Municipality: County of Norfolk
Municipality File No.: ZNPL2019137
LPAT Case No.: PL190453
LPAT File No.: PL200064

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

Applicant and Appellant: Heather-Jo Causyn
Subject: Request to amend the Official Plan – Failure to make a decision by the County of Norfolk
Existing Designation: Lakeshore Special Policy Area
Proposed Designated: Site Specific
Purpose: To permit the construction of a 6-storey residential apartment building
Property Address/Description: 24 Lynn Street
Municipality: County of Norfolk
Approval Authority File No.: OPNPL2019045
LPAT Case No.: PL190453
LAPT File No.: PL200063

R.G.M. MAKUCH)
VICE-CHAIR) Monday, the 21st
) day of December, 2020

THE BOARD ORDERS that the Procedural Order, attached hereto, shall be in full force and effect.

“Becky Fong”

REGISTRAR

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

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248



Local Planning Appeal Tribunal

Procedural Order

ISSUE DATE:

CASE NO. PL190453

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

Applicant and Appellant: Heather-Jo Causyn
Subject: Application to amend Zoning By-law No. 1-Z-2014 – Refusal or neglect of the County of Norfolk to make a decision
Existing Zoning: Marine Commercial (CM) and Hazard Land Zone (HL)
Proposed Zoning: Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol
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Property Address/Description: 24 Lynn St
Municipality: County of Norfolk
Municipality File No.: ZNPL2019046
LPAT Case No.: PL190453
LPAT File No.: PL190453
LPAT Case Name: Causyn v. Norfolk (County)

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

Applicant and Appellant: Heather-Jo Causyn
Subject: Application to amend Zoning By-law No. 1-Z-2014 – Refusal or neglect of the County of Norfolk to make a decision
Existing Zoning: Marine Commercial (CM) and Hazard Land Zone (HL)
Proposed Zoning: Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol
Purpose: To permit the construction of a 6-storey residential apartment building
Property Address/Description: 24 Lynn St
Municipality: County of Norfolk
Municipality File No.: ZNPL2019046
LPAT Case No.: PL190453
LPAT File No.: PL200063
LPAT Case Name: Causyn v. Norfolk (County)

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

Applicant and Appellant:	Heather-Jo Causyn
Subject:	Application to amend Zoning By-law No. 1-Z-2014 – Refusal or neglect of the County of Norfolk to make a decision
Existing Zoning:	Marine Commercial (CM) and Hazard Land Zone (HL)
Proposed Zoning:	Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol
Purpose:	To permit the construction of a 6-storey residential apartment building
Property Address/Description:	24 Lynn St
Municipality:	County of Norfolk
Municipality File No.:	ZNPL2019046
LPAT Case No.:	PL190453
LPAT File No.:	PL200064
LPAT Case Name:	Causyn v. Norfolk (County)

The Tribunal Orders that:

1. The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

2. The hearing will begin on April 6, 2021 at 10 a.m. at Port Dover Community Centre, The Hall, 801 St. George Street, Port Dover. The Tribunal will not sit on April 12, 2020.
3. The length of the hearing will be about **7** days. The length of the hearing may be shortened as issues are reordered as settlement is achieved.
4. The parties and participants identified at the case management conference are set out in **Attachment 1**.
5. The Issues are set out in the Issues List attached as **Attachment 2**. There will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
6. The order of evidence shall be as set out in **Attachment 3** to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Tribunal.
7. Any person intending to participate in the hearing should provide a mailing address, email address and a telephone number to the Tribunal as soon as possible – ideally before the case management conference. Any person who will be retaining a representative should advise the other parties and the Tribunal of the representative’s name, address, email address and the phone number as soon as possible.

Requirements Before the Hearing

8. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal, the other parties and to the municipal clerk a list of the witnesses and the order in which they will be called. This list must be delivered on or before **December 8, 2020**. A party who intends to call an expert witness must include a copy of the witness' Curriculum Vitae and the area of expertise in which the witness is prepared to be qualified.
9. Expert witnesses in the same field shall have a meeting on or before **January 8, 2021** to try to resolve or reduce the issues for the hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the hearing and provide this list to all of the parties and the municipal Clerk.
10. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section [12]. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony.
11. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence as in section [12]. A party who intends to call a witness who is not an expert must file a brief outline of the witness' evidence, as in section [12].
12. On or before **February 5, 2021**, the parties shall provide copies of their witness and/or expert Witness Statements to the other parties. A paper copy of any document proposed to be entered into evidence of relied upon shall be provided at the hearing unless ordered otherwise by the presiding Member.
13. A participant must provide to the Tribunal and to the parties a participant statement on or before **February 5, 2021**.
14. On or before **March 5, 2021**, the parties shall provide copies of their reply witness and expert witness statements to the other parties and to the municipal Clerk of the County of Norfolk.
15. On or before **March 22, 2021**, the parties shall provide copies of their visual evidence to all of the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
16. Parties may provide to all other parties and file with the Clerk a written response to any written evidence within seven (7) days after the evidence is received.
17. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. See Rule 10 of the Tribunal's Rules with respect to Motions, which requires that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.

