

Agenda Heritage Orangeville Committee Meeting

Thursday, March 17, 2022, 7:00 p.m. Chair and Secretary Participating Remotely The Corporation of the Town of Orangeville

NOTICE

Due to efforts to contain the spread of COVID-19, the Council Chambers at Town Hall will not be open to the public to attend Heritage Orangeville meetings until further notice.

Prior to be meeting, written comments may be sent to the Secretary of the Heritage Orangeville Committee by email at heritage@orangeville.ca. Such written comments will become part of the public record.

Members of the public may access the meeting on the above-noted date and time by telephone at: +1 289-801-5774,,425203709# Canada, Brampton

Phone Conference ID: 425 203 709#

Please note that your full name and comments will be part of the public record and will be included in the minutes of the meeting.

Accessibility Accommodations

If you require access to information in an alternate format, please contact the Clerk's division by phone at 519-941-0440 x 2256 or via email at clerksdept@orangeville.ca

			Pages	
1.	Call to Order			
2.	Disclosures of (Direct or Indirect) Pecuniary Interest			
3.	Adoption of Minutes of Previous Meeting Recommendations: That the minutes of the following meeting are approved:		3	
4.	Presentations			
5.	Items for Discussion and Reports			
	5.1.	Report from B. Ward, Manager of Planning - Demolition on a Municipal Heritage Register Property - 243 Broadway	6	
	5.2.	Report from B. Ward, Manager of Planning - Appointment of Committee Member to Review Committee of Adjustment Applications	23	
	5.3.	Footsteps from Our Past Project		
6.	Faca	Facade Improvement Applications		

7. Correspondence

That the correspondence is received:

- 8. New Business
- 9. Date of Next Meeting

The next meeting is scheduled for Thursday April 21st at 7:00 PM.

10. Adjournment



Minutes of Heritage Orangeville

February 17, 2022, 7:00 p.m. Chair and Secretary Participating Remotely The Corporation of the Town of Orangeville

Members Present: Councillor D. Sherwood

L. Addy L. Banks G. Sarazin

Members Absent: M. Hauck

Staff Present: A. Graham, Secretary

1. Call to Order

The meeting was called to order at 7:00 PM.

2. Disclosures of (Direct or Indirect) Pecuniary Interest

None.

3. Adoption of Minutes of Previous Meeting

Recommendation: 2022-008

Moved by G. Sarazin

That the minutes of the following meeting are approved:

Carried Unanimously

4. Presentations

4.1 Councillor Grant Peters - Delegation to Heritage Orangeville

Councillor Peters spoke to the Heritage Conservation District Study, that was previously raised by Council in 2018. He supported the initial study and asked the Committee for feedback to revisit the topic before Council.

Councillor Sherwood recommended that the Committee is inclined to seek direction from Council first before an endorsement can be made. Should the Committee be interested in the previous study, it is available on the Town website. She also suggested an amendment to expansion of the district to include two sections, excluding Zina Street from the conservation area.

Mr. Sarazin stated that there were contrasting perspectives regarding this expansion, one of which was a concern that an inclusion would place limits on what a property owner could do with their home. Councillor Sherwood added that should an expansion of the district be approved, no

single property could be excluded from the conservation area. Contrary to this concern, including more area within a heritage conservation district may help prevent undesirable structures that do not complement an existing heritage aesthetic.

Councillor Peters stated that support from Council on this subject is difficult to ascertain at this time. He suggested that this study serves the purpose of retaining a heritage downtown core. He suggested that a misinterpretation of the data and study in part attributed to the dismissal of the project and that if it were to be brought up again, he would seek to clarify these misconceptions.

Ms. Addy suggested that the community may be more amenable to the idea of the expansion if there was an opportunity to benefit from it. For example, if the Heritage Conservation District by-laws could be combined with the Ontario supported tax rebate program. She suggested that such an implementation would allow the Town to create their own criteria as it relates to the program and may create goodwill in the community. Furthermore, it was explained that a couple of conditions of the program is that the property is municipally designated and that the recipient of the rebate would enter a heritage easement agreement with the Town. Councillor Peters added that property owners in the district would only be impacted by this benefit should they pursue an appropriate renovation project. Ms. Addy stated that there should be no negative impact for a property to be included in a heritage conservation district.

It was confirmed that the Committee would be open to discussion on the heritage conservation district expansion, and suggested that some minor adjustments to the proposal such as property data sheets could be made.

5. Items for Discussion and Reports

5.1 Video Tour of Footsteps Booklet

Councillor Sherwood confirmed that the project as previously envisioned can not move forward with the allocated budget. However, there is interest in developing an alternative to a video tour. The Committee will bring ideas to the table at the March meeting.

6. Facade Improvement Applications

7. Correspondence

Recommendation: 2022-009

Moved by L. Addy

The Committee has reviewed the information from Bluestone Research and is satisfied that any historical element has been documented and therefore have no further comment.

Carried Unanimously

Recommendation: 2022-010

Moved by L. Banks

That the Committee receive the correspondence.

Carried

8. New Business

Troy Brett is Heritage Orangeville's OBIA representative for the remaining term of Council.

Linda Banks reminded the Committee that the fundraiser, The Coldest Night of the Year, is February 26th, 2022.

Councillor Sherwood noted with regards to the extension of the rail trail, that trails have been budgeted for this year and further details will be developed by staff and distributed to the public accordingly.

9. Date of Next Meeting

The next meeting is scheduled for Thursday March 17th at 7:00 PM.

10. Adjournment

The meeting adjourned at 8:05 PM.





Subject: 243 Broadway – Demolition on a Municipal Heritage

Register Property

Department: Infrastructure Services

Division: Planning[Report Number]

Meeting Date: 2022-03-17

Recommendations

That Heritage Orangeville receives and reviews the information contained in this report and provides comment to the Planning Division regarding this matter.

Background and Analysis

The subject property is known municipally as 243 Broadway and is located at the corner of Broadway and Faulkner Street. The property is situated within a mixed-use area containing many properties of cultural heritage and value or interest. There is a 1-1/2 storey detached building situated on the property, which was built circa 1875. This property is listed on the Municipal Register of Non-Designated Heritage Properties of Cultural Heritage Value or Interest. A heritage summary of the subject property obtained from the Town's interactive-mapping-tool for Heritage-Properties is included in Attachment 1.

The owner has advised the Town of their intent to demolish an existing attached garage in order to construct a 1-1/2 storey addition containing a garage and living space above. The survey and site plan showing the location of the demolition are included as Attachment 2. Site photos are included in Attachment 3.

The Ontario Heritage Act ("the Act") requires the owner of a listed property to give Council at least 60 days written notice of an intention to demolish or remove a structure from the property, together with plans or other required information that justify the demolition or removal. Council may agree to the demolition or initiate the process to provide further protection of the property through designation under the Part IV of the Act. Council must consult with Heritage Orangeville before allowing the demolition or removal of a structure from a listed property.

The Planning Division is seeking comments from the Committee with respect to the demolition of the attached garage, in terms of any impacts to the heritage attributes associated with the listing of this non-designated property on the Municipal Heritage Register.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Community Stewardship

Objective: Maintain and Protect our Built and Natural Heritage

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy,

liveable and safe communities

Notice Provisions

There are no public notification provisions applicable to this report.

Financial Impact

There are no financial impacts anticipated to the Town arising from this report.

Respectfully submitted Prepared by

Brandon Ward, MCIP, RPP Mary Adams

Manager, Planning, Infrastructure Services Planning Administrator, Infrastructure

Services

Attachment(s): 1. Heritage Orangeville Building Summary

2. Survey and Site Plan Drawings

3. Site Photos

243 Broadway

YearBuilt 1875 Status MunReg - Non Designated

Circa Yes Bylaw null

Building Type Commercial District Downtown

Original OwnerDr. Joseph CarbertPlaquenull

Full Demolition No Times Partially Demoed 0

Year of Full Demo null

Reason for Demos null

Architectual Style Architectual Description

A one and a half storey house clad in brick which has been painted, it has a high cross hip roof. Two roof dormers are found in the front facing parts of the roof. A third roof dormer is on the east facing roof and two more on the rear or north facing roof. All the dormers have bow roofs and a single 6/6 sash window with plain wood surround. Under the eaves is found a dentil wall cornice moulding. The building has an L-shpaed footprint with a projecting westerly front portion. A small canted bay is found on the front of the east facade. An attached single car garage with portico is found at the rear. On the west facade there is a large gabled wall dormer. A large chimney runs up the west facade through the eaves. There are three windows on the front facade all with shutters; the westerly one has 8/8 sashes while the two easterly have 6/6 sashes. They both appear to have wood sills. The front central entrance has a round top window or fanlight above the door. The bay has a combination of an 8/8 sash window flanked by 4/4 windows on either side. Tot he rear from the bay is a 6/6 sash window with shutters then a bank of three casement windows. At the rear is another 6/6 window with shutters. A rear entrance with a three quarter lite multi-paned door is located under the portico.

