

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** February 15, 2022

**CASE NO(S).:** OLT-21-001858  
(Formerly) PL180202

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

Appellant:	1354083 Ontario Inc.
Appellant:	Andrew Abel
Appellant:	Donald Barkley
Appellant:	Grant Brown; and others (See Attachment 1)
Subject:	Proposed Comprehensive Official Plan
Municipality:	United Counties of Stormont, Dundas and Glengarry
OLT Case No.:	OLT-21-001858
Legacy Case No.:	PL180202
OLT Lead Case No.:	OLT-21-001858
Legacy Lead Case No.:	PL180202
OLT Case Name:	Stormont, Dundas and Glengarry (County) v. Ontario (Ministry of Municipal Affairs and Housing)

**Heard:** January 18, 2022 by video hearing

**APPEARANCES:**

**Parties**

Ministry of Municipal Affairs and Housing ("MMAH")

United Counties of Stormont, Dundas & Glengarry ("United Counties")  
**(Appeal 1)**

**Counsel/Representative\***

Irvin Shachter  
Anna-Lee Beamish

Josh Moon  
Trent McBain

Township of North Glengarry ("North Glengarry") <b>(Appeal 2)</b>	Josh Moon Trent McBain
Township of South Glengarry ("South Glengarry") <b>(Appeal 3)</b>	Tony Fleming
Township of South Stormont (South Stormont") <b>(Appeal 4)</b>	Josh Moon Trent McBain
Township of North Stormont ("North Stormont") (Added Party)	Josh Moon Trent McBain
Township of South Dundas ("South Dundas") <b>(Appeal 5)</b>	Josh Moon Trent McBain
Township of North Dundas ("North Dundas") <b>(Appeal 6)</b>	Steve Ault
Cornwall Regional Airport Commission <b>(Appeal 7)</b>	Tony Fleming
Three Veas Company Limited (formerly Kovich and Associates Engineers) <b>(Appeal 12)</b>	Emma Blanchard
Cartwave Realty Limited <b>(Appeal 13)</b>	Meghan Fougere
Cornwall Gravel Company Limited <b>(Appeal 14)</b>	Meghan Fougere
Coco Properties Corporation (formerly Cruickshank Properties Corporation) <b>(Appeal 15)</b>	Ilia Valitsky
Institut Islamique Al-Rasheed <b>(Appeal 16)</b>	D. Gregory Meeds
Jacob William Hoogenboom <b>(Appeal 18)</b>	Self-represented*
Maurice Laframboise <b>(Appeal 19)</b>	No one appeared
William Ewing <b>(Appeal 22)</b>	Eldon Horner
Michael Lanctot <b>(Appeal 24)</b>	Self-represented*

Catherine & Gary Garlough <b>(Appeal 28)</b>	Steve Ault
Bernard Foley and Elizabeth Hummel- Foley <b>(Appeal 31)</b>	Eldon Horner
Marilyn McMahon (Ayerst) <b>(Appeal 32)</b>	Marcel Lapierre*
Tuxedo Llama Ranch Corp. <b>(Appeal 35)</b>	No one appeared
1605914 Ontario Inc. (Brian and Lisa Kearns) <b>(Added Party – No. 38)</b>	No one appeared

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID L. LANTHIER ON  
JANUARY 18, 2021 AND ORDER OF THE TRIBUNAL**

---

**BACKGROUND**

[1] This is the sixth Case Management Conference (“CMC”) scheduled in accordance with the decision issued on September 14, 2021, following the last CMC and hearing of the prior motion conducted on September 1, 2021 by video hearing.

[2] This Decision also determines two Motions before the Tribunal and addresses a number of case management matters. Ultimately, as a result of the prior withdrawals and CMC Decisions and the additional Directions and Orders of the Tribunal, the number of Appeals that remain before the Tribunal has been significantly reduced.

[3] Once again, with the assistance of counsel for the United Counties, MMAH and the Townships in the organization and attempted resolution of these many Appeals, in advance of this hearing event the Tribunal was provided with: (1) a Chronology of Events (“Chronology”) since the last hearing event, as well as various communications in relation to the various appeals including confirmations of some withdrawals; (2) the communication that was forwarded to all parties and participants on January 11, 2022; and (3) a draft Agenda for this hearing event.

[4] The Chronology of Events since the last hearing event on September 1, 2021, has been marked as Exhibit 15 to these consecutive CMCs.

[5] The Tribunal is also in receipt of two Motions returnable for this date:

1. A Motion to bring all remaining lands that are not the subject of continuing appeals, as explained herein, and Land Use Mapping Schedules A2 to A6, as circulated to all Parties, Participants, and Appellants, into full force and effect (the “In Force and Effect Motion”); and
2. A Motion for Directions from the Tribunal, brought by Appellant 15, Coco Properties Corporation (“Coco Paving”) to clarify that the relief sought by Coco Paving includes designation of the Property as “Extractive Resources Lands (Mineral Aggregate Reserve)” (Motion for Directions).

## **WITHDRAWAL OF ADDITIONAL APPEALS**

[6] Prior to the commencement of the CMC, the Tribunal received notice from three appellants that they were withdrawing their Appeals before the Tribunal. Due to the recent timing of the delivery of these withdrawals, in lieu of written confirmation, the Tribunal hereby confirms that the following Appeals are withdrawn.

<b>Appeal No.</b>	<b>Appellant</b>	<b>Date of Notice of Withdrawal</b>
10	TPM Holdings Inc.	January 9, 2022
17	TRP Ready Mix Limited and A.L. Blair Construction Ltd.	January 17, 2022
26	Donald and Shirly Barkley	January 11, 2022

## OVERVIEW OF OUTSTANDING APPEALS

[7] As indicated previously, the Appeals have gradually been directed into two major streams: (1) the “Land Designations Stream” (relating to the designation of Prime Agriculture/Rural Land Use Designations); and (2) the “Aggregate Resources Stream”. Additionally, there are those remaining “stand-alone” appeals.

[8] Through the submissions of counsel and the Chronology, counsel provided an overview of ongoing discussions and resolutions of the Appeals for both these Appeal Streams.

[9] One Appeal for a single Appellant (Appeal No. 32) in the Land Use Designations Stream is ready to be organized through a final Procedural Order and set for a hearing.