- 18.** A party who provides written evidence of a witness to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of their record.
- 19.** The parties shall prepare and file a [hearing plan](#) with the Tribunal on or before **March 22, 2021** with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the hearing plan. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.
- 20.** Documents may be delivered by personal delivery, facsimile or registered or certified mail or email, or otherwise as the Tribunal may direct. The delivery of documents by fax and email shall be governed by the Tribunal's Rules (Rule 7) on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
- 21.** No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

**ATTACHMENT 1
PARTIES**

PARTIES

1. Heather-Jo Causyn

Turkstra Mazza Associates
15 Bold Street
Hamilton, ON L8P 1T3

Nancy Smith
Tel: 905.529.3476
Email: nsmith@tmalaw.ca

Jennifer Meader
Tel: 905.529.3476
Email: jmeader@tmalaw.ca

2. Norfolk County

Norfolk County
50 Colborne Street South
Simcoe, ON N3Y 4H2

Paul Boutis
Tel: 519.426.5870 ext. 1315
Email: Paula.Boutis@norfolkcounty.ca

3. Long Point Region Conservation Authority

Norfolk County
50 Colborne Street South
Simcoe, ON N3Y 4H2

Paul Boutis
Tel: 519.426.5870 ext. 1315
Email: Paula.Boutis@norfolkcounty.ca

PARTICIPANTS

1. Port Dover Waterfront Preservation Association

Jim Dover
Tel: 519.426.5677
Email: jdover@kwic.com

ATTACHMENT 2

ISSUES LIST

1. Is the Official Plan Amendment Application required in order for the development proposal to conform to the Official Plan?
2. Is the proposed building height in conformity with Section 7.16.2 c) ii) of the Official Plan?
3. Is the proposed development located within the 100-year flood line of the Lynn River and within the Lynn River/Black Creek Special Policy Area, and if so, is it consistent with Policy 3.1.2 of the PPS and in conformity with Section 6.5.2.4 of the Official Plan?
4. Is the proposed development in conformity with Sections 6.5.2.2, 7.16, and 8.2 of the Official Plan? Is the proposed development required to provide an opportunity for active transportation and access to the waterfront?
5. Will the proposal to reduce the number of parking spaces from the requirements in Section 4.9 of the Zoning By-Law result in adverse impacts?
6. Do the proposed design elements respect and reinforce the existing character of the surrounding community, in conformity with Section 11.3.2.1 e) of the Lakeshore Policy Area Secondary Plan?
7. Is the building height appropriate?
8. Will the development proposal have any adverse traffic impacts?
9. Is the proposed development good planning?
10. Is the proposal premature given the servicing constraints in Port Dover and the implementation of an Interim Control By-law to allow for land use study in Port Dover?

ATTACHMENT 3

ORDER OF EVIDENCE

1. Heather-Jo Causyn
2. Norfolk County
3. Long Point Region Conservation Authority
4. Heather-Jo Causyn, in Reply

ATTACHMENT 4

Summary of Filing Dates

EVENT	DATE
List of Witnesses	December 8, 2020
Expert Witness Meetings	January 8, 2021
Witness and Expert Witness Statements	February 5, 2021
Participant Statements	February 5, 2021
Reply Witness Statements	March 5, 2021
Parties to exchange their Visual Evidence	March 22, 2021
Hearing Plan due to LPAT	March 22, 2021
LPAT hearing commences	April 6, 2021

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



ISSUE DATE: October 16, 2020

CASE NO(S): PL190453

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

Applicant and Appellant:	Heather-Jo Causyn
Subject:	Application to amend Zoning By-law No. 1-Z-2014 – Refusal or neglect of the County of Norfolk to make a decision
Existing Zoning:	Marine Commercial (CM) and Hazard Land Zone (HL)
Proposed Zoning:	Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol
Purpose:	To permit the construction of a 6-storey residential apartment building
Property Address/Description:	24 Lynn Street
Municipality:	County of Norfolk
Municipality File No.:	ZNPL2019046
LPAT Case No.:	PL190453
LPAT File No.:	PL190453
LPAT Case Name:	Causyn v. Norfolk (County)

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Proposed Zoning:	Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol
Purpose:	To permit the construction of a 6-storey

Property Address/Description: residential apartment building
 24 Lynn Street
 Municipality: County of Norfolk
 Municipality File No.: ZNPL2019046
 LPAT Case No.: PL190453
 LPAT File No.: PL200064
 LPAT Case Name: Causyn v. Norfolk (County)

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

Applicant and Appellant: Heather-Jo Causyn
 Subject: Request to amend the Official Plan – Failure to make a decision by the County of Norfolk

Existing Designation: Lakeshore Special Policy Area
 Proposed Designated: Site Specific
 Purpose: To permit the construction of a 6-storey residential apartment building

Property Address/Description: 24 Lynn Street
 Municipality: County of Norfolk
 Approval Authority File No.: OPNPL2019045
 LPAT Case No.: PL190453
 LAPT File No.: PL200063

Heard: September 29, 2020 by video hearing

APPEARANCES:

Parties

Heather-Jo Causyn

County of Norfolk

Counsel

Jennifer Meader

Paula Boutis

MEMORANDUM OF DECISION DELIVERED BY D. CHIPMAN ON SEPTEMBER 29, 2020 AND ORDER OF THE TRIBUNAL

[1] The matter before the Tribunal is an appeal by Heather-Jo Causyn (the "Applicant") from the failure of the County of Norfolk (the "County") to make a decision on an application for a Zoning By-law Amendment pursuant to section s. 34(11) of the *Planning Act* ("Act").

[2] The Applicant is seeking permission to construct a six-storey residential

apartment building. The proposed development would have 90 units and two-storeys of underground parking.

[3] The proposed Zoning By-law No. 52-Z-2019 would amend Zoning By-law 1-Z-2014 from Marine Commercial CM and Hazard Land Zone (HL) to Urban Residential Type 5 (R5 (H)) zone and Marine Commercial (CM(H)) with a special provision. A holding provision would be placed on the by-law to permit reductions to parking, parking aisle width, minimum interior side yard, maximum building height and to establish a maximum floor are ratio. Site specific relief is also being sought to reduce a range of permitted uses in the CM Zone.

[4] The hearing is a Case Management Conference ("CMC") conducted pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act, 2017* in respect of this matter.

[5] An Affidavit of Service was entered as Exhibit 1.

[6] An Amended Affidavit of Service was entered as Exhibit 2 and is attached to this document as Attachment 1.

