

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** May 05, 2026

**CASE NO(S):** OLT-26-000098

**PROCEEDING COMMENCED UNDER** subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant: 1664281 Ontario Inc.  
Subject: Consent - refused by Approval Authority  
Description: Applications for consent for the creation of four (4) severed lots and one (1) retained lot  
Reference Number: B08-25  
Property Address: 2 Fox Road South  
Municipality/UT: Port Hope/Northumberland  
OLT Case No: OLT-26-000098  
OLT Lead Case No: OLT-26-000098  
OLT Case Name: 1664281 Ontario Inc. v. Port Hope (Municipality)

**PROCEEDING COMMENCED UNDER** section 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant: 1664281 Ontario Inc.  
Subject: Consent - refused by Approval Authority  
Reference Number: B09-25  
Property Address: 2 Fox Road South  
Municipality/UT: Port Hope/Northumberland  
OLT Case No: OLT-26-000099  
OLT Lead Case No: OLT-26-000098

**PROCEEDING COMMENCED UNDER** section 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant: 1664281 Ontario Inc.  
Subject: Consent - refused by Approval Authority  
Reference Number: B10-25  
Property Address: 2 Fox Road South  
Municipality/UT: Port Hope/Northumberland  
OLT Case No: OLT-26-000100  
OLT Lead Case No: OLT-26-000098

**PROCEEDING COMMENCED UNDER** section 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant:	1664281 Ontario Inc.
Subject:	Consent - refused by Approval Authority
Reference Number:	B11-25
Property Address:	2 Fox Road South
Municipality/UT:	Port Hope/Northumberland
OLT Case No:	OLT-26-000101
OLT Lead Case No:	OLT-26-000098

**Heard:** April 22, 2026 by Video Hearing

### **APPEARANCES:**

#### **Parties**

1664281 Ontario Inc.

Municipality of Port Hope

#### **Counsel**

Kelly Aitchison

Jennifer Savini

### **DECISION DELIVERED BY GORDON A. DRIEDGER AND ORDER OF THE TRIBUNAL**

[Link to Order](#)

### **INTRODUCTION**

[1] The subject property is known municipally as 2 Fox Road South (“Subject Property”). The triangular shaped property comprises a total site area of 0.73 hectares (ha) with frontage along Fox Road South, Marsh Road and Toronto Street.

[2] The applicant (“Applicant”/“Appellant”), 1664281 Ontario Inc. applied to the Committee of Adjustment for the Municipality of Port Hope (“Municipality”) under section 53(19) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended (“Act”), proposing to create four (4) new residential lots, in separate applications while retaining the existing

residential detached dwelling. Each lot, including the retained lot, will incorporate two (2) Additional Residential Units (“ARU”).

[3] The Municipality’s Committee of Adjustment denied the applications (“Applications”) at its meeting on December 18, 2025.

[4] Prior to the commencement of the Hearing, the Tribunal received correspondence from the Parties indicating that details of a settlement proposal had been reached between the Applicant and Municipality for the consideration of the Tribunal.

### **LEGISLATIVE FRAMEWORK**

[5] The Tribunal, in considering appeals filed pursuant to section (“s.”) 53(19) of the Act, must have regard to the matters under subsection 51(24) with necessary modifications to the granting of a provisional consent.

### **REQUEST FOR PARTY STATUS**

[6] Prior to the commencement of the Hearing, a request for Party status was received from Mr. Bob Johnston, a neighbour located at 3 Ann Street. Mr. Johnston had submitted a lengthy written statement of concerns to the Tribunal along with several exhibits and wished to obtain Party status in order to verbally communicate those issues to the Tribunal. In all, there were nine (9) issues articulated by Mr. Johnston. Mr. Johnston had also made oral submissions at the Committee of Adjustment hearing on December 18, 2025, along with several other neighbours.

[7] The Tribunal heard submissions from Counsel for the Applicant, Ms. Kelly Aitchison, in regards to the Party status request. In Ms. Aitchison’s opinion, Party status was not appropriate in this instance and argued that the Tribunal, in deciding status requests, should seek to determine whether additional information beneficial to the Hearing would be gleaned from a determination of Party status. In her oral submission,

given the prior oral submissions of Mr. Johnston and extensive written submissions received by the Tribunal and available to the Tribunal, she opined that the granting of Party Status to Mr. Johnston would not be appropriate.

[8] Counsel for the Municipality, Ms. Jennifer Savini, took no position in regards to the Party status request.

[9] Mr. Johnston claimed to have been authorized by a total of 13 persons (including himself) to represent seven (7) neighbouring households with similar concerns.

[10] After a short recess, and after consideration of the Tribunal's *Rules of Practice and Procedure* ("Rules"), the Tribunal denied Mr. Johnston's request for Party status and determined that Participant status would be more appropriately ascribed to Mr. Johnston, and as such, Mr. Johnston's written submission was admitted as a Participant Statement and later referenced in evidence provided by the Parties. Further, as Mr. Johnston did not provide any written evidence confirming his authorization to represent 12 additional persons, Mr. Johnston's statement was deemed to have been provided solely on his own behalf.

