

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



**ISSUE DATE:** February 09, 2021

**CASE NO(S):** PL120217  
PL130063  
PL151086  
PL151087  
PL160076  
PL171047  
PL171408  
PL171409  
PL171515  
PL180303

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 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Bromont Homes Inc.
Appellant:	Kerry L.W. Doughty
Appellant:	Ferma Aggregates Inc.
Appellant:	Jennifer Graham; and others
Subject:	Official Plan
Municipality:	City of Kawartha Lakes
OMB Case No.:	PL120217
OMB File No.:	PL120217
OMB Case Name:	Graham v. Ontario (Municipal Affairs and Housing)

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	J. Stollar Construction Limited
Subject:	Proposed Official Plan Amendment No. 35
Municipality:	City of Kawartha Lakes
LPAT Case No.:	PL130063
LPAT File No.:	PL130063
LPAT Case Name:	J. Stollar Construction Ltd v. Kawartha Lakes (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	J. Stollar Construction Limited
Subject:	By-law No. D06-18-103
Municipality:	City of Kawartha Lakes
LPAT Case No.:	PL130063
LPAT File No.:	PL130064

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Catherine Gravely
Appellant:	J. Stollar Construction Limited
Appellant:	Ministry of Municipal Affairs and Housing
Subject:	Proposed Official Plan Amendment No. 15
Municipality:	City of Kawartha Lakes
LPAT Case No.:	PL151086
LPAT File No.:	PL151086
LPAT Case Name:	Gravely v. Kawartha Lakes (City)

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Catherine Gravely
Appellant:	J. Stollar Construction Limited
Subject:	Proposed Official Plan Amendment No. 18
Municipality:	City of Kawartha Lakes
LPAT Case No.:	PL151087
LPAT File No.:	PL151087
LPAT Case Name:	Gravely v. Kawartha Lakes (City)

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Catherine Gravely
Appellant:	J. Stollar Construction Limited
Appellant:	Ministry of Municipal Affairs and Housing
Subject:	Proposed Official Plan Amendment No. 17
Municipality:	City of Kawartha Lakes
LPAT Case No.:	PL160076
LPAT File No.:	PL160076
LPAT Case Name:	Gravely v. Kawartha Lakes (City)

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 2358493 Ontario Inc  
Appellant: BARMMAR Investments Ltd. & BMMB Investments Ltd.  
Appellant: Bromont Homes Inc.  
Appellant: Comhold Investments Ltd.; and others  
Subject: Proposed Official Plan Amendment No. OPA 13  
Municipality: City of Kawartha Lakes  
LPAT Case No.: PL171407  
LPAT File No.: PL171407  
LPAT Case Name: Gravely v. Kawartha Lakes (City)

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Comhold Investments Ltd.  
Appellant: Catherine Gravely  
Appellant: J. Stollar Construction Limited  
Appellant: William Westcott  
Subject: Proposed Official Plan Amendment No. OPA 14  
Municipality: City of Kawartha Lakes  
LPAT Case No.: PL171408  
LPAT File No.: PL171408  
LPAT Case Name: Gravely v. Kawartha Lakes (City)

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 2358493 Ontario Inc  
Appellant: BARMMAR Investments Ltd. & BMMB Investments Ltd.  
Appellant: Bromont Homes Inc.  
Appellant: Catherine Gravely; and others  
Subject: Proposed Official Plan Amendment No. 16  
Municipality: City of Kawartha Lakes  
LPAT Case No.: PL171409  
LPAT File No.: PL171409  
LPAT Case Name: Gravely v. Kawartha Lakes (City)

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

Applicants and Appellants:	Comhold Investments, Medlaw Corporation and Mason Burch
Subject:	Request to amend the Official Plan - Failure of the City of Kawartha Lakes to adopt the requested amendment
Existing Designation:	Urban, Highway Commercial and Agricultural
Proposed Designation:	Urban
Purpose:	To permit the expansion of the existing Pinecrest nursing home and the development of 280 units within 6 four-storey condominium buildings
Property Address/Description:	3400 and 3418 CLK Road 36 and 91 Little Bob Drive
Municipality:	City of Kawartha Lakes
Approval Authority File No.:	D01-16-156
LPAT Case No.:	PL171515
LPAT File No.:	PL171515
LPAT Case Name:	Comhold Investments v. Kawartha Lakes (City)