BACKGROUND

[7] Counsel to the Applicant provided a brief overview. Ms. Meader stated that the original submission included an Official Plan Amendment ("OPA") application seeking relief from Official Plan policies required in order to exceed four storeys and to permit a sole residential use with no commercial on the main floor. Ms. Meader informed the Tribunal that before the County considered the Applicant's OPA application, a staff report recommending an Interim Control By-law ("ICB") was passed by the municipality. As a result of the ICB, the Applicant could no longer move forward with the OPA application. The OPA application is in abeyance with the municipality while the ICB continues to be in effect. Ms. Meader stated that the ICB will end in the spring of 2021.

[8] Ms. Meader is requesting a seven-day hearing to be heard in the Spring of 2021.

[9] Counsel for the County informed the Tribunal that the original Affidavit of Service failed to include the Long Point Region Conservation Authority (“LPRCA”). Subsequently, an Amended Affidavit of Service was issued.

[10] Further, it was noted by Ms. Boutis that the County issued a Notice of Public Meeting (June 25, 2019) which did not meet the statutory requirements under the Act.

[11] Ms. Boutis also informed the Tribunal that the County is currently in the process of finalizing a Secondary Plan which should be completed by February 2021.

[12] Ms. Boutis concurred that a seven-day hearing would be necessary to cover the number of expert witnesses. She further noted, that the municipal building is fitted with the appropriate measures for in-person hearings. The Tribunal requested that Ms. Boutis forward documentation on pandemic measures undertaken to ensure the municipal building meets the requirements as a safe hearing environment.

[13] The Tribunal sought direction from the LRPA with regards to whether they will be seeking Party Status. The LPRCA, at this hearing, felt that it was too early to determine whether they will be seeking Party Status.

[14] Both Parties agreed that should the LRPA request Party Status, they will forward in writing, a notice to the Tribunal that they do not object to the LRPA request.

[15] The Tribunal offered mediation assistance.

[16] Both Parties agreed to mediation and extended the opportunity to Port Dover Waterfront Preservation Association (“PDWPA”) and the LPRCA to partake in the mediation discussions. The parties are directed to submit their request in writing to the Tribunal.

[17] In respect to the request for participant status received from the PDWPA, the Tribunal has reviewed the submissions from Jim Dover on behalf of PDWPA and is satisfied that PDWPA participated in the proceedings at the County prior to the decision

of County to pass an ICB.

ORDER

[18] The Tribunal determines there are reasonable grounds to add PDWPA as a participant to these proceedings.

[19] The Tribunal orders that on or before October 20, 2020 the Parties are to forward to the Case Coordinator a draft Procedural Order and Issues List together with a status update on the progress of mediation.

[20] The Tribunal orders that in the event that the mediation efforts are not successful, the parties are to advise the Tribunal Case Coordinator.

[21] A further CMC is scheduled for by telephone conference call (TCC) to finalize the Procedural Order and Issues List and to determine whether the hearing will proceed in-person or by video hearing.

[22] A CMC by TCC, to be attended by the parties, has been scheduled to commence on **Thursday, January 21, 2021 at 9 a.m.** Individuals are directed to call **416-212-8012** or **Toll Free 1-866-633-0848** on the assigned date at the correct time. When prompted, enter the **code 4779874#** to be connected to the call. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time.

[23] The Tribunal scheduled a **seven-day in-person hearing on Tuesday, April 6, 2021, commencing at 10 a.m.:**

**Port Dover Community Centre
The Hall
801 St. George Street
Port Dover, Ontario**

[24] The Tribunal directs that should the hearing proceed by video conference,

counsel will be appropriately notified of the coordinates for the video conference.

[25] The Tribunal notes that it will not sit on **Monday, April 12, 2021** as it is a Tribunal Professional Development day.

[26] This Member is not seized.

“D. Chipman”

D. CHIPMAN
MEMBER

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Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

LPAT Case No. PL190453

LOCAL PLANNING APPEAL TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O.

1990, c. P.13, as amended

Applicant and Appellant:

Subject:

Heather-Jo Causyn

Application to amend Zoning By-law No. 1-Z-2014 –
Refusal or neglect of the County of Norfolk to make a
decision

Existing Zoning:

Proposed Zoning:

Marine Commercial (CM) and Hazard Land Zone (HL)
Urban Residential Type 5 (R5) zone and Marine
Commercial (CM), with special provisions and a holding
symbol

Purpose:

To permit the construction of a 6-storey residential
apartment building

Property Address/Description:

Municipality:

Municipality File No.:

LPAT Case No.:

LPAT File No.:

LPAT Case Name:

24 Lynn St

County of Norfolk

ZNPL2019046

PL190453

PL190453

Causyn v. Norfolk (County)

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LPAT Case No.:	PL190453
LAPT File No.:	PL200063

AMENDING AFFIDAVIT OF SERVICE

I, LOUISE CLARE SUDAC, of the Town of Lincoln in the Regional Municipality of Niagara, am the Law Clerk to Nancy Smith of Turkstra Mazza Associates and MAKE OATH AND SAY AS FOLLOWS:

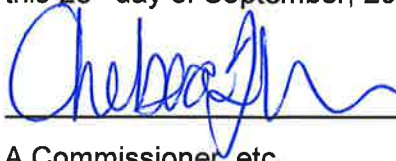
1. On August 26, 2020 I prepared the service of the Notice of Case Management Conference scheduled for Tuesday, September 29, 2020. I prepared an Affidavit of Service dated August 26, 2020 and filed it with the Tribunal.
2. In the Direction Notice received from LPAT dated August 17, 2020 and attached as Exhibit "A", under paragraph 2.f) the Notice of Case Management Conference was required to be given to:

The secretary-treasurer of every conservation authority having jurisdiction in the area to which the proposed official plan or plan amendment and proposed by-law would apply.

