

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 27, 2023

CASE NO(S): OLT-22-003126
(Formally PL200619)

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

Applicant and Appellant: 2107401 Ontario Inc. et. al.
Subject: Request to amend the Official Plan - Failure of the Municipality of Port Hope to adopt the requested amendment
Existing Designation: Low Density Residential
Proposed Designated: Medium Density Residential, Low Density Residential-Urban
Purpose: To permit the development of 369 dwelling units
Property Address/Description: Various Locations
Municipality: Municipality of Port Hope
Approval Authority File No.: OP01-2019
LPAT Case No.: PL200619
LPAT File No.: PL200619
LPAT Case Name: 2107401 Ontario Inc. et. al. v. Port Hope (Mun.)

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

Applicant and Appellant: 2107401 Ontario Inc. et. al.
Subject: Proposed Plan of Subdivision - Failure of the Municipality of Port Hope to make a decision
Purpose: To permit the development of 369 dwelling units
Property Address/Description: Various Locations
Municipality: Municipality of Port Hope
Municipality File No.: SU01-2019
LPAT Case No.: PL200619
LPAT File No.: PL200621

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

Applicant and Appellant:	2107401 Ontario Inc. et. al.
Subject:	Application to amend Zoning By-law No. 20/2010 - Refusal or neglect of the Municipality of Port Hope to make a decision
Existing Zoning:	RES4(28) (H1), RES3(47)(H1), RES3(48)(H1), 'RES3(115), RES1-1(H1)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the development of 369 dwelling units
Property Address/Description:	Various Locations
Municipality:	Municipality of Port Hope
Municipality File No.:	ZB06-2019
LPAT Case No.:	PL200619
LPAT File No.:	PL200620

Heard: June 22, 2022, by Video Hearing ("VH")

APPEARANCES:

Parties

Counsel

2107 Ontario Inc. et al
("Applicant")

K. Stitt; P. DeMelo

Municipality of Port Hope
("Municipality")

W. Fairbrother

PHorests 4 R PHuture Community
Association Inc.

D. Donnelly

Jeremy Holmes/Dianne Despot

J. Schmidt

DECISION DELIVERED BY JATINDER BHULLAR AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Tribunal held a Case Management Conference ("CMC") with regard to a development proposal for the lands known locally as Phase 5 of the Lakeside Village Development ("Subject Lands") which proposal sought an Official Plan Amendment

("OPA"), a Zoning By-law Amendment ("ZBA") and a Draft Plan of Subdivision ("Draft Plan").

[2] The development proposal was appealed to the Tribunal due to the failure of the Municipality to deal with the matters within the statutory time frames.

[3] At the CMC, the Tribunal dealt with confirming party status for PHorests 4 R PHuture Community Association Inc. ("PH4RPH Inc."); creating a timeline for the delivery of a draft Procedural Order ("DPO") and scheduling a hearing of the matters related to Phase II which follows from previous decision regarding the Phase I per the Tribunal decision of June 9, 2021.

[4] PH4RPH Inc., provided the Tribunal with their party request with detailed identification of issues where they will be able to provide assistance to the Tribunal for specific matters related to a future Phase II hearing. The Applicant and the Municipality provided consent to the granting of such a request to PH4RPH Inc. The Tribunal with consent of the parties and due consideration of the material filed with the Tribunal and presentation at the CMC granted party status to PH4RPH Inc.

[5] The parties provided an update on issues for Phase II as well as the scope of possible cases they plan to make at a future Phase II hearing. After a short recess the parties consulted amongst themselves and brought forth a request to schedule a hearing. The Tribunal determined that a 12-day hearing in the matter would be appropriate as requested by the parties on consent.

[6] The Tribunal ordered that a 12-day hearing will commence on **August 28, 2023 at 10 a.m.** and will continue to **September 15, 2023**. There will be no sitting for the hearing on three days during this period; **September (4, 11 and 12), 2023**. The hearing will be conducted using video.