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

Applicants and Appellants:	Comhold Investments, Medlaw Corporation and Mason Burch
Subject:	Application to amend Zoning By-law No. 6-87 and 16-78 - Refusal or neglect of the City of Kawartha Lakes to make a decision
Existing Zoning:	General Rural (A1), Highway Commercial (C2), Community Facility (CF) and Urban Residential Type One (R1) Zone
Proposed Zoning:	Site Specific (TBD)
Purpose:	To permit the expansion of the existing Pinecrest nursing home and the development of 280 units within 6 four-storey condominium buildings
Property Address/Description:	3400 and 3418 CLK Road 36 and 91 Little Bob Drive
Municipality:	City of Kawartha Lakes
Municipality File No.:	D06-35-074
LPAT Case No.:	PL171515
LPAT File No.:	PL171516

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

Applicants and Appellants:	Comhold Investments, Medlaw Corporation and Mason Burch
Subject:	Proposed Plan of Subdivision - Failure of the City of Kawartha Lakes to make a decision
Purpose:	To permit the expansion of the existing Pinecrest nursing home and the development of 280 units within 6 four-storey condominium buildings
Property Address/Description:	3400 and 3418 CLK Road 36 and 91 Little Bob Drive
Municipality:	City of Kawartha Lakes
Municipality File No.:	D05-35-019
LPAT Case No.:	PL171515
LPAT File No.:	PL180414

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

Applicants and Appellants:	Bromont Homes Inc., Bromont Investments Inc., Bromont Lindsay 2 Corp. and Bromont Lindsay 5 Corp.
Subject:	Request to amend the Official Plan - Failure of the City of Kawartha Lakes to adopt the requested amendment
Existing Designation:	Highway Commercial, Tourist Commercial and Environmental Protection
Proposed Designation:	Highway Commercial, Mixed Use Gateway, Prestige Industrial and Parks and Open Space
Purpose:	To permit retail, service commercial and prestige employment uses with a collector street
Property Address/Description:	2387 Highway 7 and 332 Lindsay Street South
Municipality:	City of Kawartha Lakes
Approval Authority File No.:	D01-17-005
LPAT Case No.:	PL180303
LPAT File No.:	PL180303
LPAT Case Name:	Bromont Homes Inc. v. Kawartha Lakes (City)

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

Applicants and Appellants:	Bromont Homes Inc., Bromont Investments Inc., Bromont Lindsay 2 Corp. and Bromont Lindsay 5 Corp.
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Subject: Application to amend Zoning By-law No. 93-90  
- Refusal or neglect of the City of Kawartha  
Lakes to make a decision

Existing Zoning: Agricultural (A), Highway Commercial (CH)  
and Open Space Exception Three (OS-3)  
Zones

Proposed Zoning: Site Specific (To be determined)

Purpose: To permit retail, service commercial and  
prestige employment uses with a collector  
street

Property Address/Description: 2387 Highway 7 and 332 Lindsay Street South

Municipality: City of Kawartha Lakes

Municipality File No.: D06-17-020

LPAT Case No.: PL180303

LPAT File No.: PL180304

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

Applicants and Appellants: Bromont Homes Inc., Bromont Investments Inc.,  
Bromont Lindsay 2 Corp. and Bromont Lindsay 5  
Corp.

Subject: Proposed Plan of Subdivision - Failure of the City  
of Kawartha Lakes to make a decision

Purpose: To permit retail, service commercial and prestige  
employment uses with a collector street

Property Address/Description: 2387 Highway 7 and 332 Lindsay Street South

Municipality: City of Kawartha Lakes

Municipality File No.: D05-17-002

LPAT Case No.: PL180303

LPAT File No.: PL180305

**Heard:** January 11, 2021 by video hearing

## **APPEARANCES:**

### **Parties**

City of Kawartha Lakes

Bromont Homes Inc.