3. On August 28, 2020 at 11:16 a.m. I received an email from Paula Boutis, County Solicitor at Norfolk County enquiring whether notice had been sent to the Long Point Region Conservation Authority. Attached as Exhibit "B" is a copy of the email.
4. On review of the mailing lists I discovered that I had inadvertently missed sending a copy of the Notice of Case Management Conference to the Conservation Authority as directed. Ms. Boutis in her email indicated that she had forwarded a copy of the Notice to the Conservation Authority.

5. I make this Affidavit to correct my Affidavit of Service dated August 26, 2020 and for no improper purpose.

SWORN before me at the City)
of Hamilton, Province of Ontario)
this 28th day of September, 2020)



A Commissioner, etc.


LOUISE CLARE SUDAC

CHELSEA LISA WILSON-FLYNN,
a Commissioner, etc., Province of Ontario,
for Turkstra Mazza Associates,
Barristers and Solicitors.
Expires January 21, 2022

**Environment and Land Tribunals
Ontario**
Local Planning Appeal Tribunal

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**
Tribunal d'appel de l'aménagement
local



655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Website: www.elto.gov.on.ca

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Site Web: www.elto.gov.on.ca

This is Exhibit "A" referred to in the
affidavit of House Clark Sudac
sworn before me, this 28th
day of September 2020.

August 17, 2020

A COMMISSIONER FOR TAKING AFFIDAVITS

LISA WILSON
Via Email: jmeader@tmalaw.ca
a Commissioner, etc., Province of Ontario.
for Turkstra Mazza Associates,
Barristers and Solicitors.
Expires January 21, 2022

Jennifer Meader
Representative for the Applicant / Appellant

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

Applicant and Appellant: Heather-Jo Causyn
Subject: Application to amend Zoning By-law No. 1-Z-2014 – Refusal or neglect of the County of Norfolk to make a decision
Existing Zoning: Marine Commercial (CM) and Hazard Land Zone (HL)
Proposed Zoning: Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol
Purpose: To permit the construction of a 6-storey residential apartment building
Property Address/Description: 24 Lynn St
Municipality: County of Norfolk
Municipality File No.: ZNPL2019046
LPAT Case No.: PL190453
LPAT File No.: PL190453
LPAT Case Name: Causyn v. Norfolk (County)

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

Applicant and Appellant: Heather-Jo Causyn
Subject: Application to amend Zoning By-law No. 1-Z-2014 – Refusal or neglect of the County of Norfolk to make a decision
Existing Zoning: Marine Commercial (CM) and Hazard Land Zone (HL)
Proposed Zoning: Urban Residential Type 5 (R5) zone and Marine

Purpose: Commercial (CM), with special provisions and a holding symbol
To permit the construction of a 6-storey residential apartment building

Property Address/Description: 24 Lynn St
Municipality: County of Norfolk
Municipality File No.: ZNPL2019046
LPAT Case No.: PL190453
LPAT File No.: PL200063
LPAT Case Name: Causyn v. Norfolk (County)

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

Applicant and Appellant: Heather-Jo Causyn
Subject: Application to amend Zoning By-law No. 1-Z-2014 – Refusal or neglect of the County of Norfolk to make a decision

Existing Zoning: Marine Commercial (CM) and Hazard Land Zone (HL)

Proposed Zoning: Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol

Purpose: To permit the construction of a 6-storey residential apartment building

Property Address/Description: 24 Lynn St
Municipality: County of Norfolk
Municipality File No.: ZNPL2019046
LPAT Case No.: PL190453
LPAT File No.: PL200064
LPAT Case Name: Causyn v. Norfolk (County)

Re: Notice of Direction – Case Management Conference

It is your responsibility to circulate notice in accordance with the following notice directions:

The Tribunal directs that you give notice in accordance with the directions contained in the attached memorandum. Please note that the notice is to be given at least **30 days**** prior to the date of the case management conference.

The Tribunal will require an affidavit or declaration, duly sworn, to be filed **within 14 days** after notice is given, proving that notice has been given as directed. The affidavit or declaration must include the date on which the notice was sent and have attached a copy of the notice and a list of the names and addresses of all persons to whom notice was sent. Each document must be separately marked as a schedule.

Yours truly,

Reva White

Case Coordinator, Planner
(437) 228-0679

Encl.

c.c.
Peter Tice

**Directions for notice of Case Management Conference for appeals under
Subsections 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as
amended**

NOTICE shall be given at least **30 days**** prior to the date of the case management conference by sending:

- A copy of the Notice of Case Management Conference and the extracts of the Tribunal's *Rules of Practice and Procedure*;
 - An explanation of the purpose and effect of the proposed official plan or plan amendment;
 - An explanation of the purpose and effect of the proposed by-law; and
 - A description of the subject land, a key map showing the subject land, or an explanation why no description or key map is provided.
1. Notice shall be given by personal service or ordinary mail or registered mail or courier or electronically* to every owner of land within 120 metres of the subject land:
 - a) The owner of land is deemed to be the person shown on the last revised assessment roll of the municipality or on the current provincial land tax roll at the address shown on the roll, but if the approval authority is a municipality and the clerk of the municipality has received written notice of a change of ownership, the notice shall be given to the new owner instead, at the address set out in the notice of change of ownership.
 - b) If a condominium development is located within 120 metres of the subject land, notice may be given to the condominium corporation, according to its most recent address for service or mailing address as registered under section 7 of the *Condominium Act, 1998*, instead of being given to all owners assessed in respect of the condominium development.
 2. Every person and public body that has given the clerk of the municipality or the secretary-treasurer of the planning board a written request for a notice (including the person's or public body's address) shall be given notice by personal service or ordinary mail or registered mail or courier or electronically.
 2. Notice shall be given, by personal service or ordinary mail or registered mail or courier or electronically, to all the following persons and public bodies, except those who have notified the clerk of the municipality or the secretary-treasurer of the planning board that they do not wish to receive notice:
 - a) The clerk of the approval authority of the proposed official plan or plan amendment, if the approval authority is not the Minister.
 - a) The clerk of every upper-tier municipality having jurisdiction in the area to which the proposed by-law would apply.
 - b) The clerk of every municipality or the secretary-treasurer of every municipal planning authority having jurisdiction in the area to which the proposed official plan or plan amendment would apply.
 - c) The clerk of the lower-tier municipality to which the proposed by-law would apply, if the notice is given by the County of Oxford.

