

RUSSELL D. CHEESEMAN
~ Barrister & Solicitor ~

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

August 28, 2024

DELIVERED BY COURIER and E-MAIL

Mr. Shawn Everett
Chief Administrative Officer
Corporation of the Town of the Blue Mountains
32 Mill Street
Thornbury, Ontario
N0H 2P0

Attention: Mr. Shawn Postma, Manager of Community Planning

Dear Sir:

**Re: Formal Request for an Extension of Draft Plan Approval
Town of Blue Mountains File Nos. 42T2008-10B & 42CDM-
2008-10-A – 139 Brophy’s Lane, Town of The Blue Mountains-
L & W Properties Limited
OLT Case No. OLT-23-000297**

As you are aware, we are counsel for L & W Properties Limited, the owner of the above referenced lands in the Town of the Blue Mountains.

By way of an Order issued on February 15, 2024, the Ontario Land Tribunal amended the “Lapsing Condition” of the above referenced Draft Plans, to September 30th, 2024. That Order provides that “if the owner wishes to request an extension to draft plan approval, a written explanation along with the applicable fee and a resolution from the local municipality must be received.” Please find enclosed a copy of that Order for your ready reference.

This letter will serve as our client’s formal request for the extension of the formal lapsing date from September 30th, 2024 for a period of six additional months, namely March 31st, 2025. Please find enclosed our firm cheque in the amount of \$206.00, payable the “Town of the Blue Mountains”, which we understand to be the required fee for a request of this nature.

Royal Building
277 Lakeshore Road East, Suite 211
Oakville ON L6J 1H9



Toronto Meeting Rooms
Brookfield Place, 161 Bay Street, Suite 2700
Toronto ON M5J 2S1

Since the last OLT Order our client has been engaged with the Town and various authorities in order to enter into a Subdivision Agreement with the Town, that would allow for the Registration of the Draft Plans. That Agreement has not yet been executed, and as the writer understands it, the only issues to be resolved is the posting of securities that the Town is requesting. At the same time, our client has also been engaged in the trying to obtain an executed Site Servicing Agreement, that also has been drafted, but not yet executed, which also requires for the posting of securities with the municipality. Those securities have been arranged and insurance obtained. There are duplications of the securities that need to be posted, resulting in the total amount of securities having to be calculated for each agreement, and then provided for separately.

We understand that both agreements should be in a position to be executed in the near future, and we are requesting the extension of the "Lapsing Date" at this time, to ensure that the matter can be wrapped up, without having to go through a similar exercise in the future. After all of the progress that has been made, and the money spent by our client to bring this matter to fruition, it should not be allowed to administratively dissolve into the ether, and require the entire process to begin again from scratch.

We understand that the authority to grant such an extension has been delegated to Staff by the Council of the Town. To that end, the "Lapsing Provision" was last extended by the OLT, and we believe that the OLT is still in a position to grant this extension. In fact, the Tribunal Caseworker assigned to this matter, Mr. Azeem Patel, has written by way of e-mail that the OLT is prepared to grant this extension with the payment of the fee and the consent of the Parties. If the Town would respond to Mr. Patel with such a consent, that would make the entire process much quicker.

If Staff is not in a position to process this request in a manner that would get it resolved prior to the end of September, then my client would have no choice but to formally appeal the "Lapsing Provision" back to the Ontario Land Tribunal, so that a Hearing could be scheduled to deal with this matter, and to prevent the "Lapsing Provision" to take effect. That seems like a very cumbersome and costly way to have to deal with this situation. Please advise the undersigned as soon as you are able as to the Town's ability to process this request.

Thank you for your cooperation in respect of this matter. If you have any questions, please do not hesitate to contact the undersigned directly by telephone.

Yours very truly,

A large black rectangular redaction box covering the signature of Russell D. Cheeseman.

Russell D. Cheeseman

Encl.

cc. Mr. Azeem Patel (via e-mail)

Mr. Will Thomson (via e-mail)
Mr. Brian Worsley (via e-mail)
Mr. Randy Scherzer, Deputy CAO Grey County (via e-mail)
Mr. Scott Taylor, Director of Planning Grey County (via e-mail)
Mr. Robert Walters (via e-mail)
Mr. Walter Zigan (via e-mail)

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 15, 2024

CASE NO.: OLT-23-000297

PROCEEDING COMMENCED UNDER subsection 51(43) of the *Planning Act*,
R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: L & W Properties Ltd.
Subject: Plan of Subdivision – Appeal of Conditions of Draft
Plan Approval
Reference Number: 42T2008-10B 42-CDM-2008-10A
Property Address/Description: 139 Brophy's Lane
Municipality: The Blue Mountains
Reference No.: UHOPA-22-006
OLT Case No.: OLT-23-000297
OLT Lead Case No.: OLT-23-000297
Legacy Case No.: PL110635
OLT Case Name: L & W Properties Ltd. v The Blue Mountains (Town)

BEFORE:

WILLIAM R. MIDDLETON) Thursday, the 15th
VICE-CHAIR) day of February, 2024

THE TRIBUNAL ORDERS THAT:

1. The Condition Number 4 to the List of Conditions approved pursuant to OMB File No. PL110635 is amended to read as follows:

2.

“4. If final approval is not given to this plan prior to September 30, 2024,

and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the *Planning Act*, R.S.O., as amended. If the owner wishes to request an extension to draft plan approval, a written explanation along with the applicable fee and a resolution from the local municipality must be received.”

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: 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.