[10] Seven Appeals, and the matter of the Added Party (No. 38) representing the balance of the Appeals in the Land Use Designations Stream for five of the six Townships, are relatedly the subject of the In Force and Effect Motion and with the granting of the relief sought these Appeals will be resolved.

[11] Otherwise, all other remaining Appeals are identified and addressed individually herein. The Tribunal has, as indicated below, now summarized the remaining Appeals before the Tribunal. As a result of the considerable efforts of the United Counties, the Townships, MMAH, the Parties and their respective counsel, a substantial number of Appeals are now resolved or on their way to expected settlement at the next scheduled CMCs. Those efforts of the parties are first reflected in the In Force and Effect Motion now brought by the United Counties.

## IN FORCE AND EFFECT MOTION

[12] The United Counties seeks an order under s. 17(39)(b) of the *Planning Act* bringing into force and effect all land use designations across five of the six Townships

in Stormont, Dundas and Glengarry (“SDG”) (excepting only the land use designations in the Township of North Dundas) that are no longer disputed by any Participant, Appellant, or Party within OLT Case No. OLT-21-001858 (Legacy Case No. PL180202) within the United Counties of Stormont, Dundas and Glengarry 2018 Comprehensive Official Plan (“United Counties OP”), as shown in the amended Land Use Schedules A2-A6 (the “Schedules”) appended as Attachment 1 to this Decision and Order. It also requests a concurrent housekeeping Order for the amendment and consolidation of the amended Schedules.

[13] The Affidavit of Service of Trenton McBain sworn January 10, 2022, for service of the In Force and Effect Motion, and the additional Affidavit of Service of Shayne Wheeler sworn January 10, 2022, for service of the materials and Schedules relating to the same Motion, have been consecutively marked as Exhibits 16 and 17 to the CMCs.

[14] The Motion is brought with the consent of the Townships and all Appellants as referred to below, who have resolved their land designation issues under the revised mapping now provided for in the Schedules as they relate to the land use designations as explained herein.

[15] This In Force and Effect Motion represents the culmination of extensive discussions between the parties and planning experts over the past eight to nine months, which as resulted in the resolution of a number of appeals which related to the land use designations in the five subject Townships (again, excluding North Dundas).

[16] In support of the Motion, the Township of South Glengarry filed the Affidavit of Mr. Peter Young, Director of Planning Services for the SDG, sworn December 22, 2021. The Tribunal has received and reviewed Mr. Young’s *curriculum vitae* and the Acknowledgement of Expert’s Duty and qualifies him to provide expert land use planning opinion evidence for the purposes of this Motion.

[17] In support of the Motion, the Tribunal also received the revised and final amended form of the Schedules which had unfortunately not been fully reviewed by the Panel in advance of, or during the CMC. They have now been reviewed by the Tribunal. As a result of the withdrawal of those Appeals noted above, the final drafts of the Schedules presented at the Motion were to be again revised only to reflect the withdrawal of those Appeals. The Tribunal subsequently received the revised Schedules updated to reflect the withdrawal of those Appeals and this is the version attached as Attachment 1.

[18] Mr. Young has provided a detailed chronology and background of discussions, technical and planning meetings, and ongoing review of the designations since the last CMC, which addressed the appeals objecting to MMAH's modifications for identified lands in the Land Use Schedules of the United Counties OP. The modifications by MMAH redesignated these subject lands either from Agricultural Resource Lands to Rural District (8,900 hectares ("ha")) or from Rural District to Agricultural Resource Lands (17,148 ha). The majority of the Appellants' objections to these modifications related to the re-designation of their lands from Rural District to Agricultural Resource Lands.

[19] Mr. Young has testified as to the outcome of the substantial work and discussions undertaken by the Parties and the reviews by the various technical and planning experts in agrology, land economics and land use planning. The Parties have considered the various criteria and technical information and land use planning policies and matters of provincial interest relevant to the issues. Such data and such considerations in the review processes have ultimately supported the Parties' respective positions as to how much of the change from Rural District to Agricultural Resource Lands was appropriate.

[20] Eventually, based on this rather comprehensive examination, the MMAH, the five Townships, and the subject Appellants, reached a consensus as to the approximately 3,800 ha of the disputed lands in the five subject Townships that were determined to be

more appropriately part of the Rural District designation. Approximately 10,700 ha of the appealed lands were to remain in the Agricultural Resource Lands designation as originally modified by MMAH. The mapping in the Schedules and Maps were updated in draft form to reflect these agreed-upon changes and this was reviewed by each of the five Townships, planning staff, MMAH, Ministry of Agriculture, Food and Rural Affairs, the Appellants, Parties and Participants and eventually was endorsed and approved by the respective Councils of the Townships and the United Counties. This comprehensive “sign-off” (save and except for the four remaining Land Use Designation Appeals identified as continuing) or non-response has now led to this Motion.

[21] Mr. Young has testified that several of the Parties which did not receive a requested Rural District designation in the endorsed A2-A6 Schedules withdrew their appeal after having been shown the endorsed A2-A6 Schedules and that although some Participants may not agree with the proposed mapping, the United Counties has not received any written confirmation of their intent to further participate in the process as of December 21, 2021.

[22] The Tribunal has reviewed Mr. Young’s planning opinion with respect to the revised Schedules and the nature of the relief sought to permit those portions of the United Counties OP Schedules now resolved. Mr. Young has appropriately focused on the policies of the Provincial Policy Statement 2020 (“PPS”) relating to the designation and protection of Prime Agricultural Lands and relied upon the expert opinions and recommendations of the agrologists. This review has supported his conclusion that the now incorporated revisions to the Schedules within the United Counties OP, as they recalibrate the Rural District and Agricultural Resource Lands designations, will protect prime agricultural lands in the five affected Townships for long-term use for agricultural purposes. Further, Mr. Young is satisfied that the adjusted mapping has appropriately considered the criteria provided for in the PPS and used the Canada Land Inventory mapping to identify the classes of agricultural lands.

[23] Mr. Young is also of the opinion that the final mapping in the Schedules conform to the intent of the United Counties OP policies as they encourage the protection of prime agricultural areas and Agricultural Resource Lands and such economic uses.

[24] Mr. Young has concluded that:

It is my professional planning opinion that the agreed to mapping complies with the Planning Act, is consistent with the PPS, 2020, and constitutes good planning as it recognizes the requirements of County Council to: designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time; the discretion to recognize existing development and previously granted planning approvals in the Official Plan; and the requirement to identify rural lands, airports, lands for residential development, and other appropriate land uses to meet the housing and employment needs of the affected municipalities within the planning horizon.