- d) The secretary-treasurer of every planning board or municipal planning authority having jurisdiction in the area to which the proposed by-law would apply.
- e) The secretary of every school board having jurisdiction in the area to which the proposed official plan or plan amendment and proposed by-law would apply.
- f) The secretary-treasurer of every conservation authority having jurisdiction in the area to which the proposed official plan or plan amendment and proposed by-law would apply.
- g) The secretary of every municipal or other corporation operating an electric utility in the local municipality or planning area to which the proposed by-law would apply.
- h) The secretary of every company operating a natural gas utility in the local municipality or planning area to which the proposed official plan or plan amendment and proposed by-law would apply.
- i) The secretary of every company operating an oil or natural gas pipeline in the local municipality or planning area to which the proposed official plan or plan amendment and proposed by-law would apply.
- j) Every propane operator of a propane operation, if,
 - i. Any part of the propane operation's hazard distance is within the area to which the proposed official plan or plan amendment and proposed by-law would apply, and
 - ii. The clerk of the municipality or the secretary-treasurer of the planning board has been notified of the propane operation's hazard distance by a director appointed under section 4 of the *Technical Standards and Safety Act, 2000*.
- k) If any of the land to which the proposed official plan or plan amendment and proposed by-law would apply is within 300 metres of a railway line, the secretary of the company operating the railway line.
- l) The chair or secretary of the municipal heritage committee of the municipality, if any, if the land to which the proposed by-law would apply includes or adjoins a property or district designated under Part IV or V of the *Ontario Heritage Act*.
- m) The Executive Vice-President, Law and Development, of Ontario Power Generation Inc.
- n) The secretary of Hydro One Inc.
- o) If any of the land to which the proposed official plan or plan amendment and proposed by-law would apply is within or abuts the area covered by the Niagara Escarpment Plan, the senior planner of the district office of the Niagara Escarpment Commission having jurisdiction over that land or the area that it abuts, as the case may be.
- p) Parks Canada, if any of the land to which the proposed official plan or plan amendment and proposed by-law would apply adjoins a historic site, park or historic canal under the jurisdiction of Parks Canada.
- q) The Niagara Parks Commission, if any of the land to which the proposed official plan or plan amendment and proposed by-law would apply adjoins the Niagara Parkway or is in the jurisdiction of the Niagara Parks Commission.
- r) The St. Lawrence Parks Commission, if any part of the land to which the proposed official plan or plan amendment and proposed by-law would apply

adjoins the 1000 Islands Parkway and is within the jurisdiction of the St. Lawrence Parks Commission under section 9 of the *St. Lawrence Parks Commission Act*.

- s) The clerk of every municipality or the secretary-treasurer of every municipal planning authority or planning board, if any part of the municipality, municipal planning area or planning area is within one kilometre of the land to which the proposed official plan or plan amendment and proposed by-law would apply.
 - t) The chief of every First Nation council, if the First Nation is located on a reserve any part of which is within one kilometre of the area to which the proposed official plan or plan amendment and proposed by-law would apply.
3. If the approval authority of a proposed official plan or plan amendment is the Minister, notice shall be given, by personal service or ordinary mail or registered mail or courier or electronically, to the regional director of the Ministry of Municipal Affairs and Housing Municipal Services Office responsible for the region that includes the municipality or planning area where the subject land is located, unless the regional director has notified the clerk of the municipality or the secretary-treasurer of the planning board that he or she does not wish to receive such notices.
4. If the approval authority of a proposed official plan or plan amendment is not the Minister, notice shall be given, by personal service or ordinary mail or registered mail or courier or electronically, to the regional director of the Ministry of Municipal Affairs and Housing Municipal Services Office responsible for the region that includes the municipality or planning area where the subject land is located, if the regional director has given the clerk of the municipality or the secretary-treasurer of the planning board a written request to be given such notices.

* In accordance with Rules 7.11 to 7.13 of the Tribunal's *Rules of Practice and Procedure*.

** This requirement is a minimum. The party responsible for giving notice should do so as early as possible.

Louise Sudac

From: Paula Boutis <Paula.Boutis@norfolkcounty.ca>
Sent: Monday, September 28, 2020 11:16 AM
To: Louise Sudac
Cc: Leigh-Anne Mauthe; Jennifer Meader
Subject: FW: LPAT Case Management Conference - 24 Lynn St, County of Norfolk
Attachments: PL190453 - NOTICE - CMC - SEPT-29-20.pdf

Dear Ms. Sudac,

Was the LPRCA sent a notice of this CMC? Last a week I sent a copy, but we aren't sure if they received one from your office in August. Ms. Mauthe at the LPRCA does not recall seeing any notice come through.

Thank you.

From: Peter Tice <ptice@rossmcbride.com>
Sent: Wednesday, August 26, 2020 10:35 AM
To: Paula Boutis <Paula.Boutis@norfolkcounty.ca>
Subject: FW: LPAT Case Management Conference - 24 Lynn St, County of Norfolk

Hi Paula....F.Y.I.....Peter

From: Louise Sudac [<mailto:lsudac@tmalaw.ca>]
Sent: Wednesday, August 26, 2020 9:51 AM
To: gary.storey@hydroone.com; watdrafting@uniongas.com; brogden@rogers.com; lee1958@hotmail.com; NC Clerks <clerks@norfolkcounty.ca>
Cc: Causyn, Heather-Jo (heather-jo.causyn@granderie.ca) <heather-jo.causyn@granderie.ca>; John Ariens <John.Ariens@IBIGroup.com>; Jennifer Meader <jmeader@tmalaw.ca>; Peter Tice <ptice@rossmcbride.com>
Subject: LPAT Case Management Conference - 24 Lynn St, County of Norfolk

Good morning

We have been directed by LPAT to serve Notice of the Case Management Conference in connection with this matter. Please see the Notice attached. The Case Management Conference has been scheduled via video for September 29, 2020.

