

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 08, 2025

CASE NO(S).:

OLT-23-000089

OLT-23-001202

OLT-24-000238

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

Applicant and Appellant:

Blueland Farms Ltd.

Subject:

Request to amend the Official Plan – Failure to adopt the requested amendment

Description:

To permit the establishment of a gravel pit on the subject property

Reference Number:

POPA 2013 -0002

Property Address:

17736 Heart Lake Road (Part Lot 12, Concessions 2 (EHS))

Municipality/UT:

Caledon/Peel

OLT Case No.:

OLT-23-000089

OLT Lead Case No.:

OLT-23-000089

OLT Case Name:

Blueland Farms Ltd. v. Caledon (Town)

PROCEEDING COMMENCED UNDER subsection 10(3) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2

Appellant:

Blueland Farms Ltd.

Subject:

Proposed Amendment to the Niagara Escarpment Plan

Description:

To amend the Niagara Escarpment Plan for permission of mineral aggregate resource extraction on the subject property and add special policy to allow transportation of mineral materials

Reference Number:

Proposed Niagara Plan Amendment No. PP 213 18

Property Address:

17736 Heart Lake Road

Municipality/UT:

Caledon/Peel

OLT Case No.:

OLT-23-001202

OLT Lead Case No.:

OLT-23-001202

OLT Case Name:

Plan Amendment No. 213 18 (Re)

PROCEEDING COMMENCED UNDER subsection 25(5.1) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2

Appellant: Blueland Farms Ltd.
 Respondent: Niagara Escarpment Commission
 Subject: Refusal of a Development Permit Application
 Description: To propose an establishment of a new 25.97 hectare aggregate extraction operation (gravel pit) on a portion of a 40.5 hectare property

Reference Number: P/E/2017-2018/408
 Property Address: 17736 Heart Lake Road
 Municipality/UT: Caledon/Peel
 OLT Case No.: OLT-23-001189
 OLT Lead Case No.: OLT-23-001202
 OLT Case Name: Blueland Farms Ltd. v. Ontario (Niagara Escarpment Commission)

PROCEEDING COMMENCED UNDER subsection 25(5.1) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2

Appellant: Blueland Farms Ltd.
 Respondent: Niagara Escarpment Commission
 Subject: Refusal of a Development Permit Application
 Description: To allow for the transport of up to 750,000 tonnes (annually) of extracted aggregate from 17736 Heart Lake Road to an aggregate operation at 17679 Kennedy Road

Reference Number: P/E/2023-2024/291
 Property Address: 17679 Kennedy Road
 Municipality/UT: Caledon/Peel
 OLT Case No.: OLT-23-001190
 OLT Lead Case No.: OLT-23-001202

PROCEEDING COMMENCED UNDER subsection 11(5) of the *Aggregate Resources Act*, R.S.O. 1990, c. A.8

Referred by: Ministry of Natural Resources and Forestry
 Objector: Nikola Balaban
 Objector: Donna Baylis
 Objector: Victor Bras and Valentina Tovpeko
 Objector: Sandy and Pail Caletti
 Objector: Cheryl Connors; and others
 Applicant: Blueland Farms Ltd.
 Subject: Application for a Class A Licence, Category 1 Pit Below Water for the removal of aggregate

Description: McCormick Pit
 Reference Number: Licence No. 626266
 Property Address: Part Lot 12, Concession 2 EHS
 Municipality/UT: Caledon/Peel
 OLT Case No.: OLT-24-000238
 OLT Lead Case No.: OLT-24-000238
 OLT Case Name: Blueland Farms Ltd v. Ontario (Natural Resources and Forestry)

BEFORE:

S. BRAUN)
 VICE-CHAIR)
)
) Wednesday, the 8th,
)
) day of January, 2025

THESE MATTERS having come on for Case Management Conferences and the Tribunal in its decision issued on September 17, 2024;

AND THE TRIBUNAL having now received the revised Issues List from the Applicant;

THE TRIBUNAL ORDERS that the Procedural Order set out as Attachment “A” to this Order shall be in full force and effect for the purposes of governing the required procedure leading up to and including the hearing scheduled to commence on October 21, 2025.