[7] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

[8] The details for video event for the hearing are as follows:

[August 28, 2023 – September 15, 2023] at [10 a.m.] (12 days)

GoTo Meeting: <https://global.gotomeeting.com/join/638422541>

Audio-only telephone line: 1-888-299-1889 OR +1 (647) 497-9373

Access code: 638-422-541

[9] 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 [GoToMeeting](https://gotomeeting.com) or a web application is available:

<https://app.gotomeeting.com/home.html>

[10] 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: **[1-888-299-1889 OR +1 (647) 497-9373]**. The access code is **[638-422-541]**.

[11] 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 hearing event may be directed to the Tribunal's Case Coordinator that have carriage of this case.

[12] The need and details regarding the production of a draft Procedural Order ("DPO") by the Applicant with inputs from all the parties was reviewed. This CMC was scheduled to be continued on July 27, 2022. continued to a future date for the review and finalization of DPO. The parties later requested the cancellation of the continuing CMC and also requested that the DPO be allowed to be submitted later given the nature and timing of the hearing at the end of August 2023. The Tribunal granted this request

and informed the parties that the decision for the present CMC will issue once the DPO is provided to the Tribunal in early 2023. The Tribunal received the DPO on January 10, 2023.

[13] The Tribunal orders that the approved PO which will govern the hearing commencing on August 28, 2023, is attached to this decision.

[14] This member will provide case management support but is not seized for the hearing.

[15] There will be no further notice.

“Jatinder Bhullar”

JATINDER BHULLAR
MEMBER

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.

ATTACHMENT 1 PROCEDURAL ORDER



Ontario Land Tribunal

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CASE NO(S): OLT-22-003126

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

Applicant and Appellant:	2107401 Ontario Inc. et Al
Subject:	Request to amend the Official Plan - Failure of the Municipality of Port Hope to adopt the requested amendment
Existing Designation:	Low Density Residential
Proposed Designated:	Medium Density Residential, Low Density Residential-Urban
Purpose:	To permit the development of 369 dwelling units
Property Address/Description:	Various Locations
Municipality:	Municipality of Port Hope
Approval Authority File No.:	OP01-2019
OLT File No.:	OLT-22-003126
Legacy File No.:	PL200619
OLT Case No.:	OLT-22-003126
OLT Case Name:	2107401 Ontario Inc. Et Al v. Port Hope (Mun.)

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

Applicant and Appellant:	2107401 Ontario Inc. Et Al
Subject:	Proposed Plan of Subdivision - Failure of the Municipality of Port Hope to make a decision Purpose: To permit the development of 369 dwelling units
Property Address/Description:	Various Locations
Municipality:	Municipality of Port Hope
Municipality File No.:	SU01-2019
OLT File No.:	OLT-22-003129
Legacy Case No.:	PL200619
OLT Case No.:	OLT-22-003126

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

Applicant and Appellant: 2107401 Ontario Inc. Et Al
 Subject: Application to amend Zoning By-law No. 20/2010
 - Refusal or neglect of the Municipality of Port Hope to make a decision
 Existing Zoning: RES4(28)(H1), RES3(47)(H1), RES3(48)(H1), RES3(115), RES1-1(H1)
 Proposed Zoning: Site Specific (To be determined)
 Purpose: To permit the development of 369 dwelling units
 Property Address/Description: Various Locations
 Municipality: Municipality of Port Hope
 Municipality File No.: ZB06-2019
 OLT File No.: OLT-22-003127
 Legacy Case No.: PL200619

1. The Tribunal may vary or add to the directions in this Procedural Order (“PO”) 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 begin on **August 28th, 2023, at 10:00 a.m.** and will continue to **September 15, 2023**. There will be **no sitting on September (4th, 11th, and 12th), 2023**.
3. The parties’ initial estimation for the length of the hearing is twelve (12) 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.
4. The parties and participants identified at the case management conference are set out in **Attachment 1** (see the sample PO for the meaning of these terms).
5. 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.
6. 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.

7. 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.
8. 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

9. 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 by **April 14th, 2023**, and in accordance with paragraph 22 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. Any challenges to the qualifications of a witness to give opinion evidence in the area of expertise proposed should be made by motion in accordance with the Tribunal's Rules and notice of same must be served on the other Parties by **April 21st, 2023**.
10. Expert witnesses in the same field shall have a meeting by **June 2nd, 2023**, 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 co-ordinator by **June 23rd, 2023**.
11. 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 13 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.
12. 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 13 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 13 below.

