

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



**ISSUE DATE:** October 02, 2020

**CASE NO(S):** PL080016

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 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2019967 Ontario Limited & Winzen Inc.  
Subject: Proposed Plan of Subdivision - Failure of County of Simcoe to make a decision  
Purpose: To permit a proposed plan of subdivision  
Property Address/Description: Part Lot 11, Concession 7  
Municipality: Township of Adjala-Tosorontio  
Municipality File No.: At-T-0701  
OMB Case No.: PL080016  
OMB File No.: PL080016  
OMB Case Name: 2019967 Ontario Limited & Winzen Inc. v. Adjala-Tosorontio (Township)

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

Applicant and Appellant: 2019967 Ontario Limited & Winzen Inc.  
Subject: Application amend Zoning By-law No. 03-57 - Refusal of Application by County of Simcoe  
Existing Zoning: Open Space Conservation (OSC) and Agricultural (A)  
Proposed Zoning: Hamlet Residential Exceptions No. \_\_\_ & \_\_\_ (HR1-\_\_\_ & HR1-\_\_\_), Hamlet Residential Exception No. (HR2-\_\_\_), Institutional (I), General Commercial (C1), Open Space Conservation Exception No. (OSC-\_\_\_) and Open Space Recreation (OCR)  
Purpose: To permit a proposed plan of subdivision  
Property Address/Description: Part Lot 11, Concession 7

Municipality: Township of Adjala-Tosorontio  
 Municipality File No.: 13325  
 OMB Case No.: PL080016  
 OMB File No.: PL080020

**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act (Bill 20) Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 2019967 Ontario Limited & Winzen Inc.  
 Subject: Failure of County of Simcoe to announce a decision respecting Proposed Official Plan Amendment No. 9

Municipality: Township of Adjala-Tosorontio  
 OMB Case No.: PL080016  
 OMB File No.: PL070805-O070116

**PROCEEDING COMMENCED UNDER** subsection 31(2) of the *Local Planning Appeal Tribunal Act*, 2017, S.O. 2017, c. 23, Sched. 1, and the Tribunal's Rules of Practice and Procedure

Request by: Tribute (Colgan) Limited and Tribute (Colgan 2) Limited  
 Request for: Request for Determination

**Heard:** July 29, 2020 by video hearing

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

2019967 Ontario Limited  
& Winzen Inc.

C. Barnett  
A. Beale

Township of Adjala-Tosorontio

I. Tang  
L. English

County of Simcoe

M. Green  
D. Parks\*

**MEMORANDUM OF DECISION BY R.G.M. MAKUCH AND W. R. MIDDLETON  
ON JULY 29, 2020 AND ORDER OF THE TRIBUNAL**

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[1] This video hearing (“VH”) was convened by the Tribunal on July 29, 2020 to consider the motions filed by each of Tribute (Colgan) Limited and Tribute (Colgan 2) Limited and the Township of Adjala-Tosorontio, as more particularly described below at paragraphs [9] and [20].

[2] Tribute (Colgan) Limited is the current owner of the property situated at Part of Lots 9 and 10, Concession 7 (the “Colgan 1 Property”) in the Township of Adjala-Tosorontio (“Township”), in the County of Simcoe (“Simcoe”). The Colgan 1 Property is subject to a draft plan of subdivision and conditions of draft plan that were approved by the Ontario Municipal Board by order dated December 9, 2010 (the “2010 OMB Order”). Tribute (Colgan 2) Limited is the current owner of the property situated at Part of Lot 11, Concession 7 in the Township (the “Colgan 2 Property”) that was originally subject to the draft plan of subdivision and conditions of draft plan approval in the 2010 OMB Order as later revised by the Tribunal by its decision issued February 20, 2019 (the “2019 Tribunal Order”). The conditions of draft plan approval for draft plans of subdivision ATT-601 and AT-T-701 made under the 2010 OMB Order as revised by the 2019 Tribunal Order are hereinafter referred to as the “Draft Plan Approval Conditions”.

[3] Tribute (Colgan) Limited and Tribute (Colgan 2) Limited are hereinafter referred to as “Tribute” and the Colgan 1 and Colgan 2 properties are hereinafter referred to as the “Subject Lands”. Before the purchase by Tribute of the Subject Lands, they were owned by 2019967 Ontario Limited & Winzen Inc. (“Previous Owners”).