“Euken Lui”

EUKEN LUI
 REGISTRAR (A)

Ontario Land Tribunal

Website: 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.

Attachment A

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 08, 2025

CASE NO(S):

OLT-23-000089
OLT-23-001202
OLT-24-000238

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

Appellant: Blueland Farms Ltd.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the establishment of a gravel pit on the subject property
Reference Number: POPA 2013 -0002
Property Address: 17736 Heart Lake Road (Part Lot 12, Concessions 2 (EHS))
Municipality/UT: Caledon/Peel
OLT Case No.: OLT-23-000089
OLT Lead Case No.: OLT-23-000089
OLT Case Name: Blueland Farms Ltd. v. Caledon (Town)

PROCEEDING COMMENCED UNDER subsection 10(3) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2

Appellant: Blueland Farms Ltd.
Subject: Proposed Amendment to the Niagara Escarpment Plan
Description: To amend the Niagara Escarpment Plan for permission of mineral aggregate resource extraction on the subject property and add special policy to allow transportation of mineral materials
Reference Number: Proposed Niagara Plan Amendment No. PP 213 18
Property Address: 17736 Heart Lake Road

Municipality/UT: Caledon/Peel
 OLT Case No.: OLT-23-001202
 OLT Lead Case No.: OLT-23-001202
 OLT Case Name: Plan Amendment No. 213 18 (Re)

PROCEEDING COMMENCED UNDER subsection 25(5.1) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2

Appellant: Blueland Farms Ltd.
 Respondent: Niagara Escarpment Commission
 Subject: Refusal of a Development Permit Application
 Description: To propose an establishment of a new 25.97 hectare aggregate extraction operation (gravel pit) on a portion of a 40.5 hectare property
 Reference Number: P/E/2017-2018/408
 Property Address: 17736 Heart Lake Road
 Municipality/UT: Caledon/Peel
 OLT Case No.: OLT-23-001189
 OLT Lead Case No.: OLT-23-001202
 OLT Case Name: Blueland Farms Ltd. v. Ontario (Niagara Escarpment Commission)

PROCEEDING COMMENCED UNDER subsection 25(5.1) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2

Appellant: Blueland Farms Ltd.
 Respondent: Niagara Escarpment Commission
 Subject: Refusal of a Development Permit Application
 Description: To allow for the transport of up to 750,000 tonnes (annually) of extracted aggregate from 17736 Heart Lake Road to an aggregate operation at 17679 Kennedy Road
 Reference Number: P/E/2023-2024/291
 Property Address: 17679 Kennedy Road
 Municipality/UT: Caledon/Peel
 OLT Case No.: OLT-23-001190
 OLT Lead Case No.: OLT-23-001202

PROCEEDING COMMENCED UNDER subsection 11(5) of the *Aggregate Resources Act*, R.S.O. 1990, c. A.8

Referred by: Ministry of Natural Resources and Forestry
 Objector: Nikola Balaban
 Objector: Donna Baylis

Objector: Victor Bras and Valentina Tovpeko
Objector: Sandy and Pail Caletti
Objector: Cheryl Connors; and others
Applicant: Blueland Farms Ltd.
Subject: Application for a Class A Licence, Category 1 Pit
Below Water for the removal of aggregate
Description: McCormick Pit
Reference Number: Licence No. 626266
Property Address: Part Lot 12, Concession 2 EHS
Municipality/UT: Caledon/Peel
OLT Case No.: OLT-24-000238
OLT Lead Case No.: OLT-24-000238
OLT Case Name: Blueland Farms Ltd v. Ontario (Natural Resources
and Forestry)

PROCEDURAL ORDER

1. The Tribunal may vary or add to the directions in this procedural order at any time by an oral ruling or by another written order, either on the parties' request or its own motion.