[25] Upon Mr. Young's uncontroverted planning evidence, the Tribunal is satisfied that the Order requested in the In Force and Effect Motion: has regard for matters of Provincial Interest as set out in s. 2 of the *Planning Act*; is consistent with the PPS, and in particular those policies as they relate to the designation and protection of prime agricultural areas and agricultural resources; conforms to the related policies of the United Counties OP; and represents good planning in the public interest.

[26] As indicated, this Motion represents the culmination of extensive discussions between the Parties and planning experts over the past eight to nine months which as resulted in the resolution of a number of Appeals which related to the land use designations in the five subject Townships (again, excluding North Dundas). As the Tribunal granted the In Force and Effect Motion in principle, in the course of this hearing event (subject only the opportunity to inspect the Revised Schedules), the Panel confirmed with each of those Appellants whose Appeals are resolved as a result of the granting of the Motion, that their Appeals are fully determined by the within Order granting the requested Order. Each of the Parties confirmed that their Appeals were now resolved with the granting of the relief sought in this Motion.

[27] Accordingly, the following Appeals are now determined and resolved:

<b>Appeal No.</b>	<b>Appellant</b>	<b>Township</b>
7	Cornwall Regional Airport Commission	South Glengarry
12	Three Vees Company Limited (formerly Kovich and Associates Engineers)	South Glengarry
16	Institut Islamique Al-Rasheed	South Glengarry
22	William Ewing	South Dundas
24	Michael Lanctot	South Glengarry
31	Bernard Foley and Elizabeth Hummel-Foley	South Dundas
35	Tuxedo Llama Ranch Corp	South Dundas
38	1605914 Ontario Inc. (Brian and Lisa Kearns)	South Dundas

[28] As a result of the resolution of these Appeals, and with the above-noted and prior withdrawal of some Appeals, the following represents the final list of unresolved Appeals relating to the Land Designations under the Schedules (with the related Schedules noted):

<b>Appeal No.</b>	<b>Appellant</b>	<b>Applicable Schedule</b>
13	Cartwave Realty Limited	A4
14	Cornwall Gravel Company Limited	A2-A4 (inclusive)
15	Coco Paving Inc. (Coco Properties Corporation)	A4
32	Marilyn McMahon	A4

[29] For clarity, with the requested Order from the Tribunal which will bring the balance of the Schedules into force and effect as they relate to the Land Designation

Stream, these Appeals, and the site-specific lands which are the subject of these Appeals are shown on the Schedules, will not be brought into force and effect.

[30] The appropriate Orders have been made following this Memorandum of Decision.

[31] Before addressing the remaining Appeals that are outstanding before the Tribunal, it is appropriate to deal with the second Motion for Directions.

### **MOTION FOR DIRECTIONS**

[32] The Affidavit of Service of Stefanie Spencer sworn December 16, 2021, for service of this Motion for Directions has been consecutively marked as Exhibit 18 to the CMCs.

[33] Coco Properties Corporation (“Coco Properties”) brings a motion “out of an abundance of caution” to clarify that the relief sought under its site-specific appeal, as it assumed carriage of the Appeal from the prior property owner as successor in title, includes the designation of its property as “Extractive Lands (Mineral Aggregate Reserve)”. That property is described in the Motion materials, located on Headline Road in the Township of South Stormont, and identified as Land Registry PIN 601410277 (“Subject Property”).

[34] This Motion is brought on the consent of the MMAH, supported by the Township of South Stormont, and without opposition from the United Counties, or any other Party. The Motion is supported by the Affidavit of Mr. Anthony Rossi, a land use Planner and the Director of Land Development and Government Relations within the Coco group of companies, who has provided factual evidence relating to the Appeal.

[35] Although Coco Properties has made references to amending the original Appeal Form, and has relied upon Rule 7.8 of the Tribunal’s *Rules of Practice and Procedure*

(“Rules”), the Tribunal is not of the view that it is necessary for the Tribunal to actually amend the Appellant’s Appeal, as filed, in order to grant the relief requested on the Motion. The Tribunal’s ability to subsequently amend an appeal as filed within the statutory timelines, to add additional grounds, might be called into question by such a request. As well, a request to amend an appeal may not necessarily be within the application of Rule 7.8. In the Tribunal’s view, it is unnecessary to consider such bases for the relief sought in this Motion because the Tribunal is easily able to consider and determine whether the Appeal, as filed by the Appellant, is inclusive of the relief, now sought to be clarified by the Appellant. This is because the Motion is predicated on the position that the grounds and reasons for the Appeal remain unchanged and support the more specific designation sought by Coco Properties in the Appeal.

[36] Mr. Rossi has provided the background to the objections of the predecessor owner of the lands, now owned by Coco Properties and the eventual Appeal that was filed which from the outset, sought a designation of the Subject Property as an aggregate designation rather than agricultural. The reasons for Coco Properties’ consistent position that the Subject Property should not be agricultural, and instead aggregate based, have been fully set out by Mr. Rossi in his affidavit evidence. The factual basis for such reasons is unchallenged and clearly disclosed by Mr. Rossi. Those reasons why the Subject Property is not appropriate for designation as agricultural are supported by the Land Evaluation Study undertaken by the property owner which assessed the Subject Property. It was clearly communicated in the objections that the lands should instead be designated “Extractive Resource Lands” or “Mineral Aggregate Reserve”, a subset of “Extractive Resource Lands”. This was based in part on the fact that nearby or adjacent lands were designated as “Extractive Resource Lands (Licensed Pit & Quarry)” and similarly characterized by the Subject Property’s assessed status.

[37] Coco Properties’ Motion is brought on the assumption that the In Force and Effect Motion would be brought before the Tribunal approving the proposed settlement of a majority of the “Agricultural” versus “Rural” designation issues and would result in

the Subject Property being redesignated as “Rural District”. Unlike the other appeals in the Land Designation appeals, where the issue has been a matter of “Rural District” versus “Agricultural Resource Lands”, in this case, the Appellant’s position is that the Subject Property should be “Extractive Resources Lands (Mineral Aggregate Reserve)” versus Agricultural. Although the “Rural District” designation includes natural resource management activities, Coco Properties takes the position that the re-designation to “Extractive Resources Lands (Mineral Aggregate Reserve)” more properly reflects the relief consistently sought in the original objections and eventual Appeal.

[38] The Tribunal has considered the material filed in support of the Motion for Directions, including: the communications preceding the modifications made by MMAH evidencing the consistent position of the owner of the Subject Property that the Subject Property be “re-designated from Agriculture to Aggregate Reserve” and “Extractive Resource Lands” (Exhibits B and C); the Appeal Form originally filed by the predecessor in title to the Subject Property (Exhibit D); and the assessment report prepared by Golder Associates Ltd (Exhibit G to the Affidavit of Mr. Rossi).

[39] The Tribunal is satisfied, upon all of the evidence, that the Appeal now before the Tribunal for Coco Properties (Appeal 15) has consistently been advanced on the grounds and reasons that the Subject Property should not be designated as agricultural and instead is, and should be, designated as “Extractive Resources Lands (Mineral Aggregate Reserve)” in Land Use Schedule A4 of the United Counties OP. The Tribunal agrees with Mr. Rossi’s assessment that this clarification and confirmation by the Tribunal will not prejudice any party. As communicated by counsel, such clarification may very likely lead to a path forward to a resolution of Coco Properties’ Appeal and thus allow for an expeditious and cost-effective resolution of all issues relating to the Subject Property.

[40] The requested Order on this Motion for Directions will accordingly be made by the Tribunal.

## **REMAINING APPEALS**

[41] The Tribunal has received updates and submissions with respect to those remaining Appeals which remain to be adjudicated and determined by the Tribunal. As provided for herein, two further CMCs will be scheduled to deal with the remaining Appeals, and one Hearing date has been set for Appeal No. 32.

### **North Dundas Township Land Designation Appeals (Schedule A1)**

[42] Counsel for North Dundas Township advises the Tribunal that the Parties in those Appeals relating to the North Dundas designations and Land Use Schedule A1 of the United Counties OP, have been making progress towards a resolution but a further meeting is scheduled for the end of January. If a settlement is achieved, the Appeal(s) will be brought back before the Tribunal and if not, then the matter may be scheduled for a hearing.

[43] Accordingly the Tribunal will stand down on these Appeals until the next CMC to be conducted on **Tuesday, May 31, 2022** (see below) by which time the Parties will either have filed materials in support of a resolution of the North Dundas Township Appeals to be put before the Tribunal. Alternatively, a draft Procedural Order and Issues List will be filed in advance of that CMC for review and approval by the Tribunal.

### **Cartwave Realty Limited (Appeal 13)**

[44] Counsel for Cartwave Realty Limited advises, with the concurrence of the United Counties and the Township of South Stormont, that it would be appropriate to defer any further dealings with this Appeal relating to the property located at County Road 44 until such time as the Growth Management Study is completed in 2022 and considered by Council for the United Counties.

[45] This Appeal, and the status of the Growth Management Study, will accordingly be spoken to at the next CMC to be conducted on **Tuesday, May 31, 2022**.

**Cornwall Gravel Company Limited Appeal (Appeal 14) and the Aggregate Resource Stream Appeals**

[46] Counsel for Cornwall Gravel Company Limited ("Cornwall Gravel"), the United Counties and the Townships addressed this Appeal. There are other Appeals relating to the Aggregate Stream. Significant progress has been made for most of the sites owned by Cornwall Gravel within the Aggregate Resource Stream, and it is anticipated that a settlement may be presented at the next CMC with respect to these sites.

[47] However, as of this date, it is anticipated that the Parties may be required to proceed to a hearing for one of the sites identified as the MacLeod Quarries Site. The Tribunal is advised that there is an outstanding Appeal (which has not been previously addressed, nor brought within the Case Management of these many appeals) which may be related, and dates back to the 2006 OP. This apparently may be the subject of a motion for consolidation with the MacLeod Quarries Site. Additionally, the Tribunal is advised that there are two files shortly to be before the Tribunal as referrals under the *Aggregate Resources Act* ("ARA") which may also be interrelated to the MacLeod Quarries Site and which may be appropriately dealt with in conjunction with this Appeal. No information relating to such a consolidation or additional ARA objections is yet before the Tribunal.

[48] A separate CMC will be scheduled on **Wednesday, May 4, 2022** (see below) to address the Cornwall Gravel Appeal, in relation to the anticipated settlement with respect to most sites, as well as the remaining MacLeod Quarries Site and preparations for a hearing if unresolved. Other remaining Appeals in the Aggregate Resource Stream will also be spoken to.

[49] The purpose of the CMC on May 4, 2022 will accordingly be to: address any such Motion for Consolidation; address related scheduling for the ARA objections that may be before the Tribunal, and related to the Cornwall Gravel Appeal; review and approve a draft Procedural Order and Issues List for the Cornwall Gravel Appeal relating to the MacLeod Quarries Site; to hear any motion to implement the settlement for the other Cornwall Gravel Sites or other Appeals in the Aggregate Resource Stream; and address any other outstanding Aggregate Resource Stream Appeals.

[50] On the assumption that such a motion to implement the settlement of a portion of the Cornwall Gravel Appeal and the Aggregate Resource Stream is on consent or anticipated to be without objection, in the event the Parties having an interest in these matters believe that it would be prudent and more efficient to address the resolution of these Aggregate Resource matters together with the other anticipated settlement(s) to be address at the **May 31, 2022** CMC, the Tribunal extends to the discretion of counsel and the Parties the option of bringing such a settlement Motion at the later CMC.

**Coco Properties Corporation - Coco Paving (Appeal 15)**

[51] The Tribunal has determined the Motion for Directions brought by Coco Properties, and as indicated above, the requested Order of the Tribunal may now result in a resolution of the Coco Properties Appeal and the presentation of evidence in support of an Order of the Tribunal.

[52] This Appeal, and any such Motion can be addressed at the CMC scheduled for **May 31, 2022**. In the event, for any reason, a resolution is not achieved, the Parties should pre-file, and be prepared to address the form of a draft Procedural Order and Issues List and speak to the matter of scheduling of a hearing of this Appeal.

**Marilyn McMahon (Appeal 32)**

[53] This Appeal is one of the Land Designation appeals that was not resolved in the In Force and Effect Motion and is ready to proceed to a one-day hearing. The Tribunal has advised Mr. Marcel Lapierre, who is appearing as representative and not as legal counsel, and Ms. McMahon, of the responsibilities and rights of Ms. McMahon with respect to the conduct of this Appeal. Mr. Lapierre has advised that at this time the Appellant does not intend to call any expert witnesses and the intention is to make submissions or introduce evidence through Mr. Lapierre.

[54] The Tribunal has advised both Mr. Lapierre and Ms. McMahon of the distinction between calling evidence and making submissions and examining witnesses at the hearing, cautioned them to cooperate in the finalizing of a Procedural Order and Issues List, and reminded them of the Tribunal's expectation that all Parties be fully prepared and organized for the conduct of the hearing, familiar with the Rules and all applicable legislation and the law as it relates to the conduct of the Appeal, and understand their responsibilities in the presentation of the Appellant's case at the hearing notwithstanding the absence of legal counsel.

[55] The Appellant and the United Counties and the Township were directed to consult and provide a final draft of a Procedural Order and Issues List for approval by the Tribunal to govern the hearing of the one-day appeal on **Wednesday, July 6, 2022** (see below) no later than **Friday January 28, 2022**. In the event the assistance of the Panel was required to address any unresolved matters relating to the Issues List or Procedural Order, the Parties were to contact the Case Coordinator for the purposes of arranging a telephone conference call with the Parties to this Appeal. There has been some delay in receiving the Procedural Order. As it has not been received as of the date of this Decision, it will be issued separately under a Registrar's Order.

**Township of South Stormont Appeal (Appeal 4)**

[56] The Tribunal is advised that the stand-alone Appeal of the Township of South Stormont is likely to be resolved and can be addressed by the Tribunal in conjunction with the other settlements proposed to be brought before the Tribunal at the CMC now scheduled for **Tuesday, May 31, 2022**.

**NEXT HEARING EVENTS**

[57] The various hearing events for the two further CMCs and the one-day hearing have been identified above. The particulars with respect to these three hearing events are as follows.

[58] The Tribunal will conduct a CMC on **Wednesday, May 4, 2022** to address those matters identified in this Decision and Order. The additional directives for this hearing event are set out below and the computer video link and access code for audio connection for this CMC are as follows:

**GoTo Meeting:** <https://global.gotomeeting.com/join/692665589>  
**Audio-only telephone line:** Toll Free 1-888-299-1889 or +1 (647) 497-9373  
**Access Code:** 692-665-589

**May 31, 2022 - Case Management Conference**

[59] The Tribunal will conduct a further CMC on **Tuesday, May 31, 2022** to address those matters identified in this Decision and Order. The additional directives for this hearing event are set out below and the computer video link and access code for audio connection for this CMC are as follows:

**GoTo Meeting:** <https://global.gotomeeting.com/join/687587165>  
**Audio-only telephone line:** Toll Free 1-888-299-1889 or +1 (647) 497-9373  
**Access Code:** 687-587-165

**One Day Hearing – Appeal No. 32 – Marilyn McMahon**

[60] The Tribunal will conduct a one-day Hearing for Appeal 32 on **Wednesday, July 6, 2022**. The additional directives for this hearing are set out below and the computer video link and access code for audio connection for the Hearing of this Appeal are as follows:

**GoTo Meeting:** <https://meet.goto.com/687587165>

**Audio-only telephone line:** Toll Free 1-888-299-1889 or +1 (647) 497-9373

**Access Code:** 687-587-165

**Connection and Sign-In Directives For All Hearings**

[61] Counsel, Parties and Participants are asked to log into each video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[62] Counsel, Parties, Participants and observers are asked to access and set up the application well in advance of the hearing 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>

[63] 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 the audio-only telephone line with the **access code(s)** indicated as above.

[64] Individuals are directed to connect to the hearing event(s) on the assigned date(s) at the correct time. It is the responsibility of the persons participating in the hearing(s) by video to ensure that they are properly connected to the event(s) at the correct time. Questions prior to the hearing event(s) may be directed to the Tribunal's Case Coordinator having carriage of this case.

[65] There will be no further notice with respect to the two CMCs or the scheduled hearing referred to above.

[66] For continuity, the Panel Member will continue to assist in the ongoing case management of this Case File, to the extent that he is able with the Tribunal's scheduling calendar but is not seized.

## **REMAINING APPEALS**

[67] Based upon the Case Management directives provided in this Decision and as a result of the determination and Order made in the In Force and Effect Motion brought by the United Counties, the revised list of outstanding Appeals that remain before the Tribunal upon the conclusion of the CMC is appended to this Decision and Order as Attachment 2.

## **ORDERS**

### **CMC Directives**

[68] In addition to the Orders below determining the Motions before the Tribunal, with respect to other matters addressed in this Memorandum of Decision, the Tribunal orders and provides the CMC directives contained in this Memorandum of Decision for the purposes of the case management of these Appeals.

### **Motion to Bring Schedules A2 to A6 In Force and Effect**

[69] **THE TRIBUNAL ORDERS** that the Motion brought by the United Counties of Stormont Dundas and Glengarry is hereby granted pursuant to s. 17(39)(b) of the *Planning Act* and the Tribunal orders as follows:

- (a) All settled land use designations across the United Counties of Stormont Dundas and Glengarry, that are no longer disputed by any Appellant or Party in OLT Case No. OLT-21-001858 (Legacy Case No. PL180202), as depicted in amended Land Use Schedules A2-A6 and appended as Attachment 1 to this Decision and Order, are hereby brought into full force and effect. For the purposes of this Order, the following Appeals remain outstanding and the site-specific lands which are the subject of these four Appeals, as shown on the Schedules, will not be brought into force and effect:

Appeal No.	Appellant	Schedule
13	Cartwave Realty Limited	A4
14	Cornwall Gravel Company Limited	A2-A4 (inclusive)
15	Coco Paving Inc. (Coco Properties Corporation)	A4
32	Marilyn McMahon	A4

- (b) The United Counties of Stormont Dundas and Glengarry shall forthwith prepare a new amended and consolidated version of the Official Plan with the amended Schedules A2-A6, post such amendment on its official website, and notify the public and all Appellants, Parties, and Participants of OLT Case No. OLT-21-001858 (Legacy Case/File No. PL180202) that such new amended and consolidated version has been approved by the Tribunal.

