

## Ontario Land Tribunal

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

## Tribunal ontarien de l'aménagement du territoire

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



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

Applicant/Appellant: Jannett Nicholson, Richard Nicholson, and 2683894 Ontario Inc.  
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision  
Description: To permit the development of 30 townhouse condominium units  
Reference Number: RZ 2021-0001  
Property Address: 18314, 18309 Hurontario Street  
Municipality/UT: Caledon/Peel  
OLT Case No: OLT-21-001392  
OLT Lead Case No: OLT-21-001392  
OLT Case Name: Nicolson v. Caledon (Town)

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

Applicant/Appellant: Jannett Nicholson, Richard Nicholson, and 2683894 Ontario Inc.  
Subject: Site Plan  
Description: To permit the development of 30 townhouse condominium units  
Reference Number: SPA 2021-0001  
Property Address: 18314, 18309 Hurontario Street  
Municipality/UT: Caledon/Peel  
OLT Case No: OLT-21-001394  
OLT Lead Case No: OLT-21-001392

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

Applicant/Appellant: Jannett Nicholson, Richard Nicholson, and 2683894 Ontario Inc.  
Subject: Proposed Plan of Subdivision – Failure of Approval

Description: Authority to make a decision  
To permit the development of 30 townhouse  
condominium units  
Reference Number: 21CDM-21001C  
Property Address: 18314, 18309 Hurontario Street  
Municipality/UT: Caledon/Peel  
OLT Case No: OLT-21-001395  
OLT Lead Case No: OLT-21-001392

## NOTICE OF EVENT BY VIDEO

The Ontario Land Tribunal (“Tribunal”) will conduct a Case Management Conference by **video conference** for this matter.

The event will be held:

**AT: 10:00 AM**

**ON: Friday, May 20, 2022**

**AT: <https://meet.goto.com/719383509>**

**Access code: 719-383-509**

The Tribunal has set aside **one (1) day** for this matter.

The event will be held using the GoTo Meetings service. The appellant(s), applicant, municipality or approval authority, and those persons who intend to request party or participant status, are asked to log into the video hearing, through the link provided above, at least **15 minutes** before the start of the event to test their video and audio connections. All persons are expected to access and set-up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available: <https://app.gotomeeting.com/home.html>. A compatible web browser for this service is Chrome.

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): **1 888 299-1889** or Canada: **+1 (647) 497-9373**. The access code is **719-383-509**.

Event dates are firm - adjournments will not be granted except in the most serious circumstances, and only in accordance with the Tribunal's Rules of Practice and Procedure ("Rules") [Rule 17](#) on adjournments.

This event is conducted under [Rule 20](#) of the Tribunal's Rules. [Rule 20.2](#) sets out how a party may object to the Tribunal conducting this event electronically. Any party, or any person who intends to seek party status, may object to the Tribunal holding this event

by video by filing an objection with the Tribunal's Case Coordinator. The objection must be received by the Tribunal **at least 20 days** before the date of the event and must be copied to the other parties. All contact information is included in Schedule A.

### **CASE MANAGEMENT CONFERENCE**

If you do not attend the CMC, the Tribunal may proceed in your absence and you will not be entitled to any further notice of these proceedings. The Tribunal may finalize the list of appellants, parties and/or participants at this CMC, and may order that no additional appellants, parties and/or participants be added or included in this proceeding, without leave of the Tribunal.

### **SUBMISSION REQUIREMENTS**

If a person intends to refer to a document at the CMC that is not in the Tribunal's case file, the document is expected to be pre-filed, where possible, in paper copy and electronically with the Tribunal **at least 10 days** before the date of the CMC, unless another filing date is specified in the Tribunal's Rules. All pre-filed documents shall be served on the other parties electronically. All contact information is included in Schedule A.

Submissions larger than **10MB** must be transferred to the Tribunal's Case Coordinator using an electronic file sharing link/service. Please see Schedule B for further submission requirements.

The purpose of the CMC is set out in [Rule 19.1](#) of the Tribunal's Rules. The CMC will deal with preliminary issues, that include the following:

- **Identification of parties** - these persons have the right to participate throughout by presenting evidence, questioning witnesses, and making final arguments. In order for the Tribunal to determine your status for the hearing, you or your representative should attend the CMC and ask to be added as a party. Groups, whether incorporated or not, who wish to become parties should name a representative. Parties do not need to be represented by lawyers or agents
- **Identification of participants** - persons who do not wish to participate throughout the hearing may attend the hearing and provide a written statement to the Tribunal.
- **Identification of issues.**
- **Possibility of settlement and/or mediation of any or all of the issues** – the panel will explore with the parties whether the case before the Tribunal and the issues in dispute are matters that may benefit from mediation. Mediation is a voluntary process that encourages all sides in a dispute to get a better understanding of each other's positions and fully explore and negotiate options for a mutually acceptable settlement of all or some of the issues in dispute. The panel may direct, upon consent of the parties, that some or all of the issues in dispute proceed to mediation.
- **Start date of the hearing.**

- **Duration of the hearing.**
- **Directions for pre-filing of witness lists, expert witness statements and written evidence.**
- **The hearing of motions.**
- **Draft Procedural Order** – parties are expected to meet before the CMC to consider a draft Procedural Order, as per Rule 19.2 (see Sample Procedural Order). An electronic version is also available on the Tribunal website.
- **Such further matters as the Tribunal considers appropriate.**

Everyone should come prepared to consider specific dates for proceedings in this matter.