## **BACKGROUND TO THE APPEAL**

[11] The Applicant, through an authorized agent, made application to the Municipality's Committee of Adjustment, proposing to create four (4) new residential lots, each under a separate file, while retaining the existing residential detached dwelling. Each lot, including the retained lot, if approved, would incorporate two (2) ARUs. One ARU would be located in the rear yard of each lot as an accessory building, while the second ARU would be located within the basement of each main building.

[12] The Subject Property is surrounded by a range of land uses including low-density residential ("Low Density Residential") uses fronting Toronto Road and Ann Street,

established residential neighbourhoods with a gas station at the southwest corner of Toronto and Marsh Roads, and a nearby retail plaza containing several retail stores.

[13] The applications were originally heard at the Committee of Adjustment meeting on October 16, 2025. At that meeting, the Committee of Adjustment deferred a decision on the applications pending receipt of a Functional Servicing Report determining how the proposed lots would be municipally serviced, among other matters, to determine Official Plan (“OP”) conformity.

[14] The matter was finally heard by the Committee of Adjustment at its meeting on December 18<sup>th</sup>, 2025. Planning and Development Services (“Planning”) staff for the Municipality submitted to the Committee of Adjustment their Report from Planning (“Staff Report”), which recommended approval of the consent applications, subject to six (6) conditions:

1. That a severance agreement is entered into between the Municipality and the Owner for the extension and connection of Municipal services for each proposed severed and retained lots.
2. That a grading plan is prepared for each proposed lot, to the satisfaction of the Ganaraska Regional Conservation Authority and the Municipality.
3. That a Pre-Development Tree Inventory and Site Assessment is prepared and the recommendations of the Assessment are adhered to, to the satisfaction of the Municipality.
4. that a cash-in-lieu of parkland fee is paid in accordance with the Municipality’s cash-in-lieu of parkland policy and current legislation for each proposed severed lot.
5. That the proposed building envelopes are shown on the prepared Draft Survey to determine zoning compliance and that any non-compliance is addressed by way of a Minor Variance and/or Zoning By-law amendment application.
6. That the existing accessory structure is removed or addressed by way of Minor Variance application.

[15] In the report, Planning staff articulated their view that the proposal was consistent with the Provincial Planning Statement, 2024 (“PPS”), and conformed to both the County of Northumberland and Municipality of Port Hope Official Plans.

[16] Notwithstanding the recommendation for approval, subject to conditions made by municipal Planning staff the Committee of Adjustment refused the Applications.

## **EXHIBITS**

[17] Three (3) exhibits were marked pertaining to the Hearing:

1. Participant Statement of Mr. Bob Johnston;
2. Minutes of Settlement between the Municipality of Port Hope and 1664281 Ontario Inc. dated April 21, 2026; and
3. Affidavit of Mr. David Meredith dated April 17, 2026.

## **SUBMISSIONS**

[18] Planning evidence and opinion in support of the proposed severances was provided by Mr. David Meredith, a planning consultant familiar with the applications since the time of their inception. Given Mr. Meredith’s educational background and extensive experience in municipal planning matters, he was qualified by the Tribunal to provide opinion evidence in land use planning in relation to the subject applications.

## **PLANNING EVIDENCE**

[19] The Tribunal heard evidence from Mr. Meredith in support of the contents of the Minutes of Settlement dated April 21, 2026 proposal made jointly by the Applicant and the Municipality.

[20] Mr. Meredith also provided opinion evidence in response to Mr. Johnston's Participant Statement and inventory of nine (9) noted concerns with the application. Finally, Mr. Meredith articulated regard for matters of Provincial interest contained in section ("s.") 2 of the Act.

[21] Mr. Meredith's evidence and opinion was consistent with that contained in the Staff Report initially provided to the Committee of Adjustment.

[22] Mr. Meredith provided his opinions, where his expertise permitted, regarding the concerns expressed by Mr. Johnston. Mr. Meredith concluded that the concerns of Mr. Johnston could be addressed through the conditions being recommended for approval. Specifically, according to Mr. Meredith, matters related to tree preservation and servicing would be addressed through the provision of the severance agreement and tree inventory requirements contained in the recommended conditions. Mr. Meredith did not agree that the severances, if approved, would create traffic and parking issues owing to their low-density attributes, in the context of Port Hope. Mr. Meredith refrained from offering opinion on potential negative impacts on property value and community character as noted by Mr. Johnston.

[23] In the context of Mr. Johnston's concerns, Mr. Meredith stated the applications are wholly in conformity with the Municipality and Northumberland County ("County") Official Plans, the PPS, and Municipal Zoning By-law 20/2010 ("Municipal ZBA").

[24] Mr. Meredith provided an opinion on the conformity of the applications with Provincial policy and namely, the PPS. Mr. Meredith stated that, in his opinion, one of the key objectives of the PPS is for each community to increase its supply and mix of housing options to address a full range of housing affordability needs. In his opinion, providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population. In this regard, Mr. Meredith stated that regard for Section 2(j) of the *Planning Act* (adequate provision of a full range of housing, including affordable housing).