### **Motion For Directions – Coco Properties Corporation**

[70] **THE TRIBUNAL ORDERS** that the Motion brought by Coco Properties Corporation is hereby granted and the Tribunal provides the following Directions for the purposes of Appeal No. 15 before the Tribunal by the Appellant Coco Properties Corporation:

- The Tribunal hereby directs and confirms, for all purposes relating to Appeal No. 15 before the Tribunal now advanced by the Appellant Coco Properties Corporation THAT the objection made, and position taken, by the Appellant in the Appeal has been consistently advanced on the grounds and reasons that the Subject Property owned by the Appellant should not be designated as agricultural and that the relief sought has been, and is, that the Subject Property should be properly designated as “*Extractive Resources Lands (Mineral Aggregate Reserve)*” in Land Use Schedule A4 of the United Counties of Stormont, Dundas and Glengarry Official Plan.

*“David L. Lanthier”*

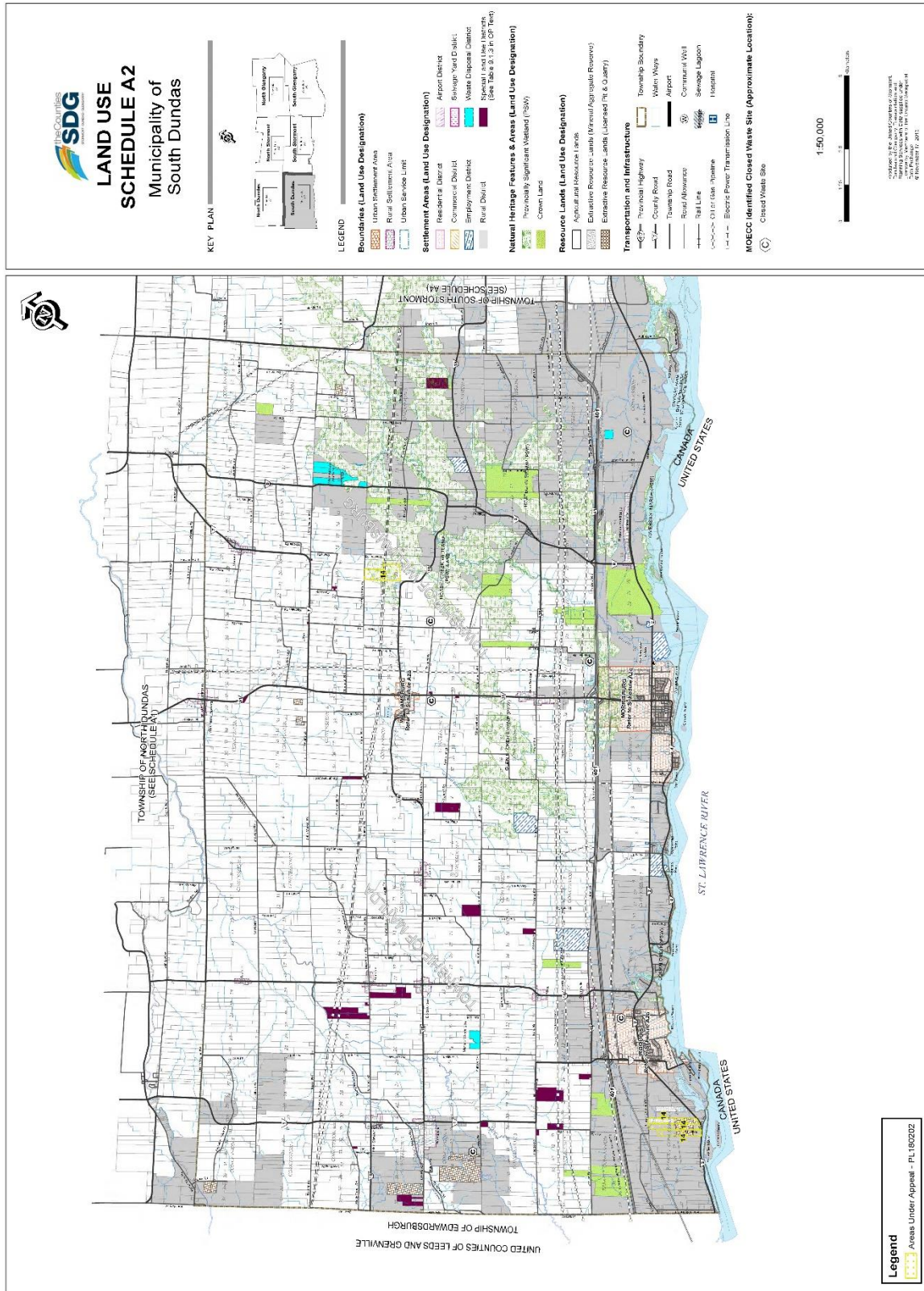
DAVID L. LANTHIER  
VICE-CHAIR

**Ontario Land Tribunal**

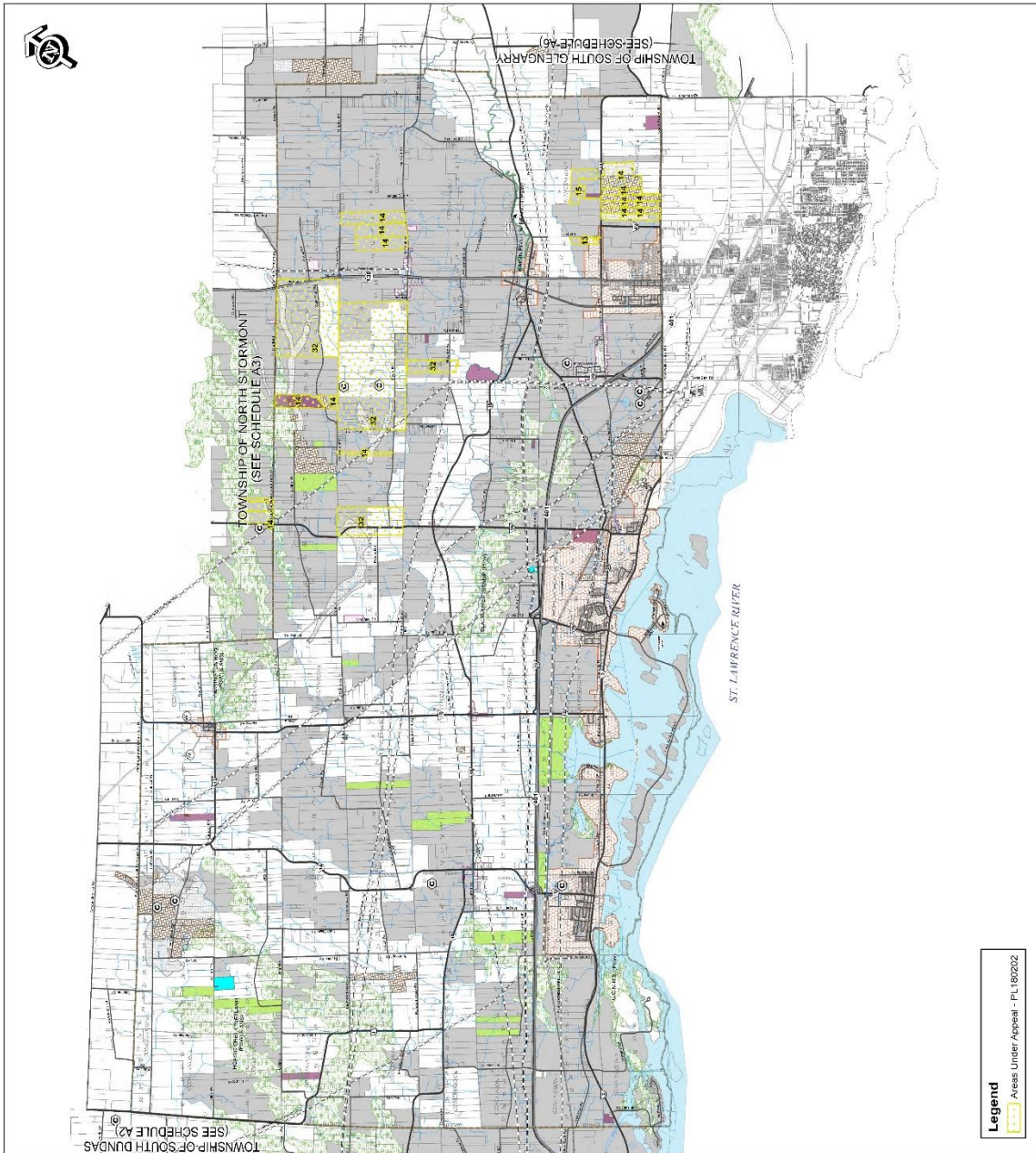
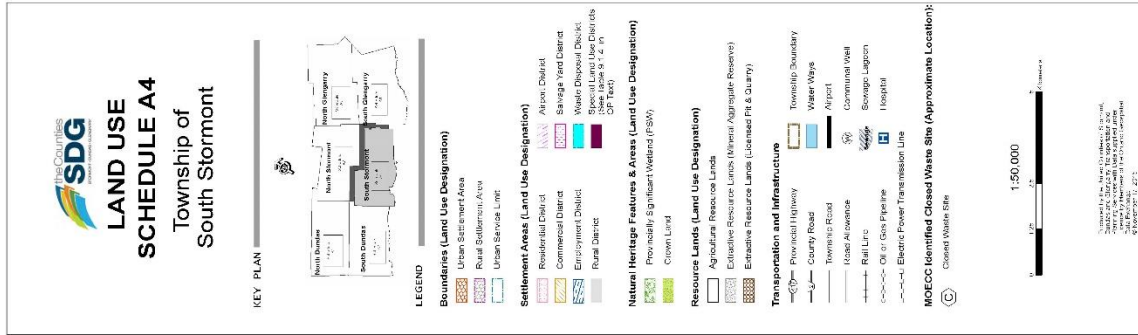
Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

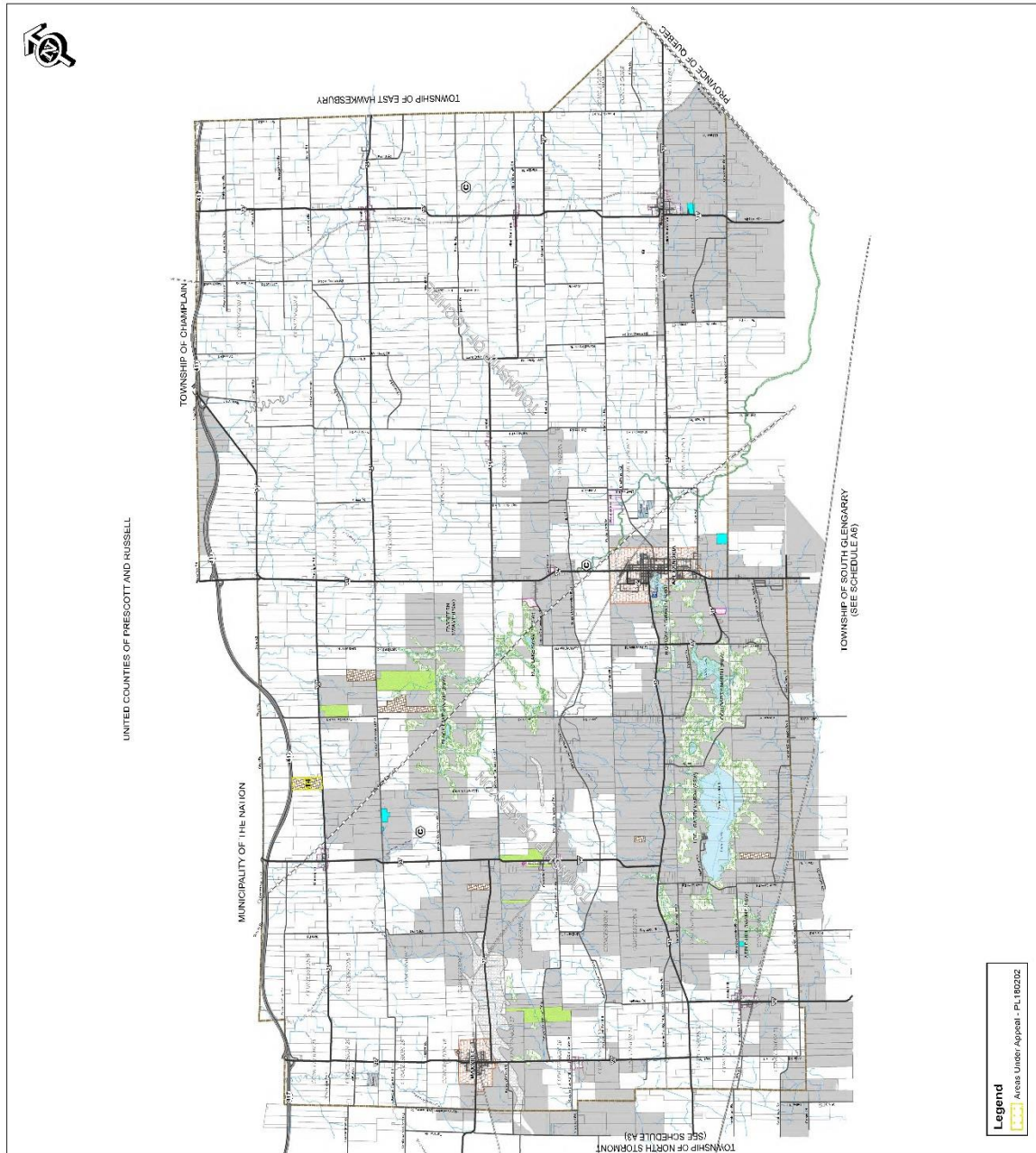
The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