Louise Sudac

Law Clerk to Nancy Smith

Turkstra Mazza Associates

15 Bold Street

Hamilton, Ontario, L8P 1T3

T (905) 529-3476 Ext. 276

F (905) 529-3663

lsudac@tmalaw.ca

This is Exhibit "B" referred to in the affidavit of Louise Clare Sudac sworn before me, this 28th day of September 2020.

A COMMISSIONER FOR TAKING AFFIDAVITS

CHELSEA LISA WILSON-FLYNN,
a Commissioner, etc., Province of Ontario,
for Turkstra Mazza Associates,
Barristers and Solicitors.
Expires January 21, 2022

This message is intended for the recipient. It may contain privileged and confidential information. If you are not the named recipient, do not copy or distribute this message. Contact me at lsudac@tmalaw.ca or (905) 529-3476 Ext. 276

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



ISSUE DATE: February 02, 2021

CASE NO(S): PL190453

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

Applicant and Appellant: Heather-Jo Causyn
Subject: Application to amend Zoning By-law No. 1-Z-2014 – Refusal or neglect of the County of Norfolk to make a decision
Existing Zoning: Marine Commercial (CM) and Hazard Land Zone (HL)
Proposed Zoning: Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol
Purpose: To permit the construction of a 6-storey residential apartment building
Property Address/Description: 24 Lynn St.
Municipality: County of Norfolk
Municipality File No.: ZNPL2019046
LPAT Case No.: PL190453
LPAT File No.: PL190453
LPAT Case Name: Causyn v. Norfolk (County)

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

Applicant and Appellant: Heather-Jo Causyn
Subject: Application to amend Zoning By-law No. 1-Z-2014 – Refusal or neglect of the County of Norfolk to make a decision
Existing Zoning: Marine Commercial (CM) and Hazard Land Zone (HL)

Proposed Zoning: Urban Residential Type 5 (R5) zone and Marine Commercial (CM), with special provisions and a holding symbol

Purpose: To permit the construction of a 6-storey residential apartment building

Property Address/Description: 24 Lynn St.

Municipality: County of Norfolk

Municipality File No.: ZNPL2019046

LPAT Case No.: PL190453

LPAT File No.: PL200064

LPAT Case Name: Causyn v. Norfolk (County)

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

Applicant and Appellant: Heather-Jo Causyn

Subject: Request to amend the Official Plan – Failure to make a decision by the County of Norfolk

Existing Designation: Lakeshore Special Policy Area

Proposed Designated: Site Specific

Purpose: To permit the construction of a 6-storey residential apartment building

Property Address/Description: 24 Lynn St.

Municipality: County of Norfolk

Approval Authority File No.: OPNPL2019045

LPAT Case No.: PL190453

LAPT File No.: PL200063

Heard: January 21, 2021 by telephone conference call

APPEARANCES:

Parties

Heather-Jo Causyn

County of Norfolk

Counsel

Nancy Smith

Paula Boutis

MEMORANDUM OF ORAL DECISION DELIVERED BY D. CHIPMAN ON JANUARY 21, 2021 AND ORDER OF THE TRIBUNAL

[1] The matter before the Tribunal is an appeal by Heather-Jo Causyn (the "Applicant") from the failure of the County of Norfolk (the "County") to make a decision on

an application for a Zoning By-law Amendment pursuant to s. 34(11) of the *Planning Act* (the "Act").

[2] The Applicant is seeking permission to construct a six-storey residential apartment building. The proposed development would have 90 units and two-storeys of underground parking.

[3] The purposed Zoning By-law No. 52-Z-2019 would amend Zoning By-law No. 1-Z-2014 from Marine Commercial (CM) and Hazard Land Zone (HL) to Urban Residential Type 5 (R5 (H)) zone and Marine Commercial (CM(H)) with a special provision. A holding provision would be placed on the by-law to permit reductions to parking, parking aisle width, minimum interior side yard, maximum building height and to establish a maximum floor area ratio. Site specific relief is also being sought to reduce a range of permitted uses in the CM Zone.

[4] This is the second Case Management Conference ("CMC") conducted pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act, 2017* in respect of this matter.

[5] Ms. Smith, counsel to the Applicant, advised that the parties have participated in Tribunal-led mediation and the parties have agreed to a process to move this case forward.

[6] Ms. Smith stated that an offer of Settlement will be provided to the County for consideration at an upcoming Committee meeting of Council on February 9, 2021. Should the Committee be agreeable to the Settlement, Ms. Smith indicated the terms of the agreement would be presented to Council on February 19, 2021. Ms. Boutis, counsel for the County, indicated she would provide an update to the Tribunal Case Coordinator to ensure the Tribunal's calendar is updated, as to whether the Hearing scheduled for April 6, 2021 should be converted into a settlement hearing or remain as a contested hearing.

[7] The Parties submitted a request that the Procedural Order be amended in light of the timing of the Settlement discussions being held. The Tribunal, noting the need for the opportunity to seek a possible settlement and being mindful of the upcoming Procedural Order timelines, agreed to amend the Procedural Order to reflect the dates as outlined in the Order below.

[8] Ms. Boutis informed the Tribunal that the Long Point Regional Conservation Authority (“LPRCA”) has provided the County with notice that they have withdrawn their interest in this matter as a result of having their concerns addressed regarding floodplain issues. Ms. Boutis, who acts as counsel to the LPRCA, notified the Tribunal through an email dated January 6, 2021 of the withdrawal.

[9] As an update, Ms. Boutis informed the Tribunal that the Interim Control By-law has been extended until October 2021 and that the Secondary Plan and draft policies are progressing on time with an expected completion timeframe of the end of February 2021.

[10] In preparation for the April 6, 2021 hearing and in light of the restrictions for appearance hearings, the Tribunal canvassed the Parties on the feasibility of having a video hearing (“VH”). Both Parties agreed that a VH would be acceptable and requests that the coordinates be contained in the Order of this Decision.

ORDER

[11] The Tribunal orders that the Procedural Order be amended to reflect the following dates:

February 19, 2021:	Amended Issues List (County)
February 24, 2021:	Updated Witness Lists (County and Causyn)

March 10, 2021:	Witness Statements
March 19, 2021:	Reply
March 22, 2021:	Visuals
March 22, 2021:	Hearing Plan

[12] The Procedural Order, as amended above, is approved and in full force and effect to govern this proceeding leading up to and including the scheduled hearing.

[13] The hearing is scheduled to proceed by video on **Tuesday, April 6, 2021 at 10 a.m.**

[14] 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/139316725>

Access code: 139-316-725

[15] 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](https://app.gotomeeting.com/home.html) or a web application is available:

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

[16] 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: **Canada (Toll Free): 1 (888) 455-1389**
Canada: +1 (647) 497-9391. The access code is: **139-316-725.**

[17] 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.

[18] The Tribunal further orders that on or before **Friday, February 26, 2021**, the Parties are to provide a status update to the Tribunal as to whether the tentative Settlement Hearing will occur. If not, the Parties will proceed as otherwise indicated in this Decision and the Procedural Order. If the Settlement Hearing is to proceed, the Parties are to submit to the Case Coordinator the following documents at least seven days in advance of the Settlement Hearing:

- a. a copy of any executed Minutes of Settlement unless inapplicable or withheld at the option of the Parties;
- b. a copy of any applicable Council Resolution accepting an offer or approving the settlement for presentation to the Tribunal;
- c. a copy of all supporting documentation, materials, draft plans or specifications, reports or other documentary material, which the Parties wish to submit as evidence in support of the settlement as well as relevant excerpts of the Provincial Policy Statement 2020, any applicable Provincial Plans, and municipal planning policy documents that will be relied upon in evidence. Clear legible versions of any detailed plans must be provided, and in electronic format must be scalable for easy viewing;
- d. any Planning Affidavit or evidence outline of a qualified planner (or other relevant expert) who will provide evidence in support of the settlement, together with a copy of his or her *Curriculum Vitae* and executed Acknowledgement of Expert's Duty;

- e. any draft order submitted for consideration and approval by the Tribunal inclusive of any proposed terms and conditions requested of the Tribunal inclusive of any draft terms or conditions (with the electronic version in Word format);
- f. a separate copy of each draft instrument(s) submitted for consideration and approval by the Tribunal (with the electronic version in Word format);
- g. And any other materials which the Parties rely upon in support of the requested Orders of the Tribunal at the Settlement Hearing.

[19] The Tribunal notes that it will not sit on **Monday, April 12, 2021** as it is a Tribunal Professional Development day.

[20] This Member is not seized.

[21] No further notice shall be given.

“D. Chipman”

D. CHIPMAN
MEMBER

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

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Information Package Memo

To: Mayor Chopp and Members of Council
From: Mike King, Director, Engineering
Date: January 22, 2020
Re: PW 21-01 Sidewalk Options Cockshutt Road – Additional Information

Report PW 21-01 was presented at the January 12th Council-In-Committee meeting. Staff were directed to bring back more detailed information on potential options to provide improved pedestrian safety along Cockshutt Road from Dover Mills Road to Ryerse Crescent/ Silver Lake Drive. Options to be considered and evaluated were streetlighting improvements, a paved shoulder on one or both sides of the roadway and/or a dedicated concrete sidewalk.

Streetlights

It is noted that the existing streetlights are located on the west side, however the primary function of streetlights are for roadway illumination and not pedestrian areas. If Council approves the addition of the five luminaires along this section, the overall illumination will be improved for both vehicles and pedestrians.

The estimated installation cost of these five additional luminaires is \$20,000.

Active Transportation Strategy

The active transportation strategy (AT) identifies the entire length of the Cockshutt Road as a preferred AT route. Paved shoulders are recommended from Dover Mills Road to the northern limit at the county boundary with Brant County. The section from Dover Mills Road south to Main Street has been identified to be a signed cycling route with sharrows, however it is currently not included in the capital forecast. Cockshutt Road from Dover Mills Road northerly to Highway 3 is currently planned for road resurfacing in 2023. This project will include the installation of paved shoulders on both sides of the road.

The AT strategy was developed through the course of 2015 and 2016. Extensive public engagement was completed through online questionnaires, two 'Pathways 4 People'

workshops, and two Public Information Centres. The overall intent of this plan was to incorporate connectivity of the various non-vehicular travel routes (sidewalks, trails, bike lanes). Installation of a paved shoulder and dedicated pedestrian sidewalk is the solution most in line with goals and intent of the AT strategy.

The Geometric Design Guide for Canadian Roads (referred to as the TAC manual) provides details and best engineering practices relating to design of roads, pedestrian facilities and bicycle facilities. Installation of a paved shoulder on Cockshutt Road will provide improved safety for cyclists, however the use of the paved shoulder as the primary means for pedestrian traffic is not consistent with the TAC manual. Pedestrians are identified as the most vulnerable of roadway users, and therefore physical separation from other modes of travel is recommended. A paved shoulder along this urban area of the Cockshutt Road will represent an improvement over the current situation, but is not the preferred solution.

Option A - Paved Shoulder (east side)

An asphalt paved shoulder would be constructed on the east side of Cockshutt Road from Dover Mills Road to Ryerse Crescent/ Silver Lake Drive. The east side is preferred as it provides a connection to the existing sidewalk at Ryerse Crescent/ Silver Lake Drive to the south, and the existing sidewalk from Kolbe Drive to the north. The paved shoulder would be 2.5 m wide and would have a row of protective flexible bollards and curb blocks (similar to that on Main Street, from Blue Lake Avenue to Thompson Drive) located approximately 0.5 meters from the existing edge of the travelled portion. The visual barrier consisting of flexible bollards and parking curbs would help delineate and define the pedestrian area. The remaining 2.0 m of paved shoulder could be utilized by pedestrians.

The Director of Roads has been consulted and advised that additional effort would be required to conduct winter control (snow removal) in this scenario. This location would be added on to the Port Dover sidewalk clearing route. In addition modified plowing practices would be required along the delineation measures to ensure that the snow is adequately removed.

Engineering staff estimate the cost of this option to be around \$50,000.

Option B – Paved Shoulders (both sides)

In addition to the work detailed in Option A, a 1.5 m asphalt paved shoulder could also be constructed on the west side of the roadway. The paved shoulder would provide connectivity for the future planned Capital project in 2023 on Cockshutt Road which involves paved shoulders on both sides of the roadway from Dover Mills Road to Hwy 3.

Engineering staff estimate the cost of this option to be around \$70,000.

It is noted, the estimated cost of the flexible bollards and parking curbs delineation measures is around \$20,000. (This has been included in the above costs)

Option C - Dedicated Concrete Curb & Sidewalk (east side)

A dedicated barrier curb & gutter and sidewalk would be constructed on the east side of Cockshutt Road from Dover Mills Road to Ryerse Crescent/ Silver Lake Drive. There is 3.0 meter width from edge of the existing roadway to the top of the slope, which would allow construction of curb & gutter and a 1.8 m wide sidewalk. Minor storm works such as catch basins with pipe outfalls to existing ditch would also be required. In addition a white line would be painted along the edge of the north bound lane to provide a 1.0 m visual separation from the sidewalk.

The Director of Roads has been consulted and advised that additional effort would be required to conduct winter control (snow removal) in this scenario. This location would be added on to the Port Dover sidewalk clearing route. Winter control on the sidewalk is recommended to be added to the annual roads budget as staff do not expect residents who do not front onto sidewalk to be responsible for snow removal. This is consistent with our current practices.

Engineering staff estimate the cost of this option to be around \$170,000 (including engineering costs).

Option D – Paved shoulder west side and dedicated Concrete Curb & Sidewalk (east side)

In addition to the work outlined in Option C, a 1.5 m asphalt paved shoulder could also be constructed on the west side of the roadway. The paved shoulder would provide connectivity for the future planned Capital project in 2023 on Cockshutt Road which involves paved shoulders on both sides of the roadway from Dover Mills Road to Hwy 3.

Engineering staff estimate the cost of this option to be around \$190,000 (including engineering costs).

Option E – Option D + Resurfacing of the entire roadway

In addition to the work outlined in Option D the entire roadway would be resurfaced to ensure proper cross fall and grading.

Engineering staff estimate the cost of this option to be around \$290,000 (including engineering costs).

Option F – Dedicated walking path on the east side

A dedicated 2 meter wide asphalt or concrete walking path could be constructed on the east side, along the alignment of the current ditch. In order to construct this path a storm

sewer would have to be placed and the ditch filled in. Significant grading would also have to be completed to ensure adequate runoff and storm water collection.

The Director of Roads has been consulted and advised that additional effort would be required to conduct winter control (snow removal) in this scenario. This location would be added on to the Port Dover sidewalk clearing route. Winter control on sidewalk is recommended to be added to the annual roads budget as staff do not expect residents who do not front onto walkways to be responsible for snow removal. This is consistent with our current practices.

Engineering staff estimate the cost to construct the dedicated walking path around \$380,000 (including engineering costs)

Completion of the Works

Should Council choose to direct staff to proceed with Option A or Option B, the work would be bundled into one of the 2021 road resurfacing or road reconstruction tenders (ie. 2021 urban asphalt program).

Should Council choose to direct staff to proceed with Option C, Option D, Option E or Option F, staff will utilize one of the 2021 existing approved funding sources (ie. Sidewalk & Walkways Reconstruction) to complete the required engineering work in 2021. Estimated cost of the engineering is around \$30,000. A new project would be added to the 2022 Capital Plan for construction of the works in 2022. Staff would also bundle this work into one of the 2022 road resurfacing or road reconstruction tenders (ie. Urban Overlays or Sunninghill Drive reconstruction).

Should Council choose to direct staff with the installation of five new streetlights along Cockshutt Road, staff will utilize the 2021 LED Street Lighting Retrofit Program.

Finance

As noted by Public Works Staff, should Council approve the installation of five new streetlights along Cockshutt Road, the 2021 LED Street Lighting Retrofit Program would will need to be amended to include 5 new street light capital infrastructure, as currently this project scope is solely for existing infrastructure, with costs to be accommodated within the current budget of \$150,000. This will also incur future additional tax levy costs as it relates to replacement capital costs, maintenance and repair costs and operation (such as hydro) costs due to the new infrastructure

Should Council opt for Options A or B, the paved shoulders will be accommodated within a Capital Project such as the existing 2021 Surface Treatment Program with a budget of \$3,318,000. This will result in the deferral of a portion of the planned program for 2021.

Should Council opt for Options C, D, E or F, a new Capital Project will be created, with funding of \$30,000 for Engineering in 2021 to be allocated from an existing Capital Project, such as the 2021 Sidewalks & Walkways Reconstruction with a budget of \$326,000. Further, a budget within this new project will be added in 2022 based on the estimates provided for Council consideration during the 2022 Capital Budget Deliberations. Funding for this will be provided from the Roadway Construction Reserve.

Each of the proposed options will also incur future additional tax levy costs as it relates to increasing the annual contributions to the Road Reconstruction Reserve plus increasing annual maintenance and repair costs and operation (such as winter control) costs due to the new infrastructure.