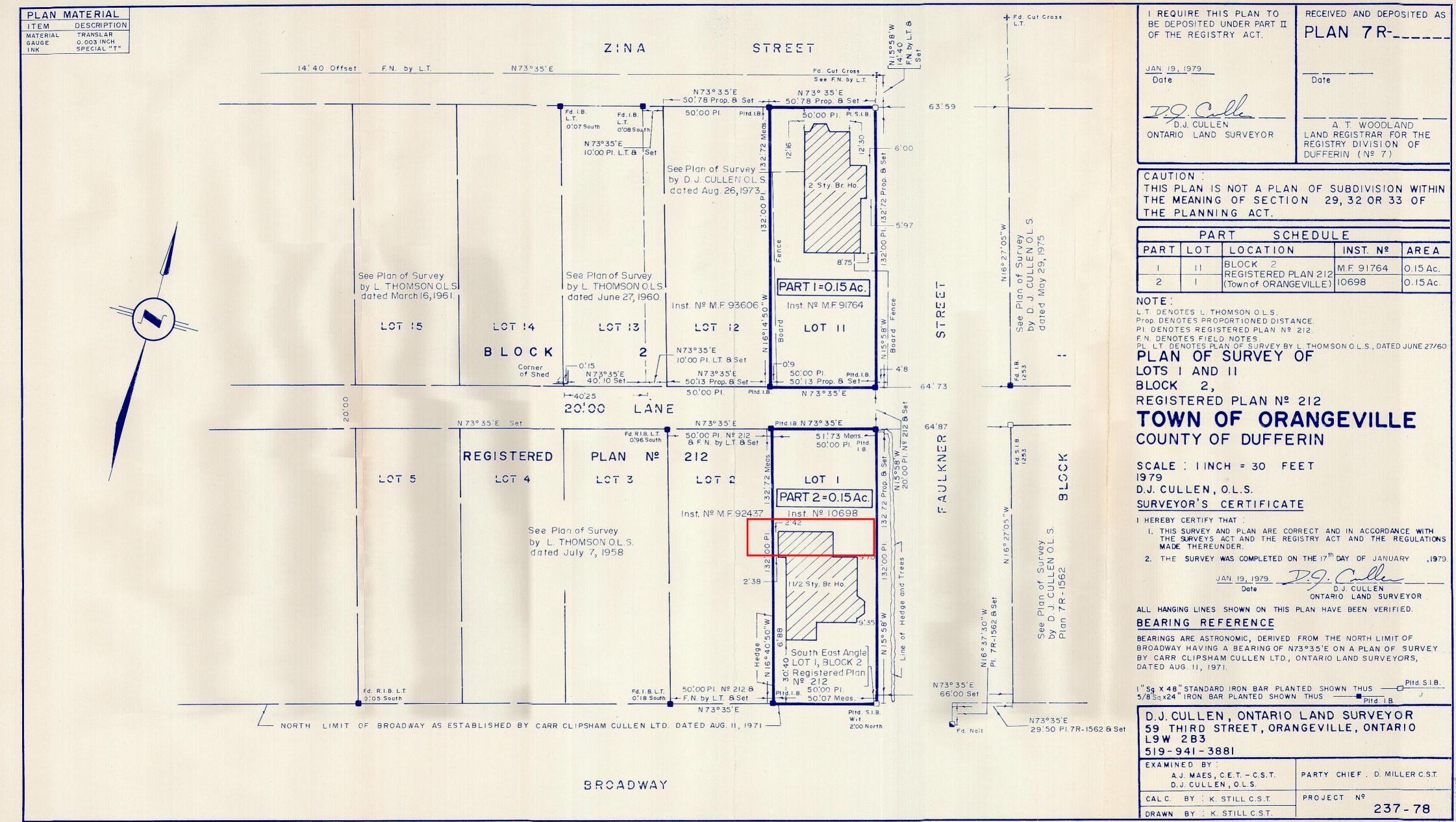
Historical Description

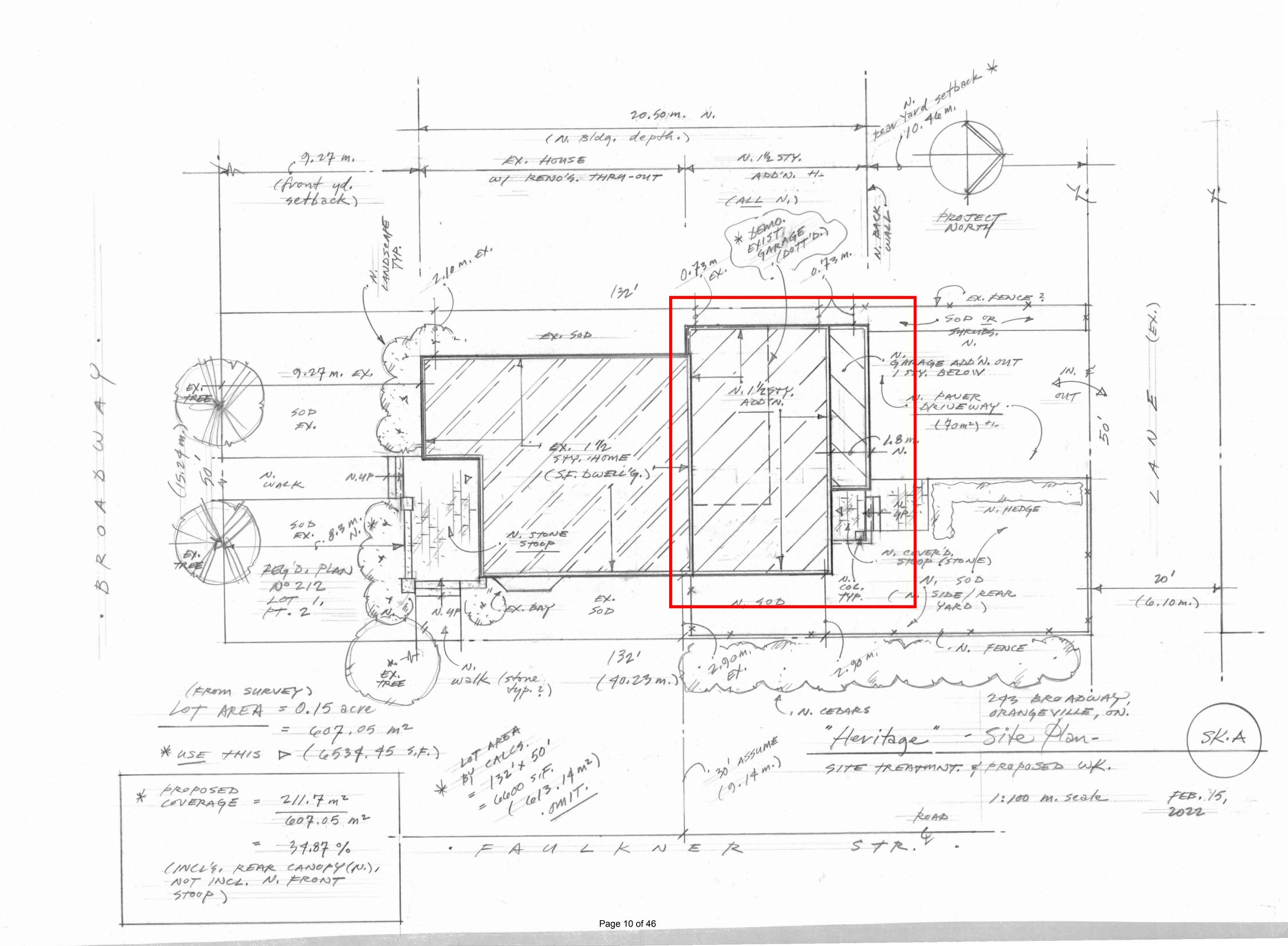
The assessments have this property owned by Dr. Joseph Carbert in 1869 and built on in 1870 but increasing in assessed value in 1874. Large mortgages were registered against the property in 1875, 1877, 1886, and 1887. Dr. Carbert practiced in Orangeville for many years and was appointed the jail surgeon for the newly formed County of Dufferin in 1881. In 1900 Hannah May Sutherland bought the house for \$1400. The Carberts moved to Toronto by 1901. Mary Lucy Marsden purchased th property in September 1904 for \$1700. James Russell Morrow, a jeweler at 125 Broadway and bandmaster of the Orangeville Citizens' band, bought it in 1915 for \$2000. A large brick one and a half storey house is shown on the 1907, 1924 and 1935 insurance maps. The house that is on the property now is not the building drawn on the fire insurance maps built by the Carberts. The Morrows demolished that house and replaced it with the one that exists now.

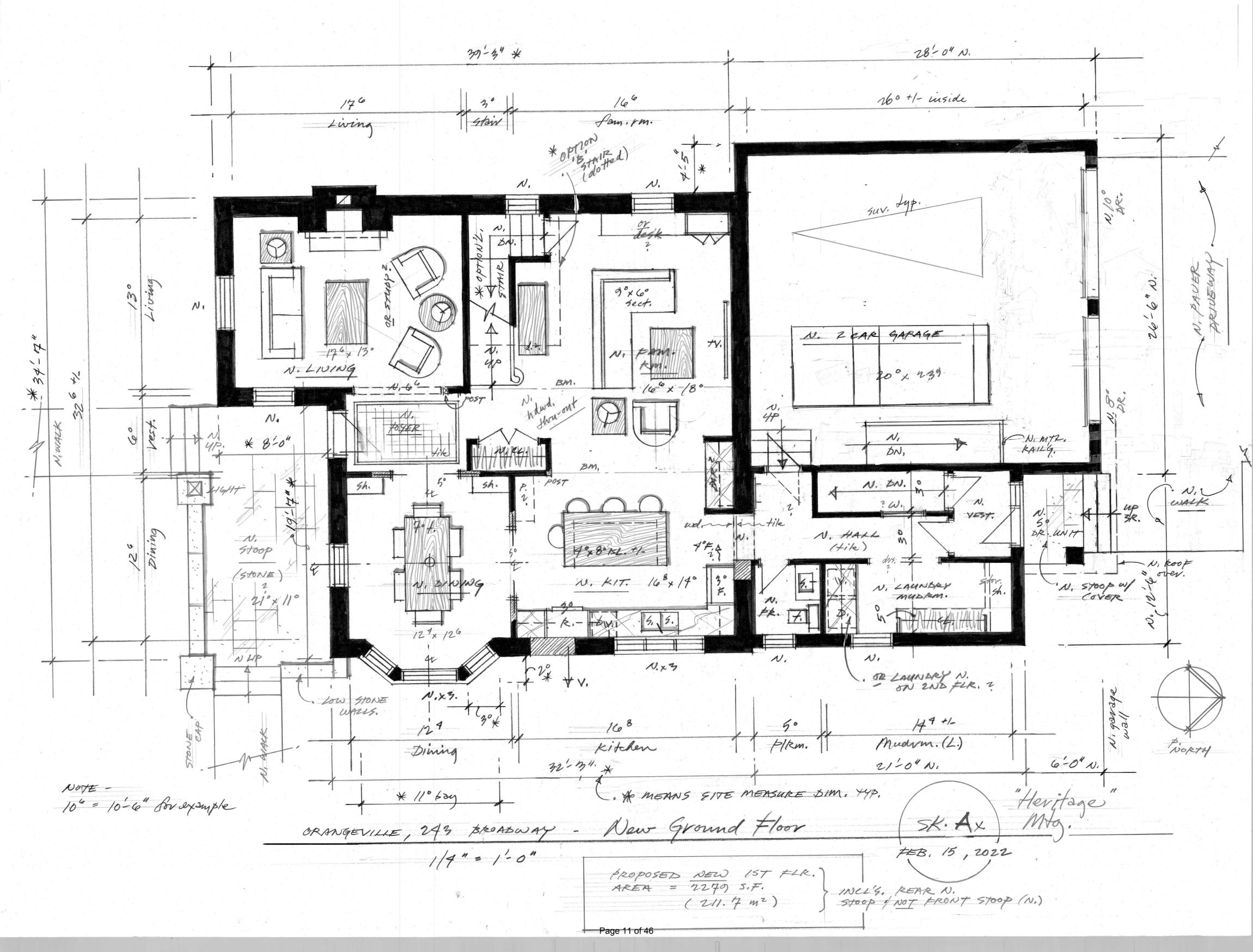
Property information composed by the Heritage Orangeville Committee