[25] Mr. Meredith continued to state his professional opinion that the applications were wholly in conformity with the Northumberland County and Municipality OPs.

[26] Mr. Meredith noted Section 1.5.2(a) of the County Official Plan which states that the County supports “[R]esidential intensification and *redevelopment* within urban areas and *rural settlement areas*, where an appropriate level of *infrastructure* and *public service facilities* are or will be available in the immediate future and subject to the policies of the Plan[.]”

[27] Mr. Meredith further stated that the Municipality OP permits the creation of up to 4 new lots and 1 retained lot within the Urban Area and subject to criteria to be considered when proposing the creation of additional lots. The Municipal OP states that “Consents to sever land shall be granted only where it has been determined that”:

- a) the intended use of the severed and retained parcels conform with the intent and policies of this Plan;
  - b) the size and dimensions of the severed parcels and retained parcel are appropriate to accommodate the proposed use or uses;
  - c) the proposed lots shall not have a detrimental effect on the Municipality’s financial status[.];
  - d) the proposed use of the lot(s) to be severed and retained are compatible with the adjacent or adjoining land uses;
  - e) the proposed use of the lot(s) will not restrict options for future development on adjacent land;
  - f) the proposed development will have no adverse effect on farm operations[...];
  - g) the proposed and retained lot(s) will front directly onto an improved public street[...];
  - h) the development of the proposed lot(s) shall not create a traffic hazard[...];
  - i) the proposed lot(s) shall not have the effect of creating or extending a form of development deemed to be inappropriate to the land use designation proposed
  - j) the development shall not landlock or limit the potential use or redevelopment of the property;
- [...]
- i) adequate sewage and water servicing can or will be provided[.]

[28] Mr. Meredith's evidence supports the proposed severances by articulating conformity with each of the foregoing criteria and referencing other elements of s. 2 of the *Planning Act*, including (e) the supply and efficient use and conservation of energy and water, (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems, (h) the orderly development of safe and healthy communities, and (r), the promotion of built form that is well-designed and encourages a sense of place.

[29] Mr. Meredith concluded his evidence by stating that the subject applications were wholly compliant with all of the provisions and regulations of the Low Density Residential One Type One (RES1-1) zone within the Municipality's Zoning By-law 2020/10, as amended, as well as the ARU policies contained within the By-law.

[30] Mr. Meredith summarized his opinion and concluded that the proposed consent applications are "consistent with and [conform] to all applicable plans and policies including the Provincial Planning Statement, the Northumberland County Official Plan, the Port Hope Official Plan, Port Hope Zoning By-law 20/2010 and the applicable ARU policies." In his opinion, the form of proposed development provides "a form of housing that will contribute to the affordability and range of housing options within Port Hope" and "supports the principles of intensification by providing a built form that is appropriate in size and scale with its surrounding neighbourhood."

## **ANALYSIS AND FINDINGS**

[31] In determining its findings, the Tribunal considered a range of materials provided to it, including the Staff Report in support of the subject applications, the oral submissions made by Mr. Johnston and other individuals to the Committee of Adjustment in December 2025, the Participant Statement of Mr. Johnston containing a number of concerns in regards to the application, as well as the evidence of Mr. Meredith provided in support of the Minutes of Settlement for consideration by the Tribunal. The Tribunal also had regard

for matters of Provincial interest and criteria to be considered for severance of land as contained within Section 51(24) of the Act.

[32] The Tribunal accepts the evidence provided by Mr. Meredith and finds that the subject applications conform with Provincial, County and Municipal policy, including the Provincial Planning Statement, 2024 and with the Municipal Zoning By-law and ARU policies applicable to the Subject Property.

[33] The Tribunal finds no grounds to consider any non-conformity or inconsistency with applicable planning legislation at either the Provincial, County or Municipal level. While the proposed severances represent a change to the existing vacant property, the Tribunal finds that the proposed changes to lot configuration and intensification, in the context of these specific applications, are modest and appropriate.

## **ORDER**

[34] **THE TRIBUNAL ORDERS** that the appeals by 1664281 Ontario Inc. are allowed and the provisional consent is to be given for the requested severances subject to the following conditions:

1. that a severance agreement is entered into between the Municipality and the Owner for the extension and connection of Municipal services for each proposed severed and retained lot;
2. that a grading plan is prepared for each proposed lot, to the satisfaction of the Ganaraska Regional Conservation Authority and the Municipality;
3. that a Pre-Development Tree Inventory and Site Assessment Report be prepared and the recommendations of the Assessment adhered to, to the satisfaction of the Municipality;

4. that a cash-in-lieu of parkland fee is paid in accordance with the Municipality's cash-in-lieu of parkland policy and current legislation for each proposed severed lot;
5. that the proposed building envelopes are shown on the prepared Draft Survey to determine zoning compliance, and that any non-compliance is addressed by way of a Minor Variance and/or Zoning By-law amendment application;
6. that the existing accessory structure is removed or addressed by way of Minor Variance application.

*"Gordon A. Driedger"*

GORDON A. DRIEDGER  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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