Wm. A. Westcott

### **Counsel**

Denitza Koev

Nicholas Macos

Denise Baker  
Raj Kehar

Ibrans Dev. Inc.	Gerard C. Borean
(Formerly: Craft Corporation, Mason Homes Ltd.)	Paul DeMelo
Catherine Gravely	Marc Kemerer
J. Stollar Construction	Denise Baker Raj Kehar
Fenelon Trails Inc. 2185373 Ontario Inc.	Richard Taylor
Vizatimet Farms Ltd., Medlaw Corporation, Mason Burch, Comhold Investments Ltd.	Tom Halinski
The Orsi Land Group: -Frank/Luigi/Antonio -Orsi Construction Ltd. -Charter Construction Limited -Forsite Homes Limited -Mod-Aire Homes Limited	Marc Kemerer
Linbrook Developments Inc.	Tom Halinski
Black Bear	James Webster

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. CHIPMAN AND  
M. ARPINO ON JANUARY 11, 2021 AND ORDER OF THE TRIBUNAL**

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[1] The matter before the Local Planning Appeal Tribunal (“Tribunal”) is regarding a number of appeals related to the adoption of the City of Kawartha Lakes (the “City”) 2012 Official Plan (“CKLOP”) referred to as: Official Plan Amendment (“OPA”) No. 13, OPA No. 14, OPA No. 15, OPA No. 16, OPA No. 17, and OPA No. 18, and three site specific appeals comprising of eight Tribunal files.

[2] This Hearing was originally convened to consider the merits of the appeals of the CKLOP and OPA 13 addressed in Phase 1 as stipulated in Member Lanthier’s (“Phase

1”) decision of December 5, 2019 with regard to: 1) Growth Management; 2) General Issues; and 3) Phasing Policies.

[3] The Tribunal received a Notice of Motion from J. Stollar Construction seeking two Orders of this Tribunal to bring into effect certain modifications to the CKLOP and OPA 13. Denise Baker, Counsel for J. Stollar Construction, informed the Tribunal that the Orders represent a settlement amongst all of the Parties except Bromont Homes Ltd. The Notice of Motion requested the Tribunal hear the merits of the proposed Settlement as reflected in the following two draft Orders.

[4] The first is a draft Order which would implement the approval of specific modifications to the general policies of the CKLOP and OPA No.13 (“Order 1”). Ms. Baker stated the submission of Order 1 was made on consent of all Parties having issues in Phase 1.

[5] The second is a draft Order (“Order 2”) submitted to the Tribunal on consent of all of the Parties with the exception of Bromont Homes Inc.

[6] The schedules attached to Order 2 (“Order 2 Schedules”), if approved by the Tribunal, would replace Schedules A-2, A-3, A-4, and A-5 of the CKLOP (“CKLOP Schedules”). The revisions would amend and establish the settlement boundaries of Lindsay, Fenelon Falls, Omemee, Woodville and Bobcaygeon. Order 2 also has the effect of removing the ‘Urban Settlement Area’ designation from certain lands.

[7] The Parties requested that, if the Tribunal accepted Order 2, the Tribunal defer the final issuance until the Parties inform the Tribunal that the form and format of the Order 2 Schedules have been finalized by the Parties. In the event that the Parties have not agreed to the form and format of the Order 2 Schedules prior to the hearing of the merits commencing in May 2021, the Parties suggested that finalization of the Order 2 Schedules be a matter for the Tribunal to adjudicate at that time.



[8] Rory Baksh, Land Use Planner for the City provided the Tribunal with non-opinion evidence regarding the history of the matters before the Tribunal.

[9] The CKLOP was approved by the City on September 21, 2010 and by the Ministry of Municipal Affairs and Housing in 2012. The non-appealed portions of the CKLOP came into force and effect on June 8, 2012. Thereafter, the City approved several secondary plans which amended the CKLOP, some of which are before the Tribunal on appeal.