Organization of the Hearing

2. The video hearing will be held on the dates noted below commencing each date at 10 a.m. through the following video link:

<https://meet.goto.com/558205565>

Access code: 558-205-565

Tuesday, October 21 – Friday, October 24, 2025

Tuesday, October 28 – Friday, October 31, 2025

Wednesday, November 12 – Friday, November 14, 2025

Tuesday, November 18 – Friday, November 21, 2025

Tuesday, November 25 – Friday, November 28, 2025

Tuesday, December 2 – Friday, December 5, 2025

Tuesday, January 13 – Friday, January 16, 2026

Tuesday, January 20 – Friday, January 23, 2026

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 <https://global.gotomeeting.com/install> or a web application is available: <https://app.gotomeeting.com/home.html>

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 in to an audio-only telephone line: **+1 (647) 497-9373 or Toll-Free 1-888-299-1889. The access code is 558-205-565**

3. The parties' initial estimation for the length of the hearing is **31 days**. The parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues where possible. The procedural order deadlines are found in **Attachment 4**.
4. A Case Management Conference is scheduled for **one (1) day on Friday, June 6, 2025 at 10 a.m.** through the following video link:

<https://global.gotomeeting.com/join/709076365>

**Audio-only telephone line: +1 (647) 497-9373 or Toll-Free 1-888-299-1889.
Access code: 709-076-365**

This date may be cancelled should the Crown advise the Tribunal that Aboriginal consultation is complete.

5. The parties and participants identified at the case management conference are set out in **Attachment 1**.
6. 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.
7. 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 the parties' consent, subject to the Tribunal's approval, or by Order of the Tribunal.
8. 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.

9. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's [Video Hearing Guide](#), available on the Tribunal's website.

Requirements Before the Hearing

10. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before **Friday, January 17, 2025** and in accordance with paragraph 23 below. 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.
11. Expert witnesses in the same field shall have a meeting on or before **Friday, February 28, 2025** and use best efforts to try to resolve or reduce the issues for the hearing. Following the experts' meeting the parties must prepare and file a Statement of Agreed Facts and Issues with the OLT Case Coordinator on or before **Friday, May 30, 2025**.
12. 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 paragraph 14 below. 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.
13. 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 paragraph 14 below. A party who intends to call a witness who is not an expert must file a brief outline of the witness' evidence, as in paragraph 14 below.
14. On or before **Friday, June 20, 2025**, the parties shall provide copies of their [witness and] expert witness statements to the other parties and to the OLT Case Coordinator and in accordance with paragraph 23 below.

15. On or before **Friday, June 20, 2025**, a participant shall provide copies of their written participant statement to the other parties in accordance with paragraph 23 below. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
16. On or before **Friday, August 15, 2025**, the parties shall confirm with the Tribunal if all the reserved hearing dates are still required.
17. On or before **Friday, August 22, 2025**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with paragraph 23 below. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
18. Parties may provide to all other parties and the OLT Case Coordinator a written response to any written evidence within **30 days** after the evidence is received and in accordance with paragraph 23 below.
19. The parties shall cooperate to prepare a joint document book which shall be shared with the OLT Case Coordinator on or before **Friday, October 3, 2025**.
20. 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.*
21. 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.
22. The parties shall prepare and file a preliminary [hearing plan](#) with the Tribunal on or before **Friday, October 10, 2025** 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.

- 23.** All filings shall be submitted electronically and in hard copy, if so requested. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by *Rule 7*.
- 24.** 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.

This Member is not seized.

So orders the Tribunal.

Attachment to Procedural Order

MEANING OF TERMS USED IN THE PROCEDURAL ORDER

A **party** is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. An **unincorporated group** cannot be a party and it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer and may have an agent speak for them. The agent must have written authorisation from the party.