All persons who wish to participate in this matter are expected to be prepared should the Tribunal convert the CMC to a settlement conference, a motion for procedural directions, or a preliminary hearing, where evidence or formal statements or submissions may be heard. Even when no settlement is reached, the Tribunal may proceed to make a final decision on any evidence received during the conference.

#### **PARTY OR PARTICIPANT STATUS REQUEST:**

Persons other than the appellant(s), applicant, municipality or approval authority who wish to participate in the proceeding, either as a party or as a participant, are expected to file a written status request with the Tribunal to outline their interest in the proceeding. The Party Status Request Form and Participant Status Request/Participant Statement Form are available on the Tribunal's website (<https://olt.gov.on.ca>) and are to be used to assist with the preparation of the request. If you are requesting status, this form must be provided **at least 10 days in advance of the hearing to:**

- The assigned Tribunal Case Coordinator Tamara Zwarycz at [tamara.zwarycz@ontario.ca](mailto:tamara.zwarycz@ontario.ca).
- The municipality and the approval authority on the same day as it is emailed to the Tribunal Case Coordinator.
- The Applicant and the Appellant(s) on the same day as it is emailed to the Tribunal Case Coordinator.

The contact information for the parties is included in Schedule A.

The written status request will be reviewed and considered by the presiding Member at the CMC. It will also assist the Tribunal in organizing the hearing event. **Attendance by the requestor, or their representative, at the CMC is required for all status requests.**

Persons who are granted **party status** may participate fully in the proceeding (see [Rule 8](#)).

Persons who are granted **participant status** may only participate in writing by way of a participant statement. This statement is expected to be provided 10 days advance of the CMC as part of the status request (see above) and sets out their position in the matter (see [Rule 7.7](#)).

Only persons who are granted party or participant status by the Tribunal at the CMC are permitted to participate in any further hearing event that is convened by the Tribunal for this appeal.

## **FURTHER DIRECTIONS**

Tribunal proceedings are open to the public and all documents filed in a proceeding will be included in the Tribunal's public file (except those documents that may be deemed confidential in accordance with the Ontario Land Tribunal's [Rule 22.1](#)).

The Tribunal shall issue a disposition following the CMC that will set out the directions of the Tribunal. A copy of this decision may be obtained from the Tribunal's website (<https://olt.gov.on.ca>) by referencing the above case number.

Please review the Tribunal's **Rules 7, 8, 17 and 19** for relevant information.

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible by emailing [olt.coordinator@ontario.ca](mailto:olt.coordinator@ontario.ca). If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance.

Pour recevoir des services en français, veuillez communiquer avec la Tribunal au 1-866-448-2248/(416) 212-6349 ou [olt.coordinator@ontario.ca](mailto:olt.coordinator@ontario.ca).

For general information concerning the Tribunal, visit our website at <https://olt.gov.on.ca> or you may contact the Tribunal's offices at 1-866-448-2248 or local (416) 212-6349.

DATED at Toronto, this 7<sup>th</sup> day of April, 2022.

Euken Lui  
Registrar

## **SCHEDULE A**

### **Contact information of statutory parties:**

Municipality:

Raj Kehar

[rkehar@weirfoulds.com](mailto:rkehar@weirfoulds.com)

Alana Vandervoort

[alana.vandervoort@caledon.ca](mailto:alana.vandervoort@caledon.ca)

Applicant/Appellant:

Steven Ferri

[sferri@loonix.com](mailto:sferri@loonix.com)

## **SCHEDULE B**

### **INSTRUCTIONS FOR ELECTRONIC PRE-FILING SUBMISSIONS**

#### **Submission requirements to organize the video hearing**

If a person intends to refer to a document at the video hearing (for clarity, any document that is not in the Tribunal's case file), it is expected to be pre-filed electronically with the Tribunal **at least 10 days** before the date of the video hearing and provided to all parties. The deadline applies unless otherwise specified in the Rules.

Submission emails **under 10MB** in size may be emailed directly to the assigned Tribunal Case Coordinator. Emails **larger than 10MB** must be transferred to the Tribunal's Case Coordinator using an electronic file sharing link/service to avoid sending documents across multiple email parts. Where appropriate, documents are to be submitted in .pdf format.

#### **Naming convention**

To assist the Tribunal and the adjudicator during the event, it is important that all submissions are **paginated and labelled appropriately** to clearly identify the content of each document. Where a document contains numerous sections, each section is to be indexed to a table of contents.

Parties are asked to adhere to the following naming convention: **case number\_party role\_ document type\_date of hearing event**.

For example: PL123456\_Applicant\_Notice of Motion\_Jan 1, 2020

Please see Rules 7.1 and 7.2 for the standard document submission requirements.