

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



**ISSUE DATE:** August 22, 2023

**CASE NO(S):**

OLT-23-000360

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

Applicant/Appellant: Chris Donegan  
Subject: Application to amend the Zoning By-law –  
Refusal or neglect to make a decision  
Description: To permit a development of 43 single  
detached dwellings and a block for a 10 to  
21-unit apartment building  
Reference Number: ZB02-2022  
Property Address: 3852 Ganaraska Road  
Municipality/UT: Port Hope/Northumberland  
OLT Case No: OLT-23-000360  
OLT Lead Case No: OLT-23-000360  
OLT Case Name: Snowy Owl Woods Holdings Inc. v. Port  
Hope (Municipality)

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

Applicant/Appellant: Chris Donegan  
Subject: Proposed Plan of Subdivision – Failure of  
Approval Authority to make a decision  
Description: To permit a development of 43 single  
detached dwellings and a block for a 10 to  
21-unit apartment building  
Reference Number: SU01-2022  
Property Address: 3852 Ganaraska Road  
Municipality/UT: Port Hope/Northumberland  
OLT Case No: OLT-23-000361  
OLT Lead Case No: OLT-23-000360

**Heard:** August 11, 2023 by video hearing

**APPEARANCES:****Parties**

Port Hope

Snowy Owl Woods Holdings Inc.  
(aka Mistral Land Development Inc.)

**Counsel**

Nima Chooback  
Jennifer Savini (in absentia)

Jessica Jakubowski  
Katarzyna Sliwa (in absentia)  
Isaiah Banach (in absentia)

**MEMORANDUM OF ORAL DECISION DELIVERED BY D.S. COLBOURNE ON  
AUGUST 11, 2023 AND ORDER OF THE TRIBUNAL**

---

[1] This was the first Case Management Conference (“CMC”) for this matter.

[2] This is an appeal by the developer against Council’s refusal to approve a draft plan of subdivision and the necessary implementing by-law.

[3] The parties have been meeting and are preparing the Procedural Order and the Issues list. These documents are to be provided to the Tribunal two weeks from today.

[4] The list of individuals requesting participant status was reviewed and neither party had any objections to the following:

- Bill and Carol Ann Moore Ede
- Christiane Husemann
- Christopher Sanderson
- Edward Garland
- Eveline Frair

- Gillian Devereaux
- Glenn Deeth
- Greg Burns
- Jane Zednik
- Kevin Killin
- Loriann and John Sharp
- Richard Yoshida
- Rob Quartly
- Sandra Vervoort
- Skeda O'Bonsawin
- Steve Kahn and Holly Blefgen
- Susan Connors
- Timothy Kehoe
- Marian Martin had not filed her request for status because of medical reasons.

[5] The Tribunal orally granted participant status to those foregoing individuals.

[6] The parties requested a second CMC and the date set for this is **Thursday, November 30, 2023.**

[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:

<https://global.gotomeeting.com/join/909787981>

**Access code: 909-787-981**

[8] 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://www.gotomeeting.com) or a web application is available:

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

[9] 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 (647) 497-9391 or Toll Free 1-888-455-1389**. The access code is **909-787-981**.

[10] 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 having carriage of this case.

[11] They also requested the hearing dates be set.

[12] The hearing is set for **Monday, June 3, 2024** for ten (10) days.

[13] 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:

<https://meet.goto.com/348282861>

**Access code: 348-282-861**

[14] 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://app.gotomeeting.com/home.html) or a web application is available:

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

[15] 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 (647) 497-9373 or Toll Free 1-888-299-1889**. The access code is **348-282-861**.

[16] 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 having carriage of this case.

[17] There will be no further notice.

*"D.S. Colbourne"*

D.S. COLBOURNE  
VICE-CHAIR

### **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

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.