NOTE that a person who wishes to become a party before or at the hearing, and who did not request this at the case management conference (CMC), must ask the Tribunal to permit this.

A **participant** is an individual or corporation, whether represented by a lawyer or not, who may make a written submission to the Tribunal. A participant cannot make an oral submission to the Tribunal or present oral evidence (testify in-person) at the hearing (only a party may do so). Section 17 of the Ontario Land Tribunal Act states that a person who is not a party to a proceeding may only make a submission to the Tribunal in writing. The Tribunal may direct a participant to attend a hearing to answer questions from the Tribunal on the content of their written submission, should that be found necessary by the Tribunal. A participant may also be asked questions by the parties should the Tribunal direct a participant to attend a hearing to answer questions on the content of their written submission.

A participant must be identified and be accorded participant status by the Tribunal at the CMC. A participant will not receive notice of conference calls on procedural issues that may be scheduled prior to the hearing, nor receive notice of mediation. A participant cannot ask for costs, or review of a decision, as a participant does not have the rights of a party to make such requests of the Tribunal.

Written evidence includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.

Visual evidence includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss; and a list of reports or materials that the witness will rely on at the hearing.

An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on

those issues and the complete reasons supporting their opinions and conclusions and (5) a list of reports or materials that the witness will rely on at the hearing. An expert witness statement must be accompanied by an acknowledgement of expert's duty.

*A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a statement of the participant's position on the appeal; a list of the issues which the participant wishes to address and the submissions of the participant on those issues; and a list of reports or materials, if any, which the participant wishes to refer to in their statement.*

Additional Information

*A **summons** may compel the appearance of a person before the Tribunal who has not agreed to appear as a witness. A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons through a request. (See [Rule 13](#) on the summons procedure.) The request should indicate how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the information provided in the request that the evidence is relevant, necessary or admissible, the party requesting the summons may provide a further request with more detail or bring a motion in accordance with the Rules.*

*The **order of examination of witnesses** is usually direct examination, cross-examination and re-examination in the following way:*

- *direct examination by the party presenting the witness;*
- *direct examination by any party of similar interest, in the manner determined by the Tribunal;*
- *cross-examination by parties of opposite interest;*
- *re-examination by the party presenting the witness; or*
- *another order of examination mutually agreed among the parties or directed by the Tribunal.*

ATTACHMENT 1
LIST OF PARTIES AND PARTICIPANTS

A. PARTIES

- 1. Blueland Farms Limited
(Applicant/Appellant)**

Al Burton
Thomson Rogers Lawyers
Suite 3100
390 Bay Street
Toronto, ON M5H 1W2

Email: aburton@trlaw.com

Tel: (416) 868-3113
- 2. Richard Pilosof**

**Rodney Northey, Graham Reeder,
Peter Gross and Chris Hummer**
Gowling WLG
1 First Canadian Place
100 King Street West, Suite 1600
Toronto, ON M5X 1G5

Email: rodney.northey@gowlingwlg.com
Email: graham.reeder@gowlingwlg.com
Email: peter.gross@gowlingwlg.com
Email: chris.hummel@gowlingwlg.com

Tel: (416) 369-6666 (Northey)
Tel: (416) 369-7322 (Reeder)
Tel: (416) 862-4459 (Gross)
Tel: (416) 862-3540 (Hummer)
- 3. Town of Caledon**

Chris Barnett
Osler, Hoskin & Harcourt LLP
1 First Canadian Place
100 King Street West, Suite 6200
Toronto, ON M5X 1B8