[4] Prior to the 2010 OMB Order, the Township entered into Minutes of Settlement (“Minutes”) with the Previous Owners. The Draft Plan Approval Conditions eventually granted under the 2010 OMB Order (and then later revised by the 2019 Tribunal Order) had been contested by a number of Township residents. They included Floyd

Pinto who in 2010 was a resident but who later was elected as a Township councillor and is now the Mayor of the Township.

[5] The matters at issue at this hearing are:

- (i) the Tribute motions brought on May 15, 2020 (“Tribute Motions”) seeking to transfer final authority from the Township to Simcoe for clearance of the Draft Plan Approval Conditions and to extend until February 20, 2025 the deadline for the completion of such clearances (as more fully described in paragraph [20] below); and
- (ii) the Township motion (“Township Motion”) to adjourn the Tribute Motions on the basis that this Tribunal now lacks jurisdiction due to the issuance on May 15, 2020 of a Statement of Claim by Tribute against the Township in the Ontario Superior Court of Justice bearing court file number CV-2000641094-0000 (“Civil Action”), (as detailed in paragraph [9] below).

[6] These proceedings arise from the apparent difficulties which have arisen between Tribute and the Township with respect to the clearance of the Draft Plan Approval Conditions and resultant significant delays in the clearance process. Tribute’s counsel has made several allegations concerning what is described as deliberate and obstructive behaviour on the part of the Township and Mayor Pinto aimed at thwarting Tribute’s efforts to clear the Draft Plan Approval Conditions. In turn, the Township’s lawyers have made allegations refuting those contentions and claiming that Tribute has failed to promptly provide appropriate information and submissions that would enable the Township to do its part to clear the Draft Plan Approval Conditions.

[7] These allegations and counter-allegations resulted in voluminous filings as well as lengthy cross-examinations on the several supporting affidavits filed by each of the Parties and extensive written and oral submissions by the Parties’ counsel.

[8] As will be explained below, this Tribunal considers it unnecessary to make findings of 'bad faith' or to resolve each and every allegation and counter-allegation made by Tribute and the Township in their respective motion materials, written and oral submissions. On the other hand, the Tribunal notes that the Draft Plan Approval Conditions have still not been cleared, despite the fact that the Minutes were reached almost 10 years ago. Moreover, the building of the underlying subdivision development on the Subject Lands has still not commenced.

### **TOWNSHIP MOTION TO ADJOURN THE TRIBUTE MOTIONS**

[9] The Township has moved to adjourn the Tribute Motions *sine die* on the basis that the Tribunal is being asked to determine facts, allegations and issues in dispute relating to the very same matters claimed by Tribute in the Civil Action. The Township's counsel argues that Tribute should wait to seek the relief set out in its Motion until the Civil Action has been finally resolved. Obviously, this could take several more years.

[10] The materials before the Tribunal in respect of the Township Motion to Adjourn the Tribute Motions were the following:

- (i) July 14, 2020 Motion Record of the Township which included a Notice of Motion also dated July 14, 2020; the affidavit of Meaghan Davies sworn July 14, 2020, together with eleven Exhibits A to K inclusive appended thereto; and the Request For Adjournment of this hearing;
- (ii) July 22, 2020 Response of Tribute to the Township Motion to Adjourn, which included references to the affidavits of Brandi Clement, Susan Zucchero and Jim Kotroubis, together with all exhibits thereto, all as contained in Tribute's original Motion Record filed on May 15, 2020 and more fully described in paragraph 20 below;
- (iii) July 27, 2020 Reply of the Township;

- (iv) July 28, 2020 Book of Authorities of the Township; and
- (v) July 28, 2020 Book of Authorities of Tribute.

[11] In addition to jurisprudence set out in their respective Books of Authorities, counsel for both the Township and Tribute also filed additional case law for consideration by the Tribunal. The Township's counsel presented a comparison of the allegations of fact set out in the Civil Action with the grounds and supporting affidavits filed in the Tribute Motions. The Township relies on Section 18 of the *Local Planning Appeal Tribunal Act, 2017*, S.O. 2017, c. 23, Sched. 1 ("LPATA"). The Township's counsel contends that the application of Section 18 of LPATA is triggered because the factual allegations of Tribute in the Tribute Motions and in the Civil Action are substantially similar and because Tribute has argued in both the Tribute Motions and the Civil Action that the Township has breached the Minutes.