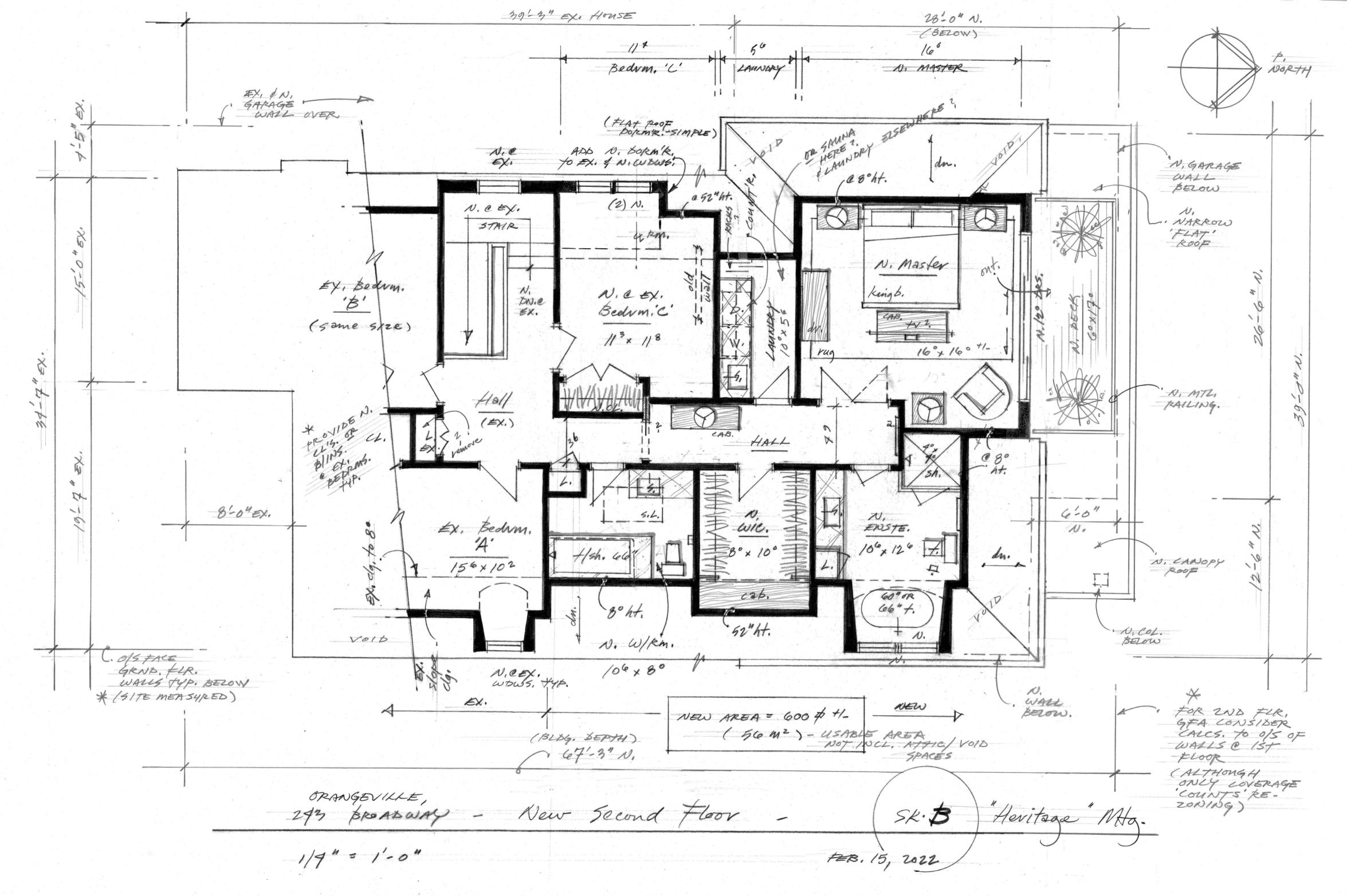
Photos

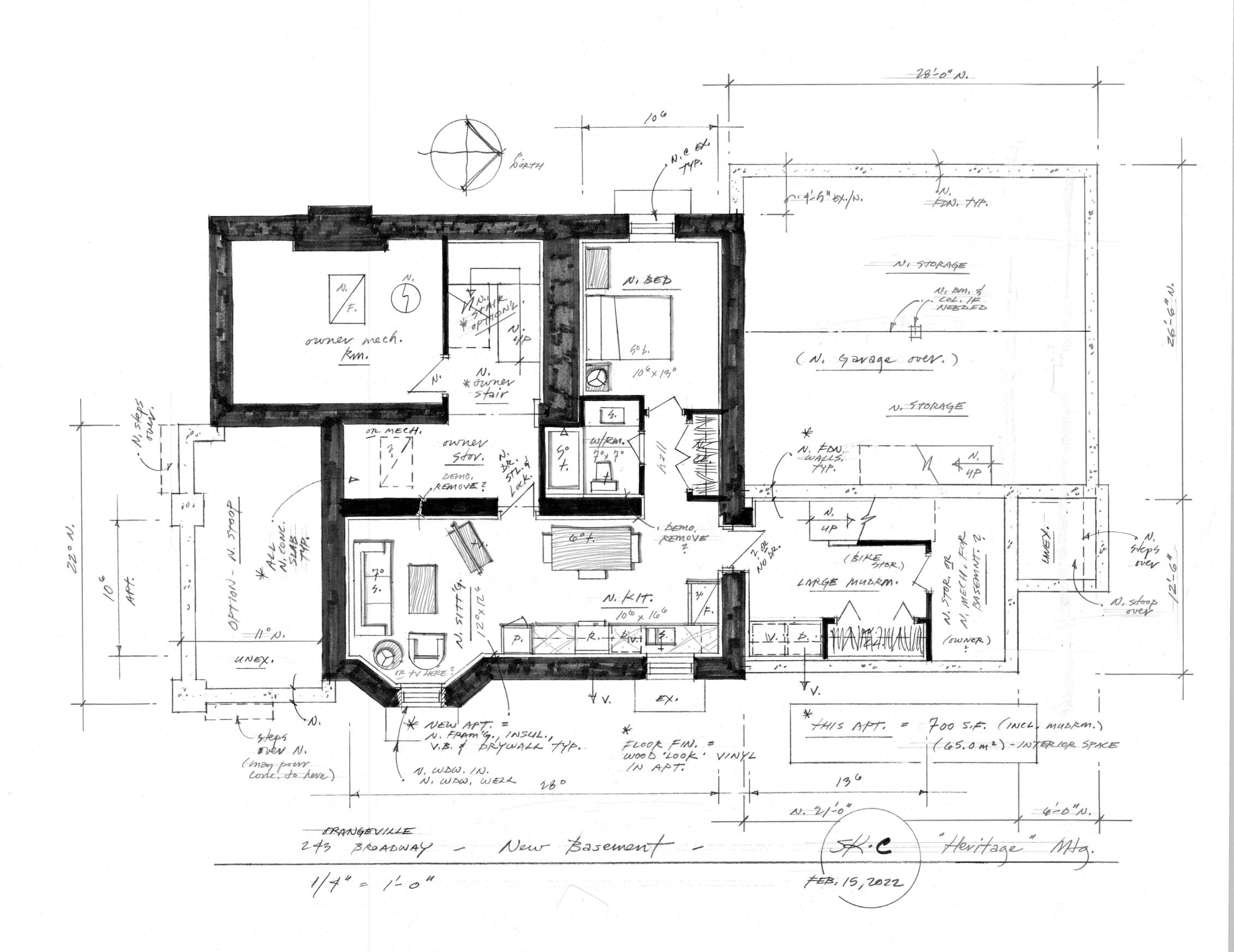


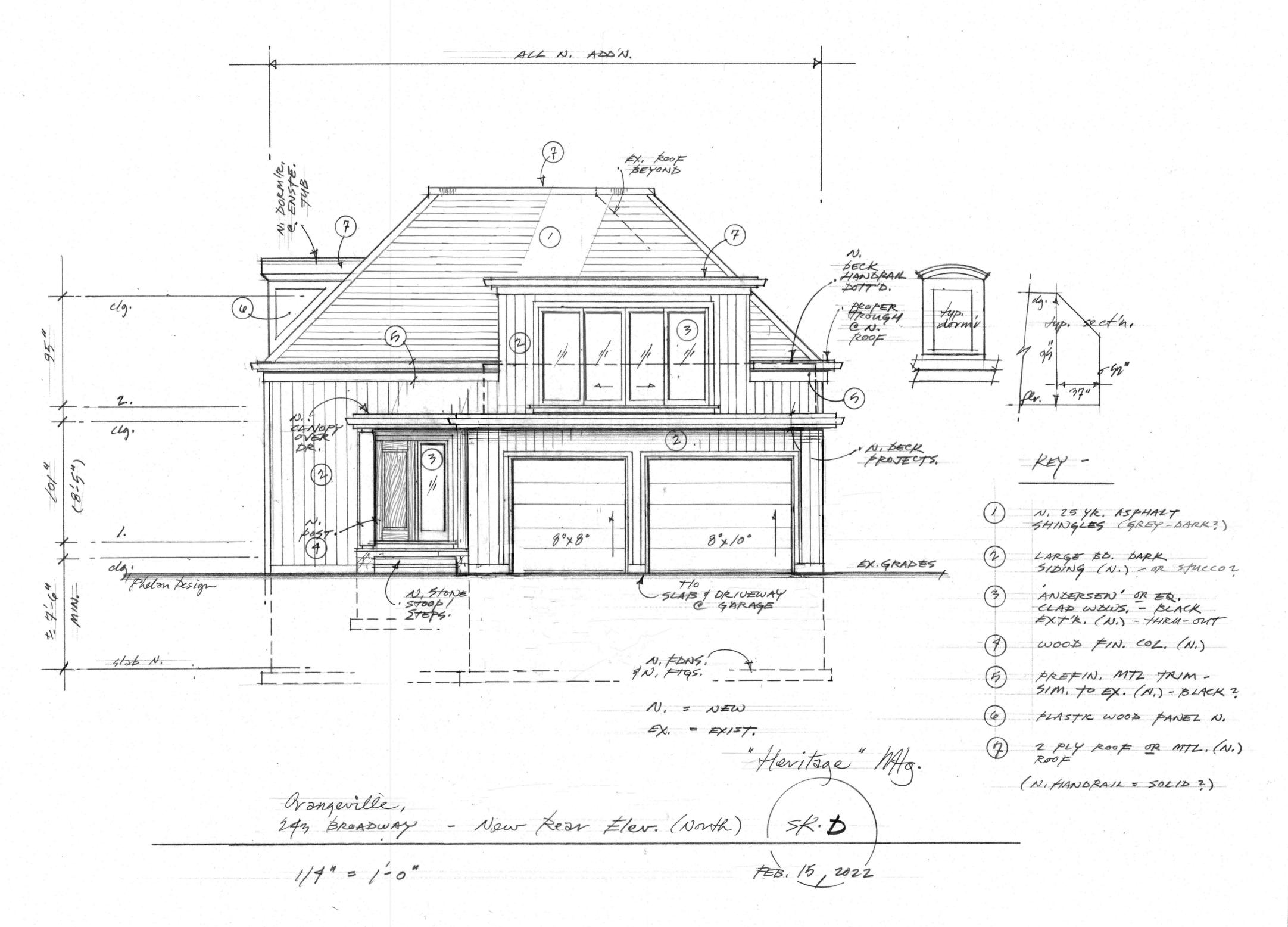


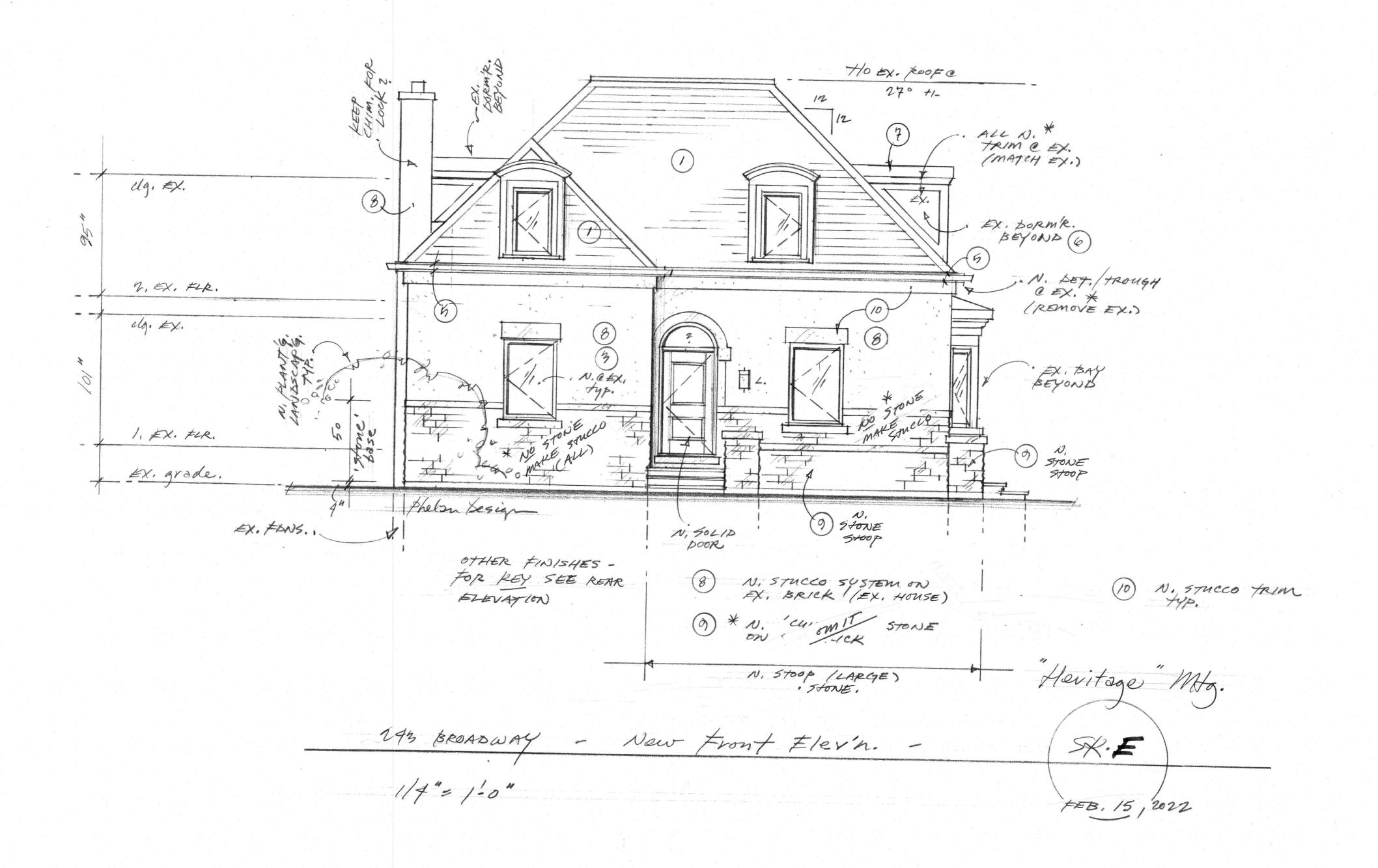


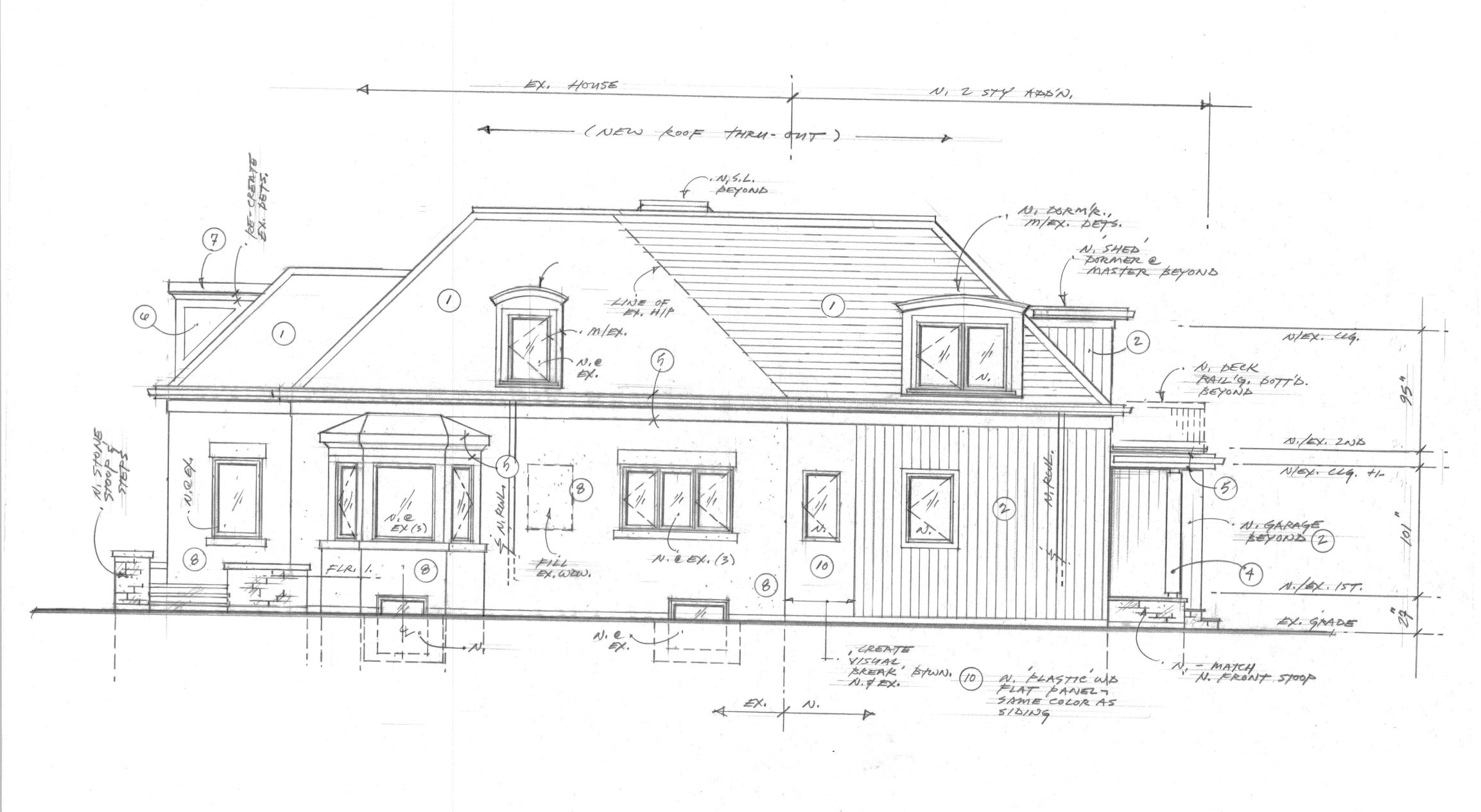








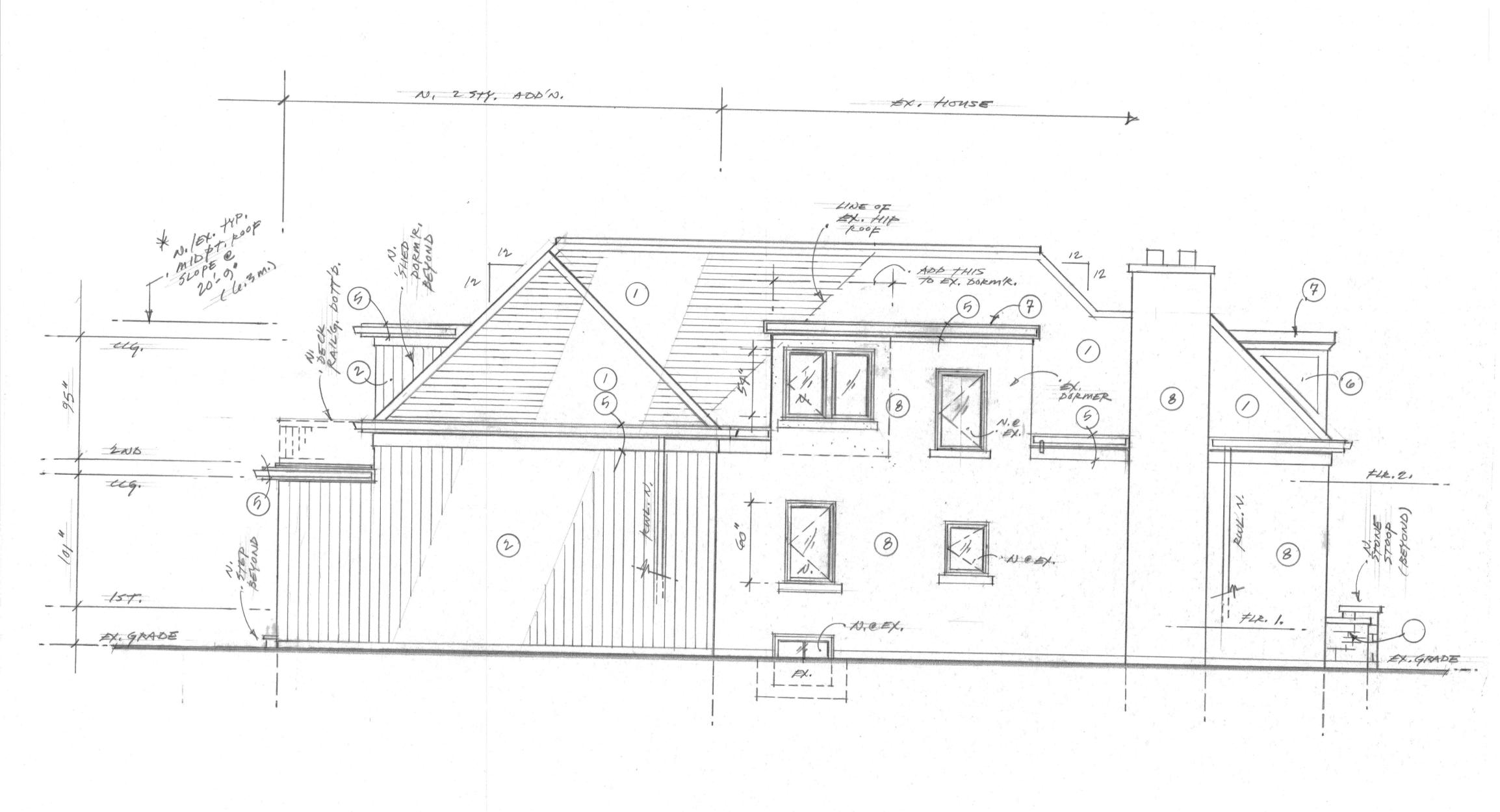




"HERITAGE" MIG.

14" = 1'0"

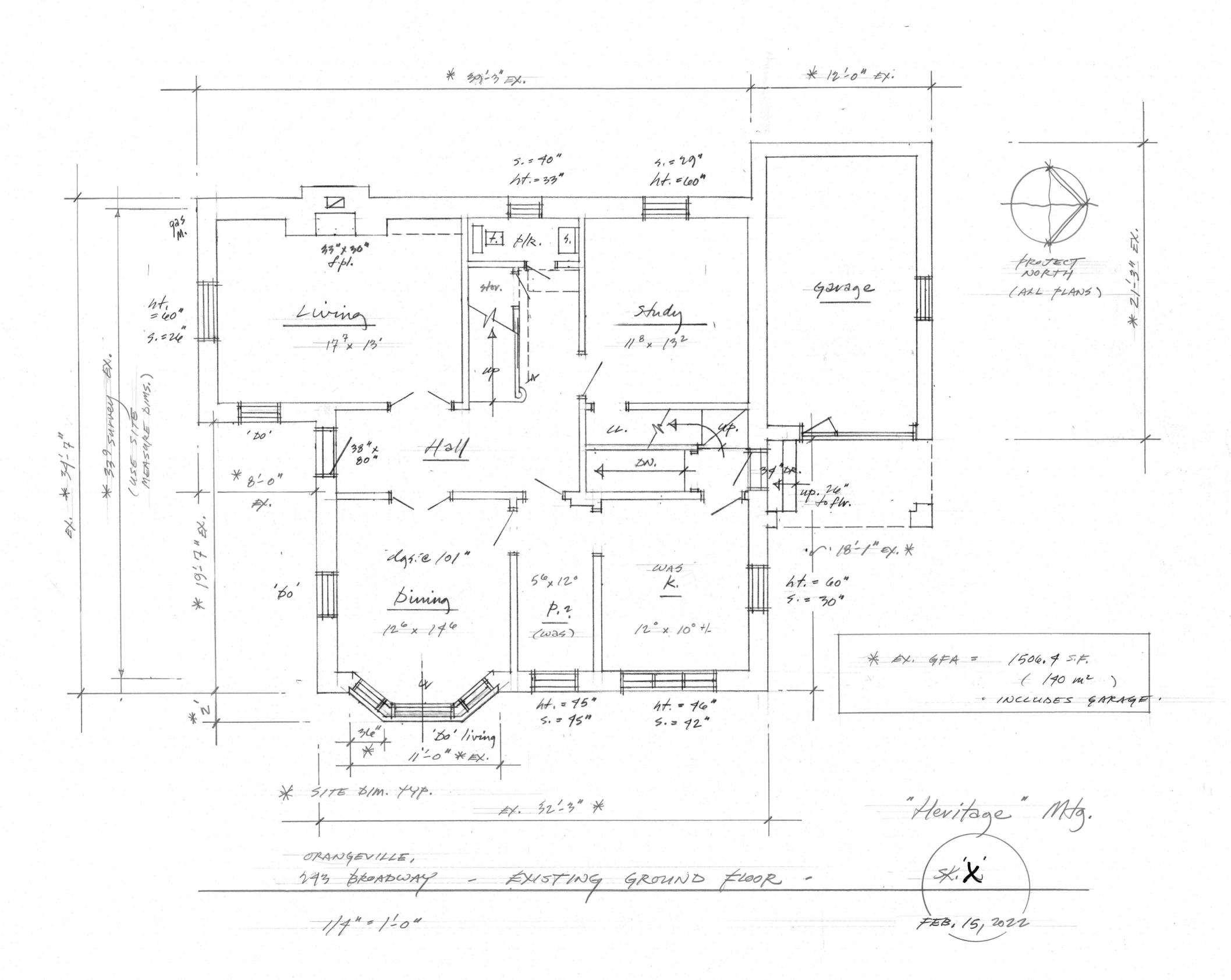
FEB. 15, 2022

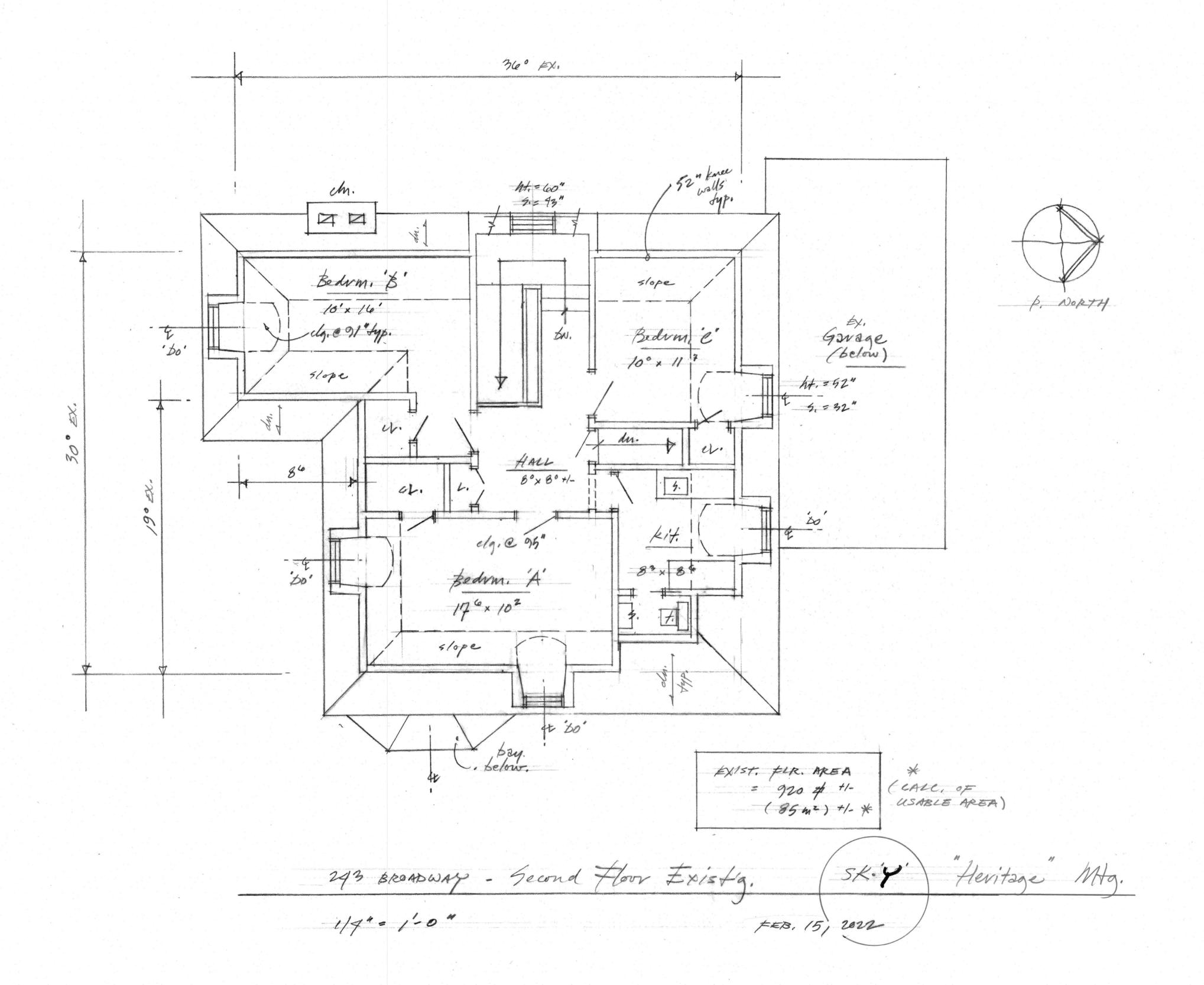


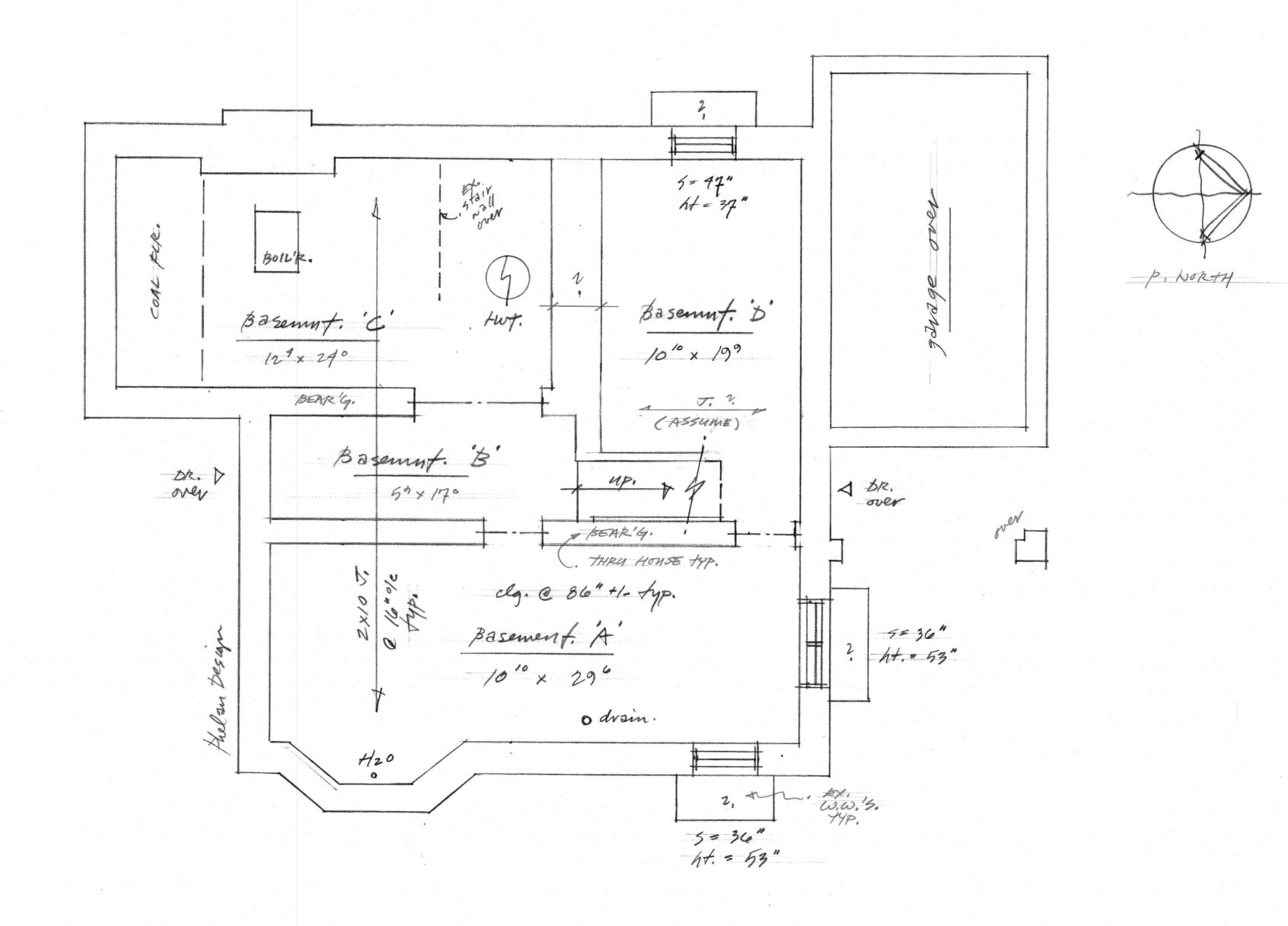
"Heritage" Mg.

243 BROADWAY - New West Elevation.

SX. G FEB. 15, 2022







299 pronoway - Existing Basement Sk.Z. "Heritage" M/g.
1/4" = 1'-0"

##B. 15, 2022









Subject: Appointment of Heritage Orangeville Members to

Review Committee of Adjustment Application Notices

Department: Corporate Services

Division: Planning [Report Number]

Meeting Date: 2022-03-17

Recommendations

That Report: Appointment of Heritage Orangeville Members to Review Committee of Adjustment Application Notices, be received.

And that Heritage Orangeville appoint two (2) of its members in a primary and alternate capacity respectively, to be responsible for reviewing Committee of Adjustment application notices and providing comments on the applications as appropriate, based on the nature of the application and the mandate of Heritage Orangeville.

And th	at the Heritage Orangeville hereby appoints:
i.	as the primary member; and
ii.	as an alternate member;
to revi	ew and comment on Committee of Adjustment application notices.

Background and Analysis

Like many municipalities, Orangeville has established a Committee of Adjustment ("C of A" or "Committee") under the authorities of the Planning Act, as a Council-appointed group responsible for considering and making decisions on applications for minor variances to the Town's Zoning By-law, as well as applications for consent to sever land.

Minor variance applications are typically submitted for site developments, redevelopments or renovations, where the proposal generally meets the requirements of the Zoning By-law but requires relief or "variance" from certain standards of the By-law that the proposal cannot meet. This often includes matters such as a reduction to a minimum yard setback, an increase to a maximum building height, an increase to a maximum lot coverage requirement, etc.. The C of A has the authority to grant a "Minor Variance" to the Zoning By-law in these circumstances, instead of requiring an amendment to the Zoning By-law. In considering a Minor Variance application, the

Committee must be satisfied that criteria specified in the Planning Act is met by the application. This includes whether the requested Minor Variance:

- 1. conforms to the intent of the Official Plan;
- 2. meets the intent of the Zoning By-law;
- 3. is appropriate and desirable for the use of the land, building or structure; and
- 4. is minor in nature.

The Planning Act outlines parameters for how Minor Variance applications are processed, which includes a requirement for the Committee to make a decision on an application within 30-days of receipt. There are also requirements for circulating a Notice of an application prior to the C of A public hearing in which the application would be considered.

The C of A also considers applications for Consent, which typically involve land severances to create new lots, adjustments to the boundary(ies) of existing lots, establishing easements, etc. Consent applications are also subject to similar process requirements under the Planning Act, in terms of notification, decision-making, etc.. All C of A application decisions are subject to certain rights of appeal.

The timelines associated with C of A applications conflict with the monthly Heritage Orangeville meeting agenda schedule, making it difficult to provide these items to Heritage Orangeville for comment before they are decided upon. Essentially, application notices for an upcoming C of A hearing are often issued after the agenda is prepared for the prior Heritage Orangeville meeting. Notwithstanding this, the nature of C of A applications may be minor in scope and/or unrelated to any heritage attribute(s). Therefore, their review and comment by Heritage Orangeville may often be unwarranted.

Notwithstanding this, it is appropriate to advise Heritage Orangeville of C of A application matters before they are decided upon. This would give Heritage Orangeville the opportunity to comment on any application where it is of a significant scope and relates to a heritage property, where its approval could negatively impact identified heritage attributes.

To address the timeline conflicts between the C of A application process and the Heritage Orangeville meeting schedule, staff recommend that the Committee appoint two members who would be circulated on all C of A application notices. The two (2) members would be appointed with one serving in a primary capacity, and the other as an alternate, who would fill this role when the primary member is unable to do so.

The appointed members would be circulated on all C of A application notices (i.e., for Minor Variances, consents to sever, etc.). Notice distribution would occur by email and the appointed members would be expected to provide comments (where appropriate) by email. To maintain timelines for C of A application processing, the appointed members would be expected to submit any comments on applications within three (3) to

five (5) business days of receipt. The current practice of including notices of decisions for C of A applications on monthly Heritage Orangeville meeting agendas would remain.

The role of the appointed member would be responsible for reviewing the substance of an application and providing comments to the C of A where appropriate. In reviewing C of A applications, the appointed Heritage Orangeville members would be expected to consider the following when determining if the matter is relevant to Heritage Orangeville and if so, what are the comments that should be submitted:

- 1) Is the subject property an identified heritage property, or adjacent to identified heritage property(ies)?
- 2) What is the level of heritage identification that may apply to the subject property(ies) or surrounding area in question, i.e., listed (non-designated) or designated individually or within a district?
- 3) How would the application affect any heritage attributes associated with the heritage identification of the property (or area)?

Strategic Alignment

Orangeville Forward - Strategic Plan

Priority Area: Community Stewardship

Objective: Maintain and Protect our Built and Natural Heritage

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy,

liveable and safe communities

Notice Provisions

There are no public notification provisions applicable to this report.

Financial Impact

There are no financial impacts anticipated to the Town arising from this report.

Respectfully submitted

Brandon Ward, MCIP, RPP Manager, Planning, Infrastructure Services

Attachment(s): None



Corporate Policy

Use of Corporate Resources During an Election

Department: Corporate Services

Approved by Council on January 24, 2022
Resolution No. 2022-026

1. Policy Statement

The Municipal Elections Act (the Act), 1996, as amended, establishes regulations governing campaign finance for candidates running in a municipal election. Section 88.18 of the Act provides for the establishment of rules and procedures with respect to the use of municipal or board resources during the election campaign period.

The Election Finances Act, 1990, as amended, and the Canada Elections Act, 2000, as amended, establish regulations for candidates and parties running in provincial and federal elections. Section 29 (1) of the Election Finances Act and Section 363 (1) of the Canada Elections Act prohibit a corporation from making campaign contributions to any candidate, political party, nomination or leadership contestant, or constituency association in a provincial or federal election.

As a campaign contribution may take the form of money, goods or services, any use of corporate resources for campaign related purposes is not permitted, unless otherwise stated in this policy.

2. Purpose

The purpose of this policy is to provide a framework regarding the use of the Town's corporate resources in an election campaign by members of Council, members of committees, members of boards, candidates, registered third parties and Town employees.

This policy ensures compliance with the Municipal Elections Act, the Election Finances Act and the Canada Elections Act and supports and maintains accountable and transparent election practices.

3. Definitions

"the Act" means the Municipal Elections Act, 1996, as amended.

"Campaign Materials" means any materials that promote or oppose a Candidate including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia and may be in any media format, including but not limited to, print, displays, radio or television, or online including websites and social media.

- "Campaign related activities" means any activity that is meant to elicit support or opposition of a candidate.
- "Candidate" means a person who is running or has expressed an intention to run in a municipal, provincial or federal election including a person seeking to influence other person(s) to vote for or against a candidate or any question or by-law submitted to the electors.
- "Corporate resources" means Town property, assets, equipment, technology, hardware, software, software licenses, vehicles, supplies, services, **employees**, or any resource that belongs to or is funded by the town and includes, but is not limited to the Town logo, crest, coat of arms, flag, slogan, uniform, badge or other similarly branded corporate resources or property.
- "Election" means any municipal, provincial or federal election including by-elections.
- "Employee" means any individual working for or receiving compensation from the Town, including those in full-time, part-time, seasonal or contract positions and volunteers while they are acting in an official capacity with the Town.
- "**Person**" means an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.
- "Registered Third Party" means an individual, corporation or trade union that is registered under section 88.6 of the Act.
- "Town Property" includes lot, land, building, facility or structure owned by the Town but does not include property owned by a corporation of which the Town is the sole shareholder or that is owned by the Town and leased to another **person** or entity for a period of twenty-one (21) years of longer.

4. Scope

This Policy applies to the use of corporate resources.

5. Policy

This policy does not prevent members of Council from conducting their regular duties as political representatives for their constituents. Members are responsible for ensuring any activities funded by the Town are not related to **campaign related activities**. Committee and Board members who are involved in **campaign related activities** are to ensure that they are not doing so within their official capacity as a member.

6. Town Property

6.1 No **person** shall conduct **campaign related activities** on **Town Property** that contains a Town building, this includes inside and outside of the building, except as follows:

- All-candidate meetings, if rented in accordance with the Town's rental procedures, provided that all candidates for an office are invited to attend the event by the event organizers. Campaign materials may only be distributed in the designated rented meeting space.
- **6.2** No **campaign related activities** are permitted to take place at any function hosted by the Town whether held on **Town property** or not.

7. Communications and Technology

- **7.1** No person shall use corporate resources for any communications related to any campaign related activities, including the town website, social media, domain names, and other corporate systems, or any material produced, printed, displayed or distributed by the Town, except as follows:
 - Links to the Town's website are permitted by a **candidate** or **registered third party** election website solely for the purpose of providing the public information about the election or for sharing Town program/service information.
- **7.2** Websites and domains that are operated or funded by the Town shall not include any campaign materials or links to any websites which include campaign materials.
- **7.3** From the first day of the nomination period in a municipal election, all links to social media accounts and personal external websites of current members of Council will be removed from Town run or funded websites and domains.

8. Employees

- **8.1** With respect to elections, **employees** are expected to promote the principles of transparency, impartiality, respect, and accountability.
- **8.2** Further to the Employee Code of Conduct, the following applies to all **employees:**
 - Employees may not engage in any campaign related activities during their working hours or for time they are receiving remuneration from the Town. This includes, but is not limited to, providing any election related administrative support to candidates.
 - Employees may engage in campaign related activities as long as those personal
 activities are kept separate from their official positions and duties. Employees must
 ensure that their political activities do not create a perceived or actual conflict of
 interest in their day-to-day work.
 - While engaging in campaign related activities, employees shall not utilize corporate resources.
- **8.3** No **person** shall use the services of Town **employees** for any campaign related activities during hours in which **employees** receive any remuneration from the Town.

9. General

- **9.1 Candidates** shall not submit a complaint to the Town on behalf of other people during an election campaign.
- **9.2** Election signs may only be displayed in accordance with the Town's Election Sign Bylaw.



Jennifer Meader

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Cell: 416.605.0508 jmeader@tmalaw.ca

VIA EMAIL or REGULAR MAIL

To Whom it May Concern,

March 10, 2022

Re: NOTICE OF HEARING

41 William Street, Orangeville OLT Case No. PL210146

Municipal File Nos. A-02/21, B-01/21 & RZ-2021-01

We are counsel to Duncan Shaw ("Owner"), owner of the property municipally known as 41 William Street within the Town of Orangeville ("Subject Lands"). Applications for consent to sever the Subject Lands, minor variances, and subsequently for a zoning by-law amendment (collectively, the "Applications") were submitted to the Town of Orangeville ("Town"). The Applications have all been appealed to the Ontario Land Tribunal ("Tribunal").

We are pleased to advise that a settlement has been reached between the Town and the Owner in relation to the Applications. The Tribunal has scheduled a one-day settlement hearing ("Hearing") to bring forward the Applications for approval. The Hearing will take place on May 11, 2022, by way of video conference. We are required by the Tribunal to circulate notice of the Hearing to the proximate landowners and other interested parties. As such we are enclosing the following materials:

- 1. Notice of Hearing scheduled for May 11, 2022, for one (1) day;
- 2. Rules 17.1 to 17.5 of the Ontario Land Tribunal's Rules of Practice and Procedure; and
- 3. An Explanatory Note, setting out the purpose and effect of the proposed Applications, description of the Subject Lands, along with a key map.

If you have any questions with respect to this notice, please contact the Tribunal's Case Coordinator/Planner, Hanh Dang via email at hanh.dang@ontario.ca.

Yours truly,

Jennifer Meader

semnifet) Hisader

JM/my Encl. (3)

Ontario Land Tribunal Tribunal ontarien de

l'aménagement du territoire

655, rue Bay, bureau 1500

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

Toronto (ON) M5G 1E5 Téléphone: (416) 212-6349 Sans frais: 1-866-448-2248 Website: olt.gov.on.ca Site Web: olt.gov.on.ca



PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*,

R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Shaw Duncan Subject: Consent

Property Address/Description: 41 William Street Municipality: Town of Orangeville

Municipal File No.: B-01/21

OLT Case No.: OLT-21-001691

Legacy Case No.: PL210146

OLT Lead Case No.: OLT-21-001691

Legacy Lead Case No.: PL210146

OLT Case Name: Shaw v. Orangeville (Town)

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*,

R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Shaw Duncan Minor Variance Subject: Variance from By-law No.: 41 William Street Property Address/Description: Zoning By-Law 22-90 Municipality: Town of Orangeville

Municipal File No.: A-02/21

OLT Case No.: OLT-21-001692

Legacy Case No.: PL210147

OLT Lead Case No.: OLT-21-001691

Legacy Lead Case No.: PL210146

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*,

R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Shaw Duncan

Subject: Application to amend Zoning By-law No. 22-90 –

Refusal of application by Town of Orangeville

Existing Zoning: Residential Second Density (R2) Zone Proposed Zoning: Residential Third Density (R3) Zone, with Special

Provision 24.228 and subject to a

Holding (H) Symbol

Purpose: to permit an additional detached and semi-

detached dwelling

Property Address/Description: 41 William Street
Municipality: Town of Orangeville

Municipal File No.: RZ-2021-01
OLT Case No.: OLT-21-001591
OLT Lead Case No.: OLT-21-001691

Legacy Lead Case No.: PL210146

The Ontario Land Tribunal ("Tribunal") will conduct a **Hearing** by **Video Conference** for this matter.

The event will be held:

AT: 10 AM

ON: Wednesday, May 11 2022

AT: https://meet.goto.com/765631861

Access Code: 765-631-861

The Tribunal has set aside 1 day for this matter.

The event will be held using **GoTo Meetings**. 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 <u>GoToMeeting</u>. A web application is also available:

<u>https://app.gotomeeting.com/home.html</u> . 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): 1 888 455 1389

Canada: +1 (647) 497-9391

Access Code: 765-631-861

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 Rule 17 on adjournments.

This event is conducted under <u>Rule 20</u> of the Tribunal's Rules. <u>Rule 20.2</u> 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 hearing event and must be copied to the other parties. All contact information is included in Schedule A.

If you do not attend the event, the Tribunal may proceed in your absence and you will not be entitled to any further notice of these proceedings.

SUBMISSION REQUIREMENTS

If a person intends to refer to a document at the hearing that is not in the Tribunal's case file, the document is expected to be pre-filed electronically with the Tribunal **at least 10 days** before the date of the hearing, 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.

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 and Participant Statement Form are available on the Tribunal's website https://olt.gov.on.ca/appeals-process/forms/) 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 Hanh Dang at hanh.dang@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 status request will be reviewed and considered by the presiding Member at the hearing. It will also assist the Tribunal in organizing the hearing event. **Attendance by**

the requestor, or their representative, at the hearing is required for all status requests.

Persons who are granted **party status** may participate fully in the proceeding <u>(see Rule 8)</u>.

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 hearing 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 hearing are permitted to participate in any further hearing event that is convened by the Tribunal for this appeal.

Please note that this matter is a hearing and the presentation of evidence will be required.

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 event that will set out the directions of the Tribunal. A copy of the decision may also be obtained from the Tribunal's website (https://olt.gov.on.ca/tribunals/lpat/e-decisions/) by referencing the above case number.

Please review the Tribunal's Rules 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. 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.

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 Friday, February 11th, 2022

Euken Lui Acting Registrar

SCHEDULE A

Please provide materials electronically to the assigned Tribunal Case Coordinator **Hanh Dang** at **hanh.dang@ontario.ca**

On the same day that documents are submitted to the Tribunal, electronic copies are to be submitted to:

Solicitor for the Approval Authority

R. Andrew Biggart, abiggart@ritchieketcheson.com

Solicitor Appellant/Applicant

Jennifer Meader, <u>imeader@tmalaw.ca</u>

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 <u>least 10 days</u> 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.

SCHEDULE C

EXCERPT FROM ONTARIO LAND TRIBUNAL'S RULES OF PRACTICE AND PROCEDURE, ON DOCUMENTS, EXHIBITS, FILING, SERVICE, ROLES OF PARTIES, ADJOURNMENTS AND ELECTRONIC HEARINGS. THE FULL DOCUMENT IS AVAILABLE ON THE TRIBUNAL'S WEBSITE.

RULE 7

DOCUMENTS, EXHIBITS, FILING, SERVICE

- 7.1 Form of Documents Unless otherwise directed by the Tribunal, every document filed or introduced by a party or participant in a proceeding before the Tribunal shall be legible and prepared on letter size paper (8 ½" x 11"), except for large documents such as plans, surveys or maps, and, where bound together with other documents, shall have each page numbered consecutively, throughout the entire text or within tabs, including any graphic content. Wherever possible, an electronic copy of the document must also be filed with the Tribunal, identically numbered as the paper document.
- **Other Exhibits** Large graphic or other such types of visual evidence should not be glued to foam or other boards. They shall be on paper and be removed from the boards following the hearing event, and folded to 8 ½" x 11". Three-dimensional models must be photographed and the photographs must be introduced with the model. Visual evidence must be reviewed by the other parties before the hearing event or by an earlier date if set out in a procedural order.
- 7.3 Copies of Documents for Parties and the Municipal Clerk A party who intends to introduce a document as evidence at a hearing event shall provide a copy of the document to all the parties at the beginning of the proceeding or by an earlier date if that is required by the terms of a procedural order or otherwise directed by the Tribunal. If the document is an official plan, those parts of the plan to be referred to at the hearing event should be distributed to the parties, and a copy of the entire plan must be made available to the Tribunal Member(s). If the Tribunal orders that the Municipal Clerk keep copies of documents for public inspection, they do not need to be certified copies, unless a party objects that they are not authentic copies.
- **7.4** Prefiling of Witness Statements and Reports If the hearing is expected to last more than 5 days, the Tribunal may require that parties calling expert or professional witnesses serve on the other parties any expert witness statements and reports prepared for the hearing, at least 30 days in advance of the commencement of the hearing, unless otherwise directed by the Tribunal. The Tribunal may in its discretion, or at the request of a party, also make this prefiling order for hearings expected to last fewer than 5 days. The expert witness statement must contain:
 - a. an executed acknowledgment of expert's duty form (attached to these Rules) and the expert's qualifications;

- b. the issues the expert will address, their opinions on these issues, the reasons that support their opinions and their conclusions; and
- c. a list of the reports or documents, whether prepared by the expert or by someone else, that the expert will refer to at the hearing.

The expert's complete report may be filed instead of this statement if it contains the required information.

An expert may not be permitted to testify if this statement or report is not served on all parties when so directed by the Tribunal.

- **7.5 Duty of the Expert Witness** It is the duty of every expert engaged by or on behalf of a party who is to provide opinion evidence at a proceeding under these Rules to acknowledge, either prior to (by signing the acknowledgment form attached to the Rules) or at the proceeding, that they are to:
 - a. provide opinion evidence that is fair, objective and non-partisan;
 - b. provide opinion evidence that is related only to the matters that are within the expert's area of expertise;
 - c. provide such additional assistance as the Tribunal may reasonably require to determine a matter in issue;
 - d. not to seek or receive assistance or communication from any third party, except technical support, while giving oral evidence in examination in chief, while under cross-examination, or while in reply; and
 - e. acknowledge that these duties prevail over any obligation owed by the expert to the party by whom or on whose behalf he or she is engaged.
- **7.6** Other Witnesses The Tribunal may also require that a witness who is not presenting expert evidence provide a witness statement. A witness statement should contain:
 - a. a short written outline of the person's background experience and interest in the matter;
 - b. a list of the issues that they will discuss; and
 - c. a list of reports or materials that they will rely on at the hearing.

The Tribunal may decline to allow the witness to testify if this statement is required by the Tribunal and has not been provided to the other parties.

- **7.7 Participant Statements** A person who wishes to participate in a proceeding as a participant, shall file a written participant statement that sets out their position on the appeal and issues of the proceeding, together with an explanation of their reasons in support of their position. A participant may only make submissions to the Tribunal in writing unless otherwise provided for by an Act or regulation.
- **7.8** Amendment of Documents Documents filed with the Tribunal can only be amended with the consent of the parties or by order of the Tribunal. The Tribunal may

require that the person requesting an amendment do so by way of a motion under Rule 10.

- **7.9** Copies of Tribunal Documents A person may examine any document, including electronic documents, filed with the Tribunal and copy it after paying the Tribunal's fee, unless a statute, a Court Order, an order of the Tribunal or these Rules provide otherwise.
- **7.10 Return of Exhibits** Exhibits of all types introduced at a hearing will be kept for 180 days after the Tribunal decision issues. The person introducing an exhibit may ask for its return after this time, and it may be given back if the Tribunal agrees. If no such request is made, the exhibit becomes the property of the Tribunal and may be archived.
- **7.11** Service by Personal Service or Electronic Service Where any document is required to be served or filed, including the one commencing a proceeding or a motion or providing notice, it shall be served by personal service, registered mail or electronically (unless a statute or the Tribunal requires another method of service) and shall be sent to:
 - a. the party's representative, if any;
 - b. where the party is an individual and is not represented, to that party directly, where that party has provided an address for service and/or an e-mail address;
 - where that party is a corporation and is not represented, to the corporation directly, to the attention of an individual with apparent authority to receive the document;
 - d. where served on or filed with a local board or commission, or any department, ministry or agency of the federal, provincial or municipal government, to an individual with apparent authority to receive the document; or
 - e. where served on or filed with the Tribunal, to the Registrar, or the assigned administrative staff.

Subject to Rule 7.12, if a document is served by e-mail, then service is effective on the date of service.

- **7.12** If Served Electronically After 4:30 p.m. Any document served electronically after 4:30 p.m. is deemed to have been served on the next business day.
- **7.13 Proof of Electronic Service** A confirmation printout received by the sender is proof of the full transmission and receipt of the electronic service.

RULE 8

ROLE AND OBLIGATIONS OF A PARTY

- **8.1** Role and Obligations of a Party Subject to Rule 8.2 below, a person conferred party status to a proceeding before the Tribunal may participate fully in the proceeding, and by way of example may:
 - a. Identify issues raised in a notice of appeal for the approval of the Tribunal;
 - b. Bring or respond to any motion in the proceeding;
 - c. Receive copies of all documents and supporting information exchanged, relied upon or filed in connection with any hearing event conducted in the proceeding;
 - d. Present opening and closing submissions at the hearing;
 - e. Present and examine witnesses and cross-examine witnesses not of like interest;
 - f. Claim costs or be subject to a costs award when ordered by the Tribunal; and
 - g. Request a review of the Tribunal's decision or order as set out in Rule 25.
- **8.2** Power of Tribunal to Add or Substitute Parties The Tribunal may add or substitute a party to a proceeding when that person satisfies any applicable legislative tests necessary to be a party and their interest may be transferred or transmitted to another party to be added or substituted provided their presence is necessary to enable the Tribunal to adjudicate effectively and completely on the issues in the proceeding.
- **8.3 Non-Appellant Party** A party to a proceeding before the Tribunal which arises under any of subsections 17(24) or (36), 34(19) or 51(39) of the Planning Act who is not an appellant of the municipal decision or enactment may not raise or introduce a new issue in the proceeding. The non-appellant party may only participate in these appeals of municipal decisions by sheltering under an issue raised in an appeal by an appellant party and may participate fully in the proceeding to the extent that the issue remains in dispute. A non-appellant party has no independent status to continue an appeal should that appeal be withdrawn by an appellant party.
- **8.4** <u>Common Interest Class</u> Where the Tribunal is of the opinion that more than one party is of common interest with another party or other parties, the Tribunal may, on its own initiative or on the request of any party, appoint a person of that class of parties to represent the class in the proceeding.

RULE 17

ADJOURNMENTS

- **17.1** Hearing Dates Fixed Hearing events will take place on the date set unless the Tribunal agrees to an adjournment. Adjournments will not be allowed that may prevent the Tribunal from completing and disposing of its proceedings within any applicable prescribed time period.
- 17.2 Requests for Adjournment if All Parties Consent If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the written consents of all parties. However, the Tribunal may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent. The consenting parties are expected to present submissions to the Tribunal on the application of any prescribed time period to dispose of the proceeding.
- 17.3 Requests for Adjournment without Consent If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 15 days before the date set for the hearing event. If the reason for an adjournment arises less than 15 days before the date set for the hearing event, the party must give notice of the request to the Tribunal and to the other parties and serve their motion materials as soon as possible. If the Tribunal refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.
- **17.4 Emergencies Only** The Tribunal will grant last minute adjournments only for unavoidable emergencies, such as illnesses so close to the hearing date that another representative or witness cannot be obtained. The Tribunal must be informed of these emergencies as soon as possible.
- **17.5** Powers of Tribunal upon Adjournment Request The Tribunal may,
 - a. grant the request.
 - b. grant the request and fix a new date or, where appropriate, the Tribunal will schedule a case management conference on the status of the matter;
 - c. grant a shorter adjournment than requested;
 - d. deny the request, even if all parties have consented;
 - e. direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue:
 - f. grant an indefinite adjournment, if the Tribunal finds no substantial prejudice to the other parties or to the Tribunal's schedule and the Tribunal concludes the request is reasonable for the determination of the issues in dispute. In this case, a party must make a request, or the Tribunal on its own initiative may direct, that the hearing be rescheduled or resumed as the case may be;
 - g. convert the scheduled date to a mediation or case management conference; and
 - h. make any other appropriate order.

RULE 20

ELECTRONIC HEARINGS

- **20.1** Hearing Events by Teleconference or Videoconference
 The Tribunal may hold a hearing event by electronic hearing, such as by teleconference or videoconference, for the determination of any issue in the proceeding. Where the Tribunal directs that a hearing event be held by electronic hearing, the Tribunal may direct a party to make the necessary arrangements and to give notice of those arrangements to the Tribunal and other parties.
- **20.2** Objection to the Electronic Format A party who objects to a hearing event being held as an electronic hearing shall notify the Tribunal and all other parties of its objection within the time period specified in the notice of the electronic hearing. The objecting party shall set out the reasons why the electronic hearing is likely to cause the objecting party significant prejudice.
- **20.3** Response to Notice of Objection The Tribunal may request a written response from other parties to the objection of an electronic hearing within a time period set out by the Tribunal.
- **20.4** <u>Procedure When Objection is Received</u> If the Tribunal receives an objection to hold a hearing event by electronic hearing, it may:
 - a. accept the objection, cancel the electronic hearing, and schedule an in person or written hearing; or
 - b. if the Tribunal is satisfied, after considering any responding submissions that no significant prejudice will result to a party, then the Tribunal will reject the objection and proceed with the electronic hearing.
- **20.5** <u>Directions for the Electronic Hearing</u> The Tribunal may direct the arrangements for the electronic hearing or designate an approved location for videoconference to protect the integrity of the hearing process, including the security and confidentiality of evidence as necessary.
- **20.6** <u>Videoconferences</u> The Tribunal shall pre-approve all arrangements for conducting a hearing event by videoconference, including the pre-filing and exchange of motion materials, documents, written submissions or any visual and written evidence, and the locations for the conference. Any information, statement or material intended to be filed as an exhibit at a videoconference shall be pre-filed with the Tribunal and provided to all parties in accordance with the Tribunal's directions or procedural order for conducting a hearing event by videoconference.
- **20.7** The View of the Camera A party's representative or a witness in a videoconference shall be in view of the camera, with minimal visual obstructions, in the course of their presentations or submissions to the Tribunal. Where a witness is being examined or cross-examined, there shall be a view of the witness, counsel protecting

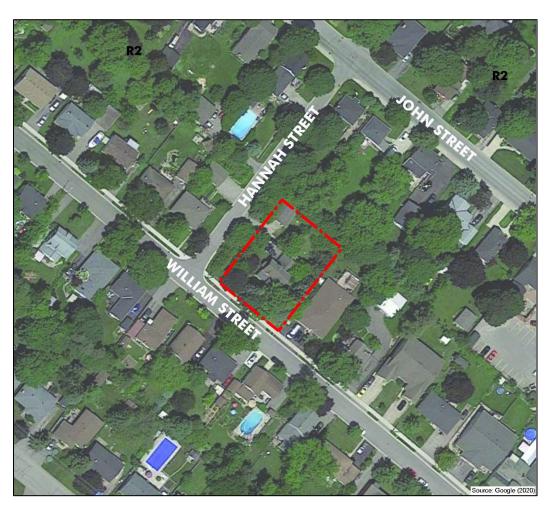
the witness, and the person conducting the examination or cross-examination. Any document that may be referred to by parties or their witnesses shall be visible and legible to the Tribunal and all other parties to the conference, either by the camera or by referring to a copy of the document exchanged in accordance with the Tribunal's directions.

June 1, 2021

EXPLANATORY NOTE

41 William Street, Town of Orangeville

Purpose and effect of proposed Zoning By-law Amendment and Consent



Subject lands

Description of Subject Lands

The subject lands are municipally known as 41 William Street, and are located at the corner of William Street and Hannah Street. The subject lands have frontage on both streets, with the main vehicular access from Hannah Street. The property contains a two-storey single-detached dwelling, which dates from the late 19th century, as well as a detached garage of later construction. The existing dwelling is proposed to remain in situ.

The property is comprised of what was once two lots (Lot 8 and Lot 9) which were created through a previous Plan of Subdivision, with the existing house being located on Lot 8. Lot 9 was intended to be developed with a single detached dwelling but was never constructed.

Existing zoning

The subject lands are current zoned Residential, Second Density (R2) Zone in the Town of Orangeville Zoning By-law.

Proposed zoning

The proposal would change the zoning to Residential, Third Density (R3) Zone with a Special Provision applied to the parcel and a Holding (H) zone applied to a portion of the lands. The proposed zone would facilitate the construction of two semi-detached units on a portion of the subject lands, as well as introduce site-specific provisions for the new proposed single-detached dwelling and the semi-detached units. The current R2 zoning does not permit semi-detached units. The site-specific provisions include maximum height permissions for the three new units that are proposed. The (H) would ensure

matters such as servicing are addressed prior to the issuance of a building permit. The proposed semi-detached units require the extension of services along Hannah Street.

Proposed consent

The proposed consent would create a new parcel of land at the corner of William Street and Hannah Street. The parcel of land is intended to accommodate a single-detached dwelling. The application was recommended for approval by Town staff, with conditions, but was not supported by the Committee of Adjustment. The application was subsequently appealed to LPAT (now OLT) by the applicant.