Email: cbarnett@osler.com

Tel: (416) 862-6651

4. **Niagara Escarpment Commission**
- Demetrius Kappos**
 Ministry of Natural Resources and Forestry
 Legal Services Branch
 Room 3420
 99 Wellesley Street West
 Toronto, ON M7A 1W3
- Email: demetrius.kappos@ontario.ca
- Tel: (416) 254-7258
5. **Ministry of Natural Resources and Forestry**
- Zachary D'Onofrio and Sarah Dalton**
 Ministry of Natural Resources and Forestry
 Legal Services Branch
 Room 3420
 99 Wellesley Street West
 Toronto, ON M7A 1W3
- Email: zachary.d'onofrio@ontario.ca
 Email: sarah.dalton2@ontario.ca
- Tel: (416) 919-8621 (D'Onofrio)
 Tel: (416) 432-1219 (Dalton)
- B. PARTICIPANTS**
1. **Martin Shain** martinshain495@gmail.com
2. **Miriam Kelly** mak-vs@bellnet.ca
3. **Bob Shapton** bshapton@gmail.com
4. **Ezra Satok-Wolman** esw@atelierhq.com
5. **Nikola Balaban** kathyfrlan@hotmail.com
6. **Cynthia Barrett** cmargk@yahoo.com
7. **Sandy Kang-Gill & Manjinder Gill** sandy.kang.gill@gmail.com

ATTACHMENT 2 ISSUES LIST

Legend

NEP = Niagara Escarpment Plan, 2017

PPS 2024 = Provincial Planning Statement, 2024 (coming into force on October 20, 2024)

ROP 2022 = Region of Peel Official Plan, 2022 (now an official plan of the Town of Caledon)

ROP 2016 = Region of Peel Official Plan, Office Consolidation 2016

TOP = Town of Caledon Official Plan (March 2024 consolidation)

TOP-F = Future Caledon Official Plan

Note: The identification of an issue does not mean that all parties agree that such issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Tribunal at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Tribunal at the hearing will be either subject to a motion prior to the hearing or a matter of evidence and argument at the hearing.

Noise, air quality and human health

- Does Blueland Farms' proposed McCormick Pit, including its accessory uses and haul routes, ("**Blueland Farms' Proposal**" the "**Proposal**") avoid, or if avoidance is not possible, minimize and mitigate adverse or negative impacts from odour, noise and other contaminants? In this regard, does Blueland Farms' Proposal avoid, or if avoidance is not possible, minimize risk to public health?

NEP: 2.9.3(g)

PPS 2024: 3.5.1, 4.5.2.2

ROP 2022: 2.5.1, 2.5.2; 2.5.3, 2.5.4, 2.5.5, 5.3.3

ROP 2016: 2.2.3.1, 2.2.3.2, 2.2.3.3.1, 5.1.3.1

TOP-F: 8.3.1, 20.1(a), 20.1(b), 20.1(h), 20.3 (d), 20.5.9(a) – (d), 20.5.13;

TOP: 3.1.3.11.1, 3.1.3.11.2, 3.2.2.1.1

Visual impact

- Does Blueland Farms' Proposal demonstrate that it will maintain and enhance the scenic resources and open landscape character of the site?

NEP 2.9.3(c)

ROP 2022 3.2, 5.7.1, 5.7.2, 5.7.19.1, 5.7.19.9(a)(ii)-(iii);

ROP 2016 5.4.6.2.1 (f)

TOP-F 17.1(g), 20.5.14;

TOP 3.2.2.1.1, 3.2.2.1.2

Natural heritage

3. Has Blueland Farms' Proposal demonstrated that it will protect, enhance, and have no negative impacts on key natural heritage features and their ecological functions, including:
 - a. avoiding natural heritage features and maintaining and enhancing the connectivity between key natural heritage features?
 - b. whether development in the habitat of any species at risk complies with the *Endangered Species Act*?
 - c. Does the Proposal accord with all federal and provincial requirements, including the requirement not to cause harmful alteration, disruption or destruction of fish habitat, demonstrate no net loss of productive capacity of fish habitat, and demonstrate a net gain of productive capacity, where possible?

NEP: 2.7(1)(2)(a-e), 2.7.3, 2.7.4, 2.7.6, 2.7.8(b), 2.9.1, 2.9.2, 2.9.3(a),(e)
PPS 2024: 4.1.1, 4.1.2, 4.1.5, 4.1.6, 4.1.7, 4.1.8
ROP 2022: 2.14.8, 2.14.15, 2.14.17, 2.14.35, 2.14.36, 3.2, 3.4.7(a),(d),(e)
ROP 2016: 2.3.2.6, 3.3.2.3(a),(d),(e)
TOP-F: 13.2.1(a), 13.3.3, 13.6.3, 13.6.4, 13.6.5 (a)(b)(d), 13.6.7, 13.11.1, 20.5.3(b)-(d),(e),(g),(h), 20.5.3(b),(d),(g), 20.5.4
TOP: 3.2.2.1, 3.2.2.2, 3.2.4.1, 3.2.5.9.1, 3.2.5.9.3, 3.2.5.11.1, 3.2.5.11.2, 5.11.2.2.5, 5.11.2.9.10, 5.11.2.9.11
Endangered Species Act 9(1), 10(1)

Water resources

4. Does Blueland Farms' Proposal appropriately identify, protect, enhance, maintain, improve and restore sensitive surface and hydrologic or ground water features, including designated vulnerable areas and their hydrologic functions, both during and after extraction?

NEP: 2.6.3, 2.6.9, 2.9.3(d)
PPS 2024: 4.2.1(e), 4.2.2
ROP 2022: 2.6.2, 2.6.5, 2.6.11, 2.6.12
TOP-F 12.3.10 (b), 13.6.10 (a), 13.10.2, 13.10.3, 20.5.7
TOP 3.2.5.13.6, 7.13.3.2.1.2(a-c)

Cumulative effects

5. Does Blueland Farms' Proposal merit approval in light of cumulative impacts of the proposal and other extractive operations in the area?

NEP: 2.2.1

ROP 2022: 2.6.12, 2.6.19.4, 3.4.11

ROP 2016: 2.2.4.1.6, 3.3.2.7

TOP-F: 20.5.3(a)(iii), 20.5.3(b)(iv)

Implementation (in the event of approval, in whole or in part)

6. What conditions, if any, should the Ontario Land Tribunal impose on approvals to avoid or mitigate any negative impacts it finds?

Other

1. Does the proposal comply with all applicable legislative and policy requirements, including those related to rehabilitation, and the constitutional requirement concerning the duty to consult? With respect to the latter, has the Crown confirmed that adequate Indigenous consultation has been completed? If not, does the Tribunal have jurisdiction to determine the adequacy of Indigenous consultation in all of the circumstances?

NEP: 1.2.2.3 (a), (b), 1.2.2.4, 1.9.1, 2.9.3 (h), 2.9.11 (b)

**ATTACHMENT 3
ORDER OF EVIDENCE**

1. Appellant/Applicant – Blueland Farms Ltd.
2. Town of Caledon
3. Niagara Escarpment Commission
4. Richard Pilosof
5. Ministry of Natural Resources and Forestry
6. Reply by Blueland Farms Ltd.

ATTACHMENT 4
SUMMARY OF DATES

DATE	EVENT
Friday, January 17, 2025	Exchange of witness lists (names, disciplines and order to be called)
Friday, February 28, 2025	Experts meeting prior to this date
Friday, May 30, 2025	Statement of agreed facts and issues filed with the Tribunal
Friday, June 20, 2025	Exchange of witness statements, summoned witness outlines, expert reports and participant statements
Friday, August 15, 2025	Parties shall confirm with the Tribunal if all the reserved hearing dates are still required
Friday, August 22, 2025	Exchange of visual evidence
Friday, October 3, 2025	Joint document book filed with the Tribunal
Friday, October 10, 2025	Hearing plan filed with the Tribunal
Tuesday, October 21, 2025	Hearing commences