[12] Section 18 of LPATA states that the Tribunal is prohibited from granting or issuing an approval or certificate under that or any other Act in respect of a municipal matter if there is a pending action or proceeding relating to the matter:

**Approval to be withheld where litigation pending**

18 The Tribunal shall not grant or issue any approval or certificate under this or any other general or special Act in respect of any municipal matter if there is any pending action or proceeding relating to the matter, including an application to quash any by-law of a municipality relating to the matter. (Emphasis added)

[13] The Tribunal carefully considered the submissions and authorities put forward by the Township's counsel but rejected the argument that it lacks jurisdiction to rule on the Tribute Motions due to the commencement of the Civil Action.

[14] In the Tribunal's view, Section 18 of LPATA is not applicable in the circumstances of this proceeding. This case is not, for example, analogous to the situations involved in the cited jurisprudence where:

- (i) both a court and the Tribunal are considering the legality/validity of a municipal bylaw (*913719 Ontario Ltd. v. North York (City)*, 1998 Carswell Ont 3781);
- (ii) the Tribunal is being requested to determine contractual rights between Parties (*Toronto Standard Condominium Corp. 1924 v. 2-8 St. Thomas Holdings Inc.*, 2015 CarswellOnt 6445) or to enforce contracts or otherwise make findings with respect to allegations of breach of contract (*Georgetown Estates Corp., Re*, 1999 CarswellOnt 8420; or
- (iii) a Court decision could be rendered during a period where the LPAT hearing was adjourned that would be “*of considerable assistance to the Tribunal*” or where “*...the court proceedings should be complete before the Tribunal hearing proceeds*” (*Clublink Corporation ULC v Oakville (Town)*, 2020 CanLII 3211 (ON LPAT)).

[15] The Tribunal is also of the view that the Tribute Motions sought to be adjourned by the Township do not ask the Tribunal to grant an “approval” within the meaning of Section 18 of LPATA. Instead, the Tribunal is again being requested to modify existing conditions that it has already considered twice: the Draft Plan Approval Conditions were granted under the 2010 OMB Order and then revised in the 2019 Tribunal Order.

[16] Furthermore, the Tribunal notes that the Court in the Civil Action could not grant the modifications to the Draft Plan Approval Conditions, since that issue would be within the exclusive jurisdiction of the Tribunal. On the other hand, the Tribunal recognizes that it cannot consider or award the damages sought by Tribute in its Civil Action nor make findings as to the factual and legal basis for those or other civil remedies.

[17] The Tribunal's jurisdiction over matters within its purview under LPATA and the *Planning Act*, R.S.O. 1990, c. P.13 is exclusive (the "Planning Act"). Only the Tribunal can grant the relief sought by Tribute - pursuant to Section 51 of the Planning Act and section 11.1 of LPATA. This was confirmed by the Ontario Court of Appeal in *Country Pork Ltd. v. Ashfield (Township)*, 2002 CanLII 41578 (ON CA), para. 32:

The OMB is a tribunal that has expertise in municipal planning. In cases where the court is asked to assume jurisdiction over matters that the legislature has assigned to administrative tribunals, there is a strong policy argument in favour of the court deferring to the jurisdiction of the tribunal in favour of protecting the integrity of administrative mechanisms set up by the legislature. (Emphasis added)

[18] Further, it is the Tribunal's view that the Civil Action is not 'related' to the matters before the Tribunal as that term is used in Section 18 of LPATA. The matters here relate to the Draft Plan Approval Conditions already granted by the OMB and revised by the Tribunal, while the pleading in the Civil Action relates to an alleged breach of contract by the Township and the private law legal consequences of that breach in terms of damages. While it may turn out that some of the underlying facts in each proceeding may be similar, the legal issues are markedly different. Moreover, as set out in paragraph [33] below, this Tribunal need not make all of the very specific, detailed findings of fact - or rule that 'bad faith' conduct occurred - as is argued here by the Parties' counsel.

[19] Therefore, the Tribunal dismisses the Township's motion to adjourn the hearing of the Tribute Motions and finds it unnecessary to consider the issues of prejudice to either Party arising from its granting or dismissal of this adjournment request.

**THE TRIBUTE MOTIONS TO TRANSFER RESPONSIBILITY TO THE COUNTY OF SIMCOE FOR CLEARANCE OF THE DRAFT PLAN APPROVAL CONDITIONS AND TO EXTEND THE DATE FOR CLEARANCE ("TRIBUTE MOTIONS")**

[20] The materials before the Tribunal in respect of the Tribute Motions were the following:



- (i) May 15, 2020 Motion Record of Tribute which included a Notice of Motion of the same date; Affidavit of Brandi Clement sworn May 14, 2020, together with five Exhibits A to E inclusive appended thereto, (“Clement Affidavit”); Affidavit of Jim Kotroubis, sworn May 14, 2020, including four Exhibits A to D; and the Affidavit of Susan Zuccherro, sworn May 14, 2020, incorporating thirty-six Exhibits A to Z and AA to JJ inclusive (“Zuccherro Affidavit”);
- (ii) July 22, 2020 Motion Record of the Township which included a Notice of Response to Motion of the same date; Affidavit of Michael Wynia, sworn July 13, 2020 together with twenty-seven Exhibits A to Z and AA; and Affidavit of Joshua Maitland, sworn July 13, 2020 incorporating four Exhibits A to D;
- (iii) Responding Affidavit of Douglas Parks sworn July 15, 2020, filed by Simcoe, together with three Exhibits A to C (“Parks Affidavit”) and a letter from Simcoe’s counsel dated July 16, 2020;
- (iv) Reply of Tribute and Summary of Argument, dated July 27, 2020, which included a Chronology; replacement Exhibit W to the Zuccherro Affidavit; the case of *Taylor v. Guelph (City)* 1998 CarswellOnt 6168; and the draft transcripts of the cross-examinations of Joshua Maitland (July 22), Michael Wynia (July 22), Brandi Clement (July 23), Jim Kotroubis (July 23) and Susan Zuccherro (July 24);
- (v) Book of Authorities of the Township (Response to Tribute Motions) dated July 27, 2020;
- (vi) Book of Authorities of Tribute, dated July 28, 2020
- (vii) In addition to jurisprudence set out in their respective Books of Authorities, counsel for both the Township and Tribute also filed additional case law for consideration by the Tribunal.

[21] As noted, the detailed allegations and counter-allegations of fact underlying the Tribute Motions are unusual, as is the requested relief seeking to transfer primary responsibility for clearance of Draft Plan Approval Conditions from the Township to Simcoe.

[22] In summary, relying on the Zuccherro Affidavit, Tribute's counsel argues:

Following the municipal election in 2018 and into 2019, Tribute has been frustrated in its efforts to advance the approvals given by the Local Planning Appeal Tribunal...The Township has:

- (i) not delegated any approvals, such that all conditions must be cleared to the satisfaction of Council;
- (ii) had Council commenting on engineering submissions;
- (iii) withheld engineering review comments and cancelled agency review meetings for 6 months;
- (iv) directed staff not to arrange meetings where Tribute would be looking to satisfy conditions of draft approval;
- (v) refused to address the simplest of approvals such as a permit for site alteration for a sales office;
- (vi) passed resolutions preventing any approvals from being presented to Council until all conditions are cleared;
- (vii) deferred staff recommendations that would have put in place a process to allow aspects of the development to move forward;
- (viii) terminated planning staff for bringing a report to Council with respect to Tribute prior to all conditions being cleared;
- (ix) created a circumstance which ensures that the Township will have to pay some money towards the cost of a required waste water treatment plant;
- (x) changed engineering standards mid-approvals resulting in increased time and costs to Tribute; and
- (xi) made it impossible for Tribute to receive the approvals it needs.

[23] Tribute's lawyer further alleges that this conduct by the Township reflects its lack of good faith in discharging its statutory responsibilities, and demonstrates a pattern of conduct by the Mayor, implemented by Council, in opposition to Tribute's development. Thus, the modified Conditions that Tribute seeks would transfer clearance of the Draft Plan Approval Conditions from the Township to the "*satisfaction*

*of Simcoe, in consultation with the Township*". Tribute also seeks to extend the expiry date on the Draft Plan Approval Conditions from November 26, 2021 to February 20, 2025.

[24] Tribute's counsel also portrays the Township Mayor Pinto in a very unfavourable light suggesting that he has deliberately misrepresented facts and has obstructed Tribute's development plans due to his ongoing personal opposition to its project. The Tribunal is urged to draw an inference that Mayor Pinto is now trying to orchestrate through the Township Council what he could not successfully accomplish some ten years ago as a resident: the cessation of the subdivision development reflected in the Draft Plans. Most of these allegations are based on the circumstantial evidence outlined in the Zuccherro Affidavit and the Clement Affidavit, upon which cross-examinations were conducted by counsel for the Township.

[25] One independent source of information pertaining to certain past actions of Mr. Pinto as a Township councillor and Chair of its Planning Committee prior to his election as Mayor derives from the findings of the Integrity Commissioner appointed in 2017 to investigate a complaint by the Township's former Director of Planning, Ms. Jacquie Tsechekalin. She had alleged that Mr. Pinto made improper attempts to undermine her planning advice and that he had "*...repeatedly and deliberately disseminated falsehoods about planning matters ...*". The Integrity Commissioner noted that Ms. Tsechekalin's Complaint included her assertion that:

...Councillor Pinto will misstate or misrepresent the true status of developments, the Township's procedures, or her responses to the public, in order to undermine her opinion and, often, Council's position, to advance his private agenda. For example, Councillor Pinto continues to tell people there is only water for 300 homes in the Colgan Subdivision, which is not what the Ontario Municipal Board said. According to the complainant, there is no hard cap of 300 homes, and no threat to the Township's water supply.

[26] The Integrity Commissioner in his report (Exhibit L to the Zuccherro Affidavit) found the Complaint valid and concluded:

Further, given Councillor Pinto's clear lack of respect for the Complainant and her advice, and his apparent misunderstanding of the planning process, I would recommend to Council that he be removed as Chair of Planning Committee.

[27] The Commissioner's findings and recommendations were accepted and in 2017 Mr. Pinto was reprimanded and removed as the Township's Planning Committee Chair.

[28] In respect of this VH, the Township did not dispute the Integrity Commissioner's 2017 findings and also did not file an affidavit from Mayor Pinto to counter the various allegations that were made against him. As a result, Tribute's counsel urges the Tribunal to draw an adverse influence against Mr. Pinto and the Township.

[29] On the other hand, counsel for the Township vigorously opposed the 'bad faith' characterizations made by Tribute and the notion that the Township has engaged in deliberate obstruction in violation of the spirit and intent of the Minutes and of the 2010 OMB Order and the 2019 Tribunal Order. The Township's lawyers also reject the argument that an adverse inference ought to be made by this Tribunal, in light of the failure of the Township to proffer an affidavit from Mayor Pinto.

[30] The Township's counsel further argues that Tribute's counsel has 'cherry-picked' statements made by members of Council, and Mayor Pinto in particular (including statements that were made in an adversarial context 10 years ago), in an attempt to demonstrate that there is no intention on the part of Council to approve the development, or that Council desires to slow down the development. The Township maintains that this is a bald attempt to mischaracterize the actions of the Township.

[31] The Township's counsel has proffered a version of events that suggests that Tribute has not worked diligently or on a timely basis to provide information and reports that would enable this small municipality to properly complete the clearance process relating to the conditions in the Draft Plans. It was argued that the Township's actions should be viewed in the context of Council's legitimate concerns regarding growth management and sustainability of servicing, continued through with current

Township Council. Counsel for the Township also argues that the relief sought by Tribute amounts to an improper request for the 're-delegation' to Simcoe of approval authority that must remain solely with the Township because of its responsibility to manage the costs associated with the development and the obvious, direct short term and long term impact on the Township's residents.

[32] Due to the unique nature of the relief sought by Tribute, Simcoe also filed evidence by way of the Parks Affidavit and Simcoe's counsel made brief submissions to the Tribunal. Mr. Parks is a professional planner with 38 years' experience and the current Director of Planning, Economic Development and Transit at for Simcoe.

[33] Neither Mr. Parks nor Simcoe made an attempt to weigh in on the conflicting evidence of Tribute and the Township pertaining to the Draft Plan Approval Conditions and the actions/inaction of those two Parties. Mr. Parks points out that as an upper tier municipality, Simcoe has prima facie responsibility for the approval of draft plans of subdivisions like the one at issue in this case. However, pursuant to Section 51.2(2) of the *Planning Act*, R.S.O. 1990 c.P13, under which the Draft Plans are being reviewed, Simcoe, by its Bylaw 6077 passed by County Council on September 27, 2011, properly delegated to Township Council approval authority over plans of subdivision within the Township.

[34] Simcoe routinely makes delegations such as it made here to the Township because Simcoe feels that it is fairer, subject to the right of landowners to appeal to the LPAT, that the municipalities whose residents will have to potentially bear the cost of any services, including any ongoing maintenance costs, be the ones who decide on which services, and which type of services, are best to require.

[35] Simcoe will accept the decision of this Tribunal should it rule that Simcoe is to be directly involved in the clearance of the Draft Plan Approval Conditions but has serious concerns about its limited resources to assist with that process. Simply put, Simcoe states that in order to take on that role it would need complete discretion to outsource to external consultants, substantial aspects of the required work to assess

and analyze the information and submissions of Tribute and the Township's consultants and staff pertaining to those conditions. It is concerned about the costs of that outsourcing effort as well as the considerable time that would be required to now step into this clearance process. Therefore, Simcoe is requesting that all of its reasonable costs of direct participation in, and oversight of, the clearance process of the Draft Plan Approval be reimbursed by Tribute in the event that its motion is granted. The Tribunal understands that Tribute has already agreed to reimburse these future costs of Simcoe.

[36] Simcoe is also understandably concerned about the ongoing potential for disputes to arise between the Township and Tribute, in light of the past history of this matter and the allegations and counter-allegations made by the Parties concerning the Tribute Motions. Thus, Simcoe has requested that a dispute resolution mechanism be implemented in the event that the Tribunal should grant the relief sought by Tribute. Mr. Green, counsel for Simcoe, submitted that this Tribunal – rather than Simcoe - is best-placed to act in that role.

[37] Despite the fact that no oral evidence was heard, this VH lasted almost 12 hours due to the lengthy materials and submissions of Tribute, the Township and Simcoe. The Tribunal sees no need to further summarize the evidence or the positions taken by the Parties - or to make the specific and very detailed findings of fact and law sought by Tribute and the Township, including but not limited to the allegations of bad faith or as to whether an adverse inference should be made in relation to the Township's decision not to offer evidence from Mayor Pinto.

[38] However, the Tribunal does find that it is abundantly clear that the process of clearance of the Draft Plan Approval Conditions has not progressed in an efficient or timely manner since the 2010 OMB Order as revised by the 2019 Tribunal Order. It is the Tribunal's view that both the Township and Tribute bear some responsibility for this unfortunate state of affairs. However, it is unnecessary at this juncture for the Tribunal to determine a specific allocation in that regard as between the Township or Tribute.

Ultimately, should the Civil Action proceed to conclusion, the Court may make rulings based on the actions of these Parties and may rule upon appropriate private law remedies. This is not within the purview of this Tribunal which instead must focus on how to assist the Township and Tribute to reach an expeditious resolution of the problems that have arisen leading to the impasse that has occurred.

[39] Therefore, taking into account all of the evidence and submissions made by the Parties, and upon careful consideration of the unusual circumstances of this case and of the Tribunal's powers under Subsections 51 (56.1), 51 (56.2) and 51 (44) of the Planning Act, the Tribunal hereby Orders that:

- 1) Final authority for clearance of the Draft Plan Approval Conditions and to administer final approval of the plans of subdivision ATT-601 and AT-T-701 shall be transferred from the Township to Simcoe County;
- 2) In the event that Simcoe is unable to resolve with the Parties any dispute that arises with respect to the timely clearance of the Draft Plan Approval Conditions, such dispute may be referred to the Tribunal for determination;
- 3) The expiry date for clearance of the Draft Plan Approval Conditions shall be extended from November 26, 2021 to December 31, 2023. In the event that Simcoe, together with the Parties, determines a further extension beyond December 31, 2023 is required, then either Simcoe or the Parties may request the Tribunal to grant such further extension;
- 4) Tribute shall reimburse all reasonable costs of Simcoe incurred in relation to Simcoe's duties as described under the above Orders, including but not limited to: internal staff time and disbursements; the costs of external planning, engineering or other necessary experts retained by Simcoe to assist it including any such expenses incurred for the purposes of preparing for and providing reports and/or oral evidence at further Tribunal proceedings as described in sections 2 and/or 3 above.

[40] It is so Ordered.

*“William R. Middleton”*

WILLIAM R. MIDDLETON  
MEMBER

*“R.G.M. Makuch”*

R.G.M. MAKUCH  
VICE-CHAIR

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**Local Planning Appeal Tribunal**

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