13. On or before **July 14th, 2023**, the parties shall provide copies of their [witness and] expert witness statements to the other parties and to the OLT case co-ordinator and in accordance with paragraph 22 below.
14. On or before **July 25th, 2023**, a participant shall provide copies of their written participant statement to the other parties in accordance with paragraph 22 below. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
15. On or before **July 25th, 2023**, the parties shall confirm with the Tribunal if all the reserved hearing dates are still required.
16. On or before **August 17th, 2023**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with paragraph 22 below. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
17. On or before **August 7th, 2023**, parties shall provide copies of the Reply Witness Statements, if any, to the other parties and the OLT case co-ordinator and in accordance with paragraph 22 below.
18. The parties shall cooperate to prepare a joint document book which shall be shared with the OLT case co-ordinator on or before **August 17th, 2023**.
19. 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.*
20. 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.
21. The parties shall prepare and file a preliminary hearing plan with the Tribunal on or before **August 17th, 2023**, 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.

22. All filings shall be submitted electronically and in hard copy. 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 the *Rule 7*.
23. 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.**

“Jatinder Bhullar”

JATINDER BHULLAR
MEMBER

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ATTACHMENT #1

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 #2
PARTIES AND PARTICIPANTS**

PARTIES

- 1. 2107401 Ontario Inc. et Al**
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- 2. Municipality of Port Hope**
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- 3. PHorests 4 R PHuture Community Association Inc.**
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- 4. Jeremey Holmes and Dianne Despot**
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ATTACHMENT #3

ISSUES LIST

Municipality of Port Hope Issues List

1. Does the development proposal consisting of Official Plan and Zoning By-law Amendments and Subdivision Application (collectively the “development proposal”) for the Subject Lands (Phase 5B) have appropriate regard for the relevant matters of provincial interest enumerated in section 2 of the *Planning Act*, including the matters set out in sections 2 (a), 2(d), 2(f), 2(h), 2(j), 2(l), 2(n), 2(p), 2(q) and 2(r) therein?
2. Does the development proposal have appropriate regard for the criteria set out in Section 51(24) (a), (b), (c), (d) and (g) of the *Planning Act*?
3. Is the development proposal consistent with the relevant policies of the Provincial Policy Statement (2020) (the “PPS”), in particular, but not limited to, the following Policies?
 - Policy Section 1.1.1 a), b), e), h) and i);
 - Policy Section 1.1.2;
 - Policy Section 1.1.3.1;
 - Policy 1.1.3.2 a), b), c) and d);
 - Policy 1.1.3.6;
 - Policy 1.1.3.7 b);
 - Policy 1.4.1;
 - Policy 1.6.6.1 a);
 - Policy 1.7.1 c), e), and k);
 - Policy 1.8.1 a) and g);
 - Policy Section 2.1.1, 2.1.2, 2.1.5 and 2.1.8 and
 - Policy Section 2.6.1 and 2.6.3.
4. Is the development proposal in conformity with the A Plan to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the “Growth Plan”), in particular, but not limited to, the following Policy sections:
 - Policy Sections 2.2.1.2 and 2.2.1.4);
 - Policy 2.2.6.4;
 - Policy Section 2.2.7.1
 - Policy Section 4.2.2.6; and
 - Policy Section 4.2.7.1.
5. Does the development proposal conform with the County of Northumberland Official Plan, in particular, but not limited to, the following policy sections?
 - Policy Sections B1, B2, B7, B8.1 a) i) and B10;
 - Policy Sections C1.4 and C1.6;
 - Policy Sections D1.5 b), D1.8 b), D1.9.2 and D1.9.3
 - Policy Section D3.5; and

-Policy Section E1.4.

6. Does the development proposal conform with the Municipality of Port Hope Official Plan, in particular, but not limited to, the following policy sections?