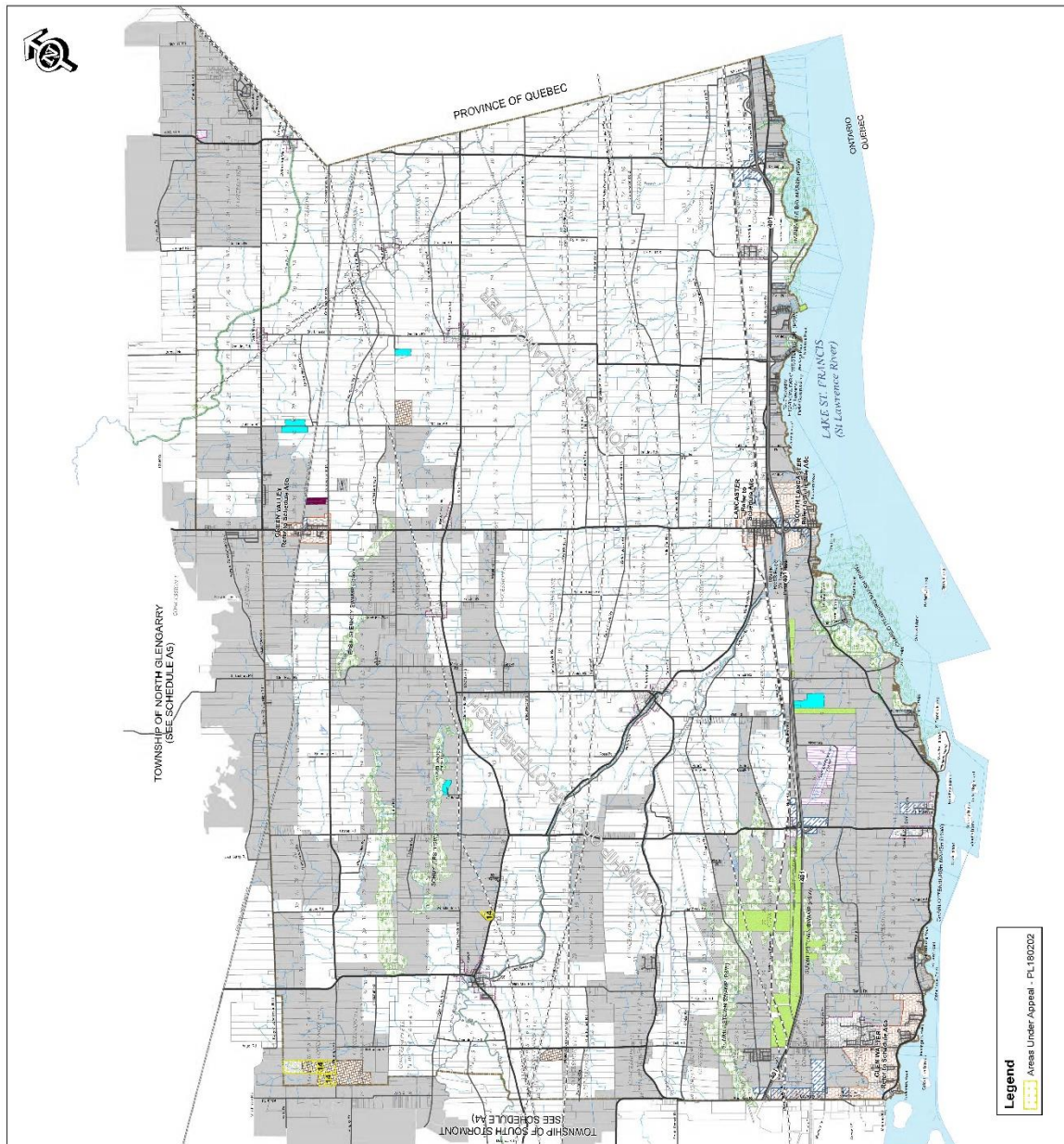
## OLT-21-001858 – Attachment 1











**OLT-21-001858 – Attachment 2****Outstanding Appeals and Appellants as of January 19, 2022**

<b>Assigned Appeal Number</b>	<b>Appellant</b>	<b>Counsel of Record (Where Applicable)</b>
<b>1</b>	The United Counties of Stormont, Dundas and Glengarry	Josh Moon, Trenton McBain
<b>2</b>	Township of North Glengarry	Josh Moon, Trenton McBain
<b>3</b>	The Corporation of the Township of South Glengarry	Tony Fleming
<b>4</b>	Township of South Stormont	Josh Moon, Trenton McBain
<b>5</b>	The Corporation of the Municipality of South Dundas	Josh Moon, Trenton McBain
<b>6</b>	Township of North Dundas	Stephen Ault
<b>6a</b>	Township of North Stormont as Party	Josh Moon, Trenton McBain
<b>13</b>	Cartwave Realty Limited	J. Andrew Pritchard, Meghan Fougere
<b>14</b>	Cornwall Gravel Company Limited	J. Andrew Pritchard, Meghan Fougere
<b>15</b>	Coco Properties Corporation	Ilia Valitsky
<b>18</b>	Jacob William Hoogenboom	
<b>19</b>	Maurice Jason Laframboise Mines	
<b>28</b>	Catherine & Gary Garlough	
<b>32</b>	Marilyn McMahon	