[10] The Tribunal noted that the appeals have been before it for a considerable length of time and the Tribunal informed the Parties that it wants these matters resolved in an expeditious and fair manner.

[11] The Notice of Motion included an Affidavit of Mr. Lowes. After consideration of his Curriculum Vitae and without objection, the Tribunal qualified Mr. Lowes to give expert opinion evidence regarding land use planning matters.

[12] Mr. Lowes provided the Tribunal *viva voce* evidence regarding the content of Order 1 and Order 2.

[13] Regarding Order 1, Mr. Lowes stated that if issued, it would implement modifications to the general policies of the CKLOP and OPA 13. Mr. Lowes provided a detailed review of the proposed modifications. Mr. Lowes reviewed Order 2 in detail, including the Order 2 Schedules.

[14] Mr. Lowes informed the Tribunal that the CKLOP Schedules include lands which were not previously designated for urban purposes and expanded the settlement area boundaries without determination of need as required by the Growth Plan for the Greater Golden Horseshoe.

[15] In his opinion the findings and recommendations of a Growth Management Study should have been used to inform the review and approval of the settlement area

boundaries in the CKLOP Schedules. He testified that the settlement areas boundaries in the CKLOP Schedules should have been the actual settlement area boundaries that existed in September 2010.

[16] When questioned by the Panel, Mr. Lowes informed the Tribunal that the implementation of Order 2 would result in removing certain lands that are currently located within the settlement area boundaries. It was his opinion that the public should receive notice of the amendments to the settlement area boundaries which would be implemented if the Tribunal were to issue Order 2.

[17] Ms. Koev, Counsel for the City, informed the Tribunal that the City supports the Motion.

[18] Ms. Koev requested the Tribunal provide notice to the public that the Tribunal is considering proposals to realign the boundaries for Bobcaygeon, Fenelon Falls, Lindsay, Omemee, and Woodville which could potentially remove from those settlement areas certain lands that are currently located within the settlement area boundaries.

[19] The Tribunal reviewed the evidence provided to it, the testimony of Mr. Lowes, and considered the submissions of counsel. The Tribunal determined that based on Mr. Lowes' evidence, that the modifications to the general policies as proposed in Order 1 could impact the final determination of the settlement area boundaries. The Tribunal is not satisfied that adequate notice of the proposed settlement area boundaries has been provided to the public. The Tribunal must consider whether any planning instrument, even one proposed through a settlement, represents good planning in the public interest.

[20] The Parties submitted that Notice to the Public was required. The City prepared the Notice and requested that it be issued by the Tribunal. The Tribunal referred the Parties to s. 1.1(f) of the *Planning Act*, which recognizes the decision-making authority and accountability of municipal councils in planning, and directed the City to provide the Notice to the Public should be prepared.

[21] Further, the *Planning Act* provides many safeguards to protect the public interest. With respect to official plans, the Act establishes a procedure for the Tribunal, when presented with evidence and material that was not available to council when it made its decision, to invite the municipality to reconsider its decision and provide a recommendation to the Tribunal pursuant to s. 17 (44.3) through s. 17 (44.6) as noted below:

### **New Evidence at Hearing**

(44.3) This subsection applies if information and material that is presented at the hearing of an appeal under subsection (24) or (36) was not provided to the municipality before the council made the decision that is the subject of the appeal. 2019, c. 9, Sched. 12, s. 3 (16).

### **New Evidence at Hearing**

(44.4) When subsection (44.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (44.5) has been complied with and the prescribed time period has elapsed. 2019, c. 9, Sched. 12, s. 3 (16).

### **Notice to Council**

(44.5) The Tribunal shall notify the council that it is being given an opportunity to,

- (a) reconsider its decision in light of the information and material; and
- (b) make a written recommendation to the Tribunal. 2019, c. 9, Sched. 12, s. 3(16).

### Council's Recommendation

(44.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (44.4), and may, but is not required to, do so if it is received afterwards. 2019, c. 9, Sched. 12, s. 3 (16).