-Policy Section B4 and B12.3;
 -Policy Sections C5.2.1 c) and e), C5.2.2 and C5.2.4);
 -Policy Sections C9.1.1,
 -Policy Section C11.2;
 -Policy Section C11.3.3. C11.3.4 and C11.3.5;
 -Policy Section C20.3;
 -Policy Section D2.1.3;
 -Policy Section D8 *9;
 -Policy Section E3.1;
 -Policy Section E6.

- 6A. Given the site-specific policies of the Municipality's Official Plan as contained in Site Specific Policy *9 which govern development on the lands, and which have been continued by the Municipality unaltered as part of its updates in 2006 and 2017, what requirement, if any, is there for the development proposal to address the other policies of the Official Plan or is the development proposal to be addressed and considered in the context of the prior approvals?
- 6B. Does the development proposal conform with Site Specific Policy *9 of the Municipality of Port Hope Official Plan?
7. Policy 2.1.5 (b) of the PPS states that development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Has the Appellant/Proponent (who proposes to remove the entire significant woodland on the Subject Lands) adequately and sufficiently demonstrated that such removal will result in no negative impacts on the natural feature or its ecological functions?
8. Has the Proponent/Appellant prepared an adequate Heritage Impact Assessment reviewing the potential for impact on cultural heritage value and heritage attributes as set out in the statements of cultural heritage value or interest in the Cultural Heritage Evaluation Report?
9. Is there a conflict between the policies in the existing Municipality of Port Hope Official Plan regarding development on the Subject Lands and the statutory requirement in the Planning Act for the decision of the OLT to be consistent with the policies of the PPS that are in effect on the date of the OLT decision? If so, how is such conflict to be resolved?
10. With respect to the Proponent's Environmental Impact Study for the development proposal on the Subject Lands:
- a. does the EIS meet the requirements of the Municipality of Port Hope Official Plan?

- b. has the Proponent appropriately delineated the Ecological Land Classification communities?
- c. have the limits of the woodland on the Subject Lands been accurately delineated?
- d. does the EIS adequately demonstrate an assessment of the natural heritage features and ecological functions (including without limitation Significant Wildlife Habitat) and ability to meet the “no negative impact” test in the Natural Heritage Policies of the PPS?

CASE NO.: OLT-22-003126**PHorests 4 R PHuture
Issues List**

11. Does the development proposal consisting of Official Plan and Zoning By-law Amendments for the subject lands (collectively the “development proposal”) have appropriate regard for the relevant matters of provincial interest enumerated in section 2 of the *Planning Act*, including the matters set out in sections 2 (a), 2(d), 2(p) and 2(r) therein?

12. Is the development proposal consistent with the relevant policies of the Provincial Policy Statement (2020) (the “PPS”), in particular, but not limited to, the following policy sections:
 - Part 1;
 - Policy Section 1.1.1 (Managing and Directing Land Use);
 - Policy 1.1.3.2 and 1.1.3.3 (Settlement Areas);
 - Policy Section 2.1.1, 2.1.2, 2.1.5 and 2.1.8 (Natural Heritage); and
 - Policy 2.6.1 and 2.6.3 (Cultural Heritage and Archaeology) ?

13. Is the development proposal in conformity with the A Plan to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the “Growth Plan”), in particular, but not limited to, the following policy sections:
 - Policy Section 1.2.1 (Guiding Principles);
 - Policy Sections 2.2.1(2) and 2.2.1(4)(Managing Growth);
 - Policy Section 2.2.7(1) (Designated Greenfield Areas);
 - Policy Section 4.2.2(6) (Natural Heritage Systems); and
 - Policy Section 4.2.7(1) (Cultural Heritage Resources)?

14. Does the development proposal maintain the intent and principles of, and does it generally conform with the County of Northumberland Official Plan, in particular, but not limited to, the following policy sections:
 - Policy Section A2 (Guiding Principles)
 - Policy Sections C1.2.1, C1.2.4 (Objectives)
 - Policy Sections D1.1.1, D1.2, D1.3, D1.5, D1.9.2 and D1.9.3 (Natural Heritage);
 - Policy Section D3.5 (Cultural Heritage); and
 - Policy Section E1.4 (Subdivision Review)?

15. Does the development proposal maintain the intent and principles of, and does it generally conform with the Town of Port Hope Official Plan, in particular, but not limited to, the following policy sections:
 - Policy Section B5.2 (Environment Objectives);
 - Policy Section B9.2 (Social and Housing Objectives);

- Policy Section C3 (Open Space Linkages);
- Policy Sections C5.2.1, C5.2.2 (Natural Heritage Outside of the Oakridges Moraine);
- Policy Sections C9.1.2.3 (Housing Intensification);
- Policy Section C11.2 (Cultural and Heritage Preservation);
- Policy Section C11.3.3 (Design with Nature);
- Policy Section C11.3.5 (Integration of Built Form);
- Policy Section D2.1.3 (Medium Density Residential);(Economic Development);
- Policy Section D6.2 (Open Space); and
- Policy Section D8 *9 (Special Site Policies)?

- 15A. Given the site-specific policies of the Municipality's Official Plan as contained in Site Specific Policy *9 which govern development on the lands, and which have been continued by the Municipality unaltered as part of its updates in 2006 and 2017, what requirement, if any, is there for the development proposal to address the other policies of the Official Plan or is the development proposal to be addressed and considered in the context of the prior approvals? (Appelants' issue)
- 15B. Does the development proposal conform with Site Specific Policy *9 of the Municipality of Port Hope Official Plan? (Appellants' issue)
16. Is the proposed development compatible with the established character of the surrounding lands?
- 16A. Are there any Official Plan policies which require that the development proposal be compatible with the established character of the surrounding lands? If there are any such official plan policies, is the development proposal required to conform with such policies given the wording of Special Site Policy *9 which provides that any further development approvals required shall be addressed and considered in the context of the prior OMB approvals only.
17. Does the proposed represent an overdevelopment of the site?
18. Is the proposed Zoning By-law Amendment appropriate, including with respect to whether it sufficiently regulates matters of built form including, height, massing, scale, setbacks, lot coverage, landscaping and parking having regard for the subject lands, adjacent property and the character of the surrounding lands?
19. Does the development proposal represent good land use planning and is it in the public interest?

CASE NO.: OLT-22-003126**Jeremy Holmes and Dianne Despot
Issues List**

20. In addition to the issues identified in the Issue Lists for the Municipality of Port Hope and PHorest 4 R PHuture, Jeremy Holmes and Dianne Despot's issues include:
- a. Has adequate transportation analysis been undertaken to assess the potential impact of the location of Street A on the 88 Victoria Street right-of-way ("the ROW")?
 - b. Has adequate transportation analysis been undertaken to support the development proposal, including appropriate consideration of growth rates for traffic volumes on the ROW?
 - c. Is the location of the proposed Street A, adjacent, proximate and/or connected to the ROW, appropriate?

Note 1: Where two or more parties raise the same technical issue, they can co-ordinate and rely upon a qualified independent expert but must call evidence expert evidence in support of that technical issue. Where a single party alone raises a technical issue then that party must call technical evidence in support of that issue from a qualified independent expert.

Note 2: 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 a matter of evidence and argument at the hearing.

**ATTACHMENT #4
ORDER OF EVIDENCE**

1. 2107401 Ontario Inc. et Al
2. Municipality of Port Hope
3. PHorest 4 R PHuture
4. Jeremy Holmes and Dianne Despot
5. 210741 Ontario Inc. et al in Reply (if any)

ATTACHMENT #5**SUMMARY OF FILING DEADLINES**

EVENT	DATE
1 st Case Management Conference	Tuesday, June 22nd, 2022
Parties to exchange their List of Witnesses	April 14th, 2023
Deadline for Expert Meeting	June 2nd, 2023
Parties to file statement of Agreed Facts and Issues	June 23rd, 2023
Parties to exchange their Witness and Expert Witness Statements	July 14th, 2023
Participants to provide their Participant Statements	July 14th, 2023
Parties to exchange their Reply Witness Statements	August 7th, 2023
Parties to exchange their Visual Evidence Parties to File Joint Document Book Parties to File Preliminary Hearing Plan	August 17th, 2023
Hearing commences	August 28th, 2023