

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



**ISSUE DATE:** September 29, 2020

**CASE NO(S):** PL180646

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant: Sarah Properties Limited  
Subject: Request to amend the Official Plan - Refusal of request by Township of Amaranth  
Existing Designation: Community Residential  
Proposed Designated: Site Specific – to be determined  
Purpose: To permit a communal wastewater treatment system to facilitate a residential development  
Property Address/Description: Concession 10, East Part Lots 2 and 3  
Municipality: Township of Amaranth  
Approval Authority File No.: OPA2-15  
LPAT Case No.: PL180646  
LPAT File No.: PL180646  
LPAT Case Name: Sarah Properties Limited v. Amaranth (Township)

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

Applicant and Appellant: Sarah Properties Limited  
Subject: Application to amend Zoning By-law No. 2-2009 - Refusal or neglect of Township of Amaranth to make a decision  
Existing Zoning: Hamlet Residential and Rural  
Proposed Zoning: Site Specific (To be determined)  
Purpose: To permit 334 single unit residential units  
Property Address/Description: Concession 10, East Part Lots 2 and 3  
Municipality: Township of Amaranth  
Municipality File No.: Z4-15  
LPAT Case No.: PL180646  
LPAT File No.: PL190601

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

Applicant and Appellant: Sarah Properties Limited  
 Subject: Proposed Plan of Subdivision - Failure of Township of Amaranth to make a decision  
 Purpose: To permit 334 single unit residential units  
 Property Address/Description: Concession 10, East Part Lots 2 and 3  
 Municipality: Township of Amaranth  
 Municipality File No.: S2-15  
 LPAT Case No.: PL180646  
 LPAT File No.: PL190602

**Heard:** September 25, 2020 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Sarah Properties Limited	Patrick Harrington
Township of Amaranth	Jeffrey Wilker
Centurian Homes Limited	John Alati and Alex Lusty

**MEMORANDUM OF ORAL DECISION DELIVERED BY HELEN JACKSON ON SEPTEMBER 25, 2020 AND ORDER OF THE TRIBUNAL**

[1] This matter concerns the appeal by Sarah Properties Limited (“Sarah”/“Applicant”) from the Township of Amaranth’s (“Township”) refusal of an official plan amendment (“OPA”) application to permit a residential development on a property located north of County Road 109, east of the Amaranth-East Luther Townline and west of 10th Line (“Site”) that is proposed to be serviced by a communal waste water system. The first Case Management Conference (“CMC”) for this appeal was held April 3, 2019 (PL180646; Order issued June 20, 2019). The Site is approximately 35 hectares in size and is within the west portion of the Community of Waldemar.

[2] In conjunction with the OPA application, Sarah submitted applications for a zoning by-law amendment (PL190601) and draft plan of subdivision (PL190602) to

permit a new residential development with 334 lots/dwellings. The Applicant has since appealed from the Township's lack of decision on the draft plan of subdivision and zoning by-law amendment applications.

[3] This CMC was the second CMC for the OPA appeal and the first CMC for the appeals of the lack of decision on the draft plan of subdivision and zoning by-law amendment applications.

[4] The three appeals are being heard together for the purposes of this CMC. Whether the three appeals will continue to be heard together or whether the appeals are phased for the purposes of a hearing will be determined at a later date.

[5] Centurian Homes Limited ("Centurian") attended this CMC to request party status to the draft plan of subdivision and the zoning by-law amendment appeals. Centurian is a direct neighbour to the proposed development and is currently in the process of developing their lands. As described by counsel, Centurian is requesting party status for the sole purpose of ensuring a fair and proportionate cost sharing for water storage infrastructure and associated costs. The Applicant and the Township do not object to the request. The Tribunal was satisfied that Centurian has a legitimate interest in the matter and granted party status to the appeals of the zoning by-law amendment and draft plan of subdivision.

[6] Counsel for the Applicant indicated that the key issue with respect to the OPA is the proposed communal sewage treatment system which requires the Township agree to a Municipal Responsibility Agreement which the Township does not wish to enter into. The Applicant requested that the Tribunal set a further CMC to allow the Applicant time to pursue with the Township the possibility of other forms of servicing.

[7] Numerous participants to the OPA appeal attended this CMC. There were no requests for participant status to the appeals of the zoning by-law amendment or the draft plan of subdivision either in advance of or at this CMC. Counsel for the Township noted that because this was an appeal of a non-decision there may be requests for

participant status when the lot fabric is reviewed by the residents. The Tribunal advises that if there are those who wish to request participant status to the appeals of the zoning by-law amendment or draft plan of subdivision, they should make such a request in writing 10 days in advance of the next CMC, in accordance with the Tribunal's *Rules of Practice and Procedure*.

[8] The Tribunal considered the submissions of the Parties and scheduled a further CMC in this matter for Tuesday, January 26, 2021, at 10 a.m. The purpose of the CMC is for the parties to advise on their discussions regarding whether there may be other types of servicing that may be agreeable to the Township and warrant further investigation. If there is no possibility of resolution of this issue, the parties are directed to be prepared to address procedural matters for a contested hearing in the matter.

## **ORDER**

[9] A CMC by video hearing is scheduled for **Tuesday, January 26, 2021, to commence at 10 a.m.**

[10] Parties and Participants are to participate with video and audio enabled. Join the event from a computer, tablet or smartphone **by using this link:** <https://global.gotomeeting.com/join/798695949>. When prompted, **enter the code 798-695-949 to be** connected to the hearing by video.

[11] Observers are to participate with audio only enabled. Join the event via telephone conference **by calling: Toll Free 1 888 455 1389 or 1 (647) 497-9391**. When prompted, **enter the code 798-695-949** to be connected to the call.

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

[13] There will be no further notice, and I am not seized.

*"Helen Jackson"*

HELEN JACKSON  
MEMBER

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please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**  
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