[22] In addition, Rule 12.1 of the Tribunal's *Rules of Practice and Procedure* provides the Tribunal with discretion as to whether to proceed with a settlement:

**12.1 Procedure if Settlement Before Hearing Event.** The Tribunal may hold a hearing on the terms of a settlement if the parties in the proceeding agree to a settlement prior to a hearing event.

[23] The Tribunal may issue any directions to the parties necessary to ensure compliance with all statutory requirements, prior to convening the settlement hearing. If all statutory requirements and the public interest are satisfied, the Tribunal has discretion to issue an order approving the modifications, with any necessary amendments.

[24] The Tribunal will defer consideration of the Motion until the next Case Management Conference ("CMC").

[25] At the next CMC the Tribunal will consider any new requests for party or participant status.

[26] The Tribunal directs that there be a CMC scheduled on **Tuesday, April 6, 2021**, by which time the City shall, 10 days prior to this CMC, provide to the Case Coordinator notice as to whether Council wishes to provide a recommendation pursuant to s. 17 of *Planning Act* and as well as a summary of the response to the public notice.

[27] The Tribunal directs that on or before **Tuesday, April 6, 2021** the Parties will provide the Case Coordinator a copy of the proposed Order 2 Schedules.

[28] The CMC is scheduled to proceed by video hearing on **Tuesday, April 6, 2021 at 10 a.m.**

[29] 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/942065965>

**Access code: 942-065-965**

[30] 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 or a web application is available:

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

[31] 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: **942-065-965**.

[32] 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.

## **ORDER**

[33] The Tribunal Orders:

- 1) The City of Kawartha Lakes shall provide notice to the public, by means acceptable to the City, that the Local Planning Appeal Tribunal is being asked to consider proposals that would have the effect of re-aligning the boundaries

for the settlement areas of Bobcaygeon, Fenelon Falls, Lindsay, Omemee and Woodville, thereby removing from those settlement areas certain lands that are currently located within the settlement boundaries as shown in Maps 1 to 5 in Attachment B, Order 2 and those sites identified in Maps 1 to 5 as “Candidate Sites” in Attachment C (Candidate site for reassignment, potential removal and/or that may represent excess lands) in the Agreed Statement of Facts dated October 9, 2020, including the suggested revisions to the ‘Urban Settlement Area’ designation.

- 2) That Council be afforded the opportunity to reconsider its decision on the CKLOP in light of the information and materials provided and make a written recommendation to the Tribunal pursuant to s. 17(44.3) through s. 17(44.6) of the *Planning Act*, subject to any prescribed timeline, and if not applicable, no later than ten days before the start of the CMC Hearing scheduled for **Tuesday, April 6, 2021.**

[34] No further notice will be given.

[35] This Panel is seized for the next CMC.

*“D. Chipman”*

D. CHIPMAN  
MEMBER

*“M. Arpino”*

M. ARPINO  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

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

LPAT Case Nos. PL120217 and PL171407

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

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13,  
as amended

Appellant:	Bromont Homes Inc.
Appellant:	Kerry L.W. Doughty
Appellant:	Ferma Aggregates Inc.
Appellant:	Jennifer Graham; and others
Subject:	Official Plan
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**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13,  
as amended

Appellant:	2358493 Ontario Inc.
Appellant:	BARMMAR Investments Ltd. & BMMB Investments Ltd.
Appellant:	Bromont Homes Inc.
Appellant:	Comhold Investments Ltd.; and others
Subject:	Proposed Official Plan Amendment No. OPA 13
Municipality:	City of Kawartha Lakes
OMB Case No.:	PL171407
OMB File No.:	PL171407
OMB Case Name:	Gravely v. Kawartha Lakes (City)

BEFORE:	)	[DATE], 2021
	)	
	)	
	)	

**ORDER**



THIS MATTER having come on for a hearing event on January 11, 2021, pertaining to the outstanding appeals of the City of Kawartha Lakes Official Plan that was adopted by City Council in 2010 and approved, with modifications, by the Ministry of Municipal Affairs and Housing on January 11, 2012 ("CKLOP"), and to certain parts of Official Plan No. 13 ("OPA 13"), in accordance with the Tribunal's Order issued on December 17, 2019 (the "Phase 1 Hearing");

AND WHEREAS all of the Parties to the Phase 1 Hearing are identified in Attachment 1 to the Procedural Order issued on October 1, 2020, and in paragraph 19 of the Order subsequently issued by the Tribunal on October 15, 2020;

AND WHEREAS THE TRIBUNAL has received the Statement of Agreed Facts, dated September 25, 2020, and the Second Statement of Agreed Facts, dated October 9, 2020, which are executed by all land use planners that have prepared expert witness statements with respect to the Phase 1 Hearing;

AND WHEREAS the Second Statement of Agreed Facts sets out a series of recommended mapping and policy modifications to resolve a number of issues tabled for this hearing phase;

AND WHEREAS THE TRIBUNAL has been advised by counsel for the City of Kawartha Lakes ("City"), on the consent of all of the parties intending to call evidence at the Phase 1 Hearing, being 2185373 Ontario Inc., Bromont Homes Inc., Catherine Gravely, Comhold Investments Ltd. et. al., Fenelon Trails Inc., Ibrans Developments Ltd., J. Stollar Construction Limited, Vizatimet Farms Ltd., and William Westcott, that the City and those parties have settled this hearing phase, in part, by agreeing to the modifications proposed in Schedule "A" attached hereto (the "Proposed Modifications");

AND WHEREAS THE TRIBUNAL has heard viva voce land use planning evidence that the Proposed Modifications are consistent with the Provincial Policy Statement, conform to the Growth Plan 2006 or 2019 as the case may be, and represent good planning;

AND WHEREAS THE TRIBUNAL may make modifications to the parts of the CKLOP and OPA 13 that are before it and approve all or part of those parts, as modified, in accordance with subsections 17(50) and 17(50.1) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;

THE TRIBUNAL ORDERS that:

1. The CKLOP and OPA 13 are modified as set out in Schedule "A" attached to this Order and that the policies, text, tables, and mapping so modified are hereby approved.

2. All of the modifications approved herein are brought into force and effect, save and except for Modifications #22 and 23 set out in the attached Schedule "A", which will come into force and effect when the balance of the issues in this hearing phase, pertaining to the final form and content of the Schedules to OPA 13, are determined.
3. The Tribunal may be spoken to should any matters arise respecting the implementation of this Order.

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Registrar

**Proposed City of Kawartha Lakes 2012 Official Plan and OPA 13 Modifications for Tribunal's Approval**

Based upon the recommendations contained in the Expert Land Use Planners' Second Statement of Agreed Facts or Expert Witness Statements and/or as agreed between the parties having issues in the Phase 1 proceeding.

Mod #	Modification	Instrument Modified
1	<b>Add:</b> 4.1.3 Notwithstanding policy 4.1.2, the City may adjust settlement area boundaries outside of a municipal comprehensive review, in accordance with Section 2.2.8.4 of the 2019 Growth Plan.	OPA 13
2	<b>Add:</b> 4.1.4 Planned Designated Greenfield Area Density  At the time of the next municipal comprehensive review, the City shall apply community-specific densities to the designated greenfield areas of Lindsay, Bobcaygeon, Fenelon Falls, and Omemee to ensure that the overall greenfield density target for the City is achieved.	OPA 13
3	<b>Revise:</b> 18.1.1 [ <i>first three sentences</i> ] The City of Kawartha Lakes contains <del>five (5)</del> <u>four (4)</u> Urban Settlement Areas consisting of Lindsay, Bobcaygeon, Fenelon Falls, <u>and</u> Omemee <del>and Woodville</del> .  The development of the City of Kawartha Lakes <del>five</del> <u>four</u> urban settlement areas shall be based on the following Vision and Strategic Directions developed based on the input from community consultation activities.  Growth in these <del>five</del> <u>four</u> urban settlement areas shall be based on the following vision:	OPA 13
4	<b>Revise:</b> 18.1.3 [ <i>2<sup>nd</sup> bullet</i> ] To apply land use designations that permit <del>a wide-an appropriate</del> range of uses and to incorporate the Secondary Plan policies for the Urban Settlement Areas of Lindsay, Fenelon Falls, Bobcaygeon, <u>and</u> Omemee <del>and Woodville</del> .	OPA 13
5	<b>Revise:</b> 18.2(g) To incorporate the policies of the secondary plans for Lindsay, Fenelon Falls, Bobcaygeon, <u>and</u> Omemee <del>and Woodville</del> .	OPA 13
6	<b>Revise:</b> 18.3.1 The predominant uses of land in the areas so designated shall be residential, recreational, institutional, industrial, cultural and commercial uses, according to the land use designations included in the Secondary Plans for <u>the</u> Urban Settlement Areas of Lindsay, Fenelon Falls, Bobcaygeon, <u>and</u> Omemee <del>and Woodville</del> .	OPA 13

7	<b>Revise:</b> 18.3.2 The boundaries of the Urban Settlements <u>Designations</u> are as <u>generally defined by the Secondary Plans for the Urban Settlement Areas of Lindsay, Fenelon Falls, Bobcaygeon, Omemee and Woodville as detailed in Schedules “F-1” to “F-5” on Schedules A-3 and A-5 of this Official Plan.</u>	OPA 13																								
8	<b>Delete:</b> <del>18.3.3. Within the Urban Settlement Designation, development should proceed based on the level of services that are currently provided.</del>	2012 OP																								
9	<b>Add:</b> 18.3.3 [ <i>in light of deletion above this becomes 18.3.3</i> ] On an interim basis, until such time as the Secondary Plans for Bobcaygeon and Omemee have been approved, the policies and the maps of the County of Victoria Official Plan shall continue to apply.	OPA 13																								
10	<b>Revise:</b> 18.4.1 <u>Permanent</u> Population Projections  <del>The City of Kawartha Lakes population varies depending upon the reason of the year. The period from June to August is considered the peak summer period when the transient and seasonal populations as well as visitors are highest. <u>Permanent</u> population projections for the Urban Settlement Areas <del>at 2031</del> are as follows:</del>  [delete current table] <table><tr><th>Settlement Area</th><th>Population Base (2006)</th><th>Population Base (2031)</th><th>Seasonal Population (2031)*</th></tr><tr><td>Lindsay</td><td>19,361</td><td>31,002</td><td>11,471</td></tr><tr><td>Bobcaygeon</td><td>3,313</td><td>4,625</td><td>1,711</td></tr><tr><td>Fenelon Falls</td><td>2,164</td><td>3,640</td><td>1,347</td></tr><tr><td>Omemee</td><td>1,323</td><td>2,143</td><td>793</td></tr><tr><td>Woodville</td><td>857**</td><td>1,217</td><td>n/a</td></tr></table> <del>*The 2031 seasonal population for Lindsay, Bobcaygeon and Fenelon Falls is estimated as 37% of the population base estimates (Based on the City of Kawartha Lakes Growth Management Strategy, May 2011). **Base year for Woodville is 2011 and data is sourced from the Census. ***Assumes a person per unit ratio of 2.84 in 2011 and data is sourced from the Census.</del>  [and replace with following table]	Settlement Area	Population Base (2006)	Population Base (2031)	Seasonal Population (2031)*	Lindsay	19,361	31,002	11,471	Bobcaygeon	3,313	4,625	1,711	Fenelon Falls	2,164	3,640	1,347	Omemee	1,323	2,143	793	Woodville	857**	1,217	n/a	OPA 13
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11	<p><b>Delete:</b> 18.4.5 Future Development Area (Overlay) — 18.4.5.1 Lands shown as Future Development Area (Overlay) on Schedules “A-3” and “A-5” may be suitable for future development purposes beyond the planning horizon of this Plan. They will be given first consideration for redