

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 14, 2024

CASE NO(S): OLT-24-000131

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

Applicant/Appellant: Coland Developments Corporation
Subject: Application to amend the Zoning By-law –
Refusal or neglect to make a decision
Description: To permit the development of an 8-storey
apartment building with 45 residential units
and 95 parking spaces.
Reference Number: D14-902
Property Address: 625, 643 Atherley Road and 642 Driftwood
Road
Municipality/UT: Orillia/Simcoe
OLT Case No.: OLT-24-000131
OLT Lead Case No.: OLT-24-000131
OLT Case Name: Coland Developments Corporation v. Orillia
(City)

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Coland Developments Corporation
Subject: Site Plan
Description: To permit the development of an 8-storey
apartment building with 45 residential units
and 95 parking spaces.
Reference Number: D11-387
Property Address: 625, 643 Atherley Road and 642 Driftwood
Road
Municipality/UT: Orillia/Simcoe
OLT Case No.: OLT-24-000132
OLT Lead Case No.: OLT-24-000131
OLT Case Name: Coland Developments Corporation v. Orillia
(City)

Heard: June 6, 2024, by Video Hearing

APPEARANCES:

Parties

Counsel

Coland Developments Corporation L. English
P. Patterson (*in absentia*)

City of Orillia D. Kirby
A. Sidhu (*in absentia*)
B. Khattrra (articling student)

MEMORANDUM OF ORAL DECISION DELIVERED BY P. TOMILIN ON JUNE 6, 2024 AND ORDER OF THE TRIBUNAL

[1] This was the first Case Management Conference (“CMC”) in the matter of an Appeal by Coland Developments Corporation (“Applicant” / “Appellant”) arising from the failure of the City of Orillia to make a decision on a Zoning By-law Amendment and a Site Plan Approval Application, pursuant to s. 34(11) and 41(12) of the *Planning Act*, for the properties Municipally known as 625, 643 Atherley Road and 642 Driftwood Road (“Site”).

[2] The Appellant is seeking to rezone the Site to permit the development of an eight-storey apartment building with 45 residential units and 95 parking spaces.

[3] The Tribunal received the Affidavit of Service and marked it as **Exhibit 1**.

PRELIMINARY MATTER

[4] One day prior to the CMC, on June 5, 2024, the Tribunal received a notification that the statutory Parties have resolved their issues and will be requesting that a date be scheduled for a Settlement Hearing at this CMC.

STATUS REQUESTS

[5] The Tribunal received both a Party and a Participant status request from Kathy Hunt. In her Party Status Request form, Ms. Hunt has indicated that a Land Use Planner had been retained, and that she has assigned Lance Anderson as her representative.

[6] Ms. Hunt was also seeking to represent the Orchard Point neighbourhood group at the Hearing. The Tribunal questioned Mr. Anderson about whether the Orchard Point neighbourhood group was incorporated. Mr. Anderson provided that it was not. The Tribunal explained that because the group is not incorporated, it cannot be given party status.

[7] The Tribunal further explained the role and responsibilities of a Party in a Hearing, including the expectation that land use planning evidence be provided to support the position being taken. Mr. Anderson requested that Ms. Hunt be given some time to consider whether she wants to be a Party or a Participant in this matter. The Tribunal directed Ms. Hunt to confirm her status request with the Tribunal on or before Friday, June 7, 2024.

[8] At the CMC, Mr. English raised concern about granting Party status to Ms. Hunt. Rather, it was his view that Participant status would be more appropriate.

[9] On Friday, June 7, 2024, the Tribunal was informed by Ms. Hunt that given that the (statutory) Parties have reached an agreement, she is withdrawing her Party status request and, instead, will continue as a Participant. A Participant cannot make oral submissions at a Hearing.

HEARING

[10] A Hearing is scheduled to proceed by Video Hearing on **Tuesday, August 6, 2024**, at **10 a.m.**

[11] Parties 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:

GoToMeeting: <https://global.gotomeeting.com/join/638422541>

Access Code: 638-422-541

[12] 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 as indicated above.**

[13] Parties 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://global.gotomeeting.com) or a web application is available: <https://app.gotomeeting.com/home.html>

[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** that the directions in this Decision are so ordered.

[16] This Member is not seized.

[17] There will be no further notice.

"P. Tomilin"

P. TOMILIN
MEMBER

Ontario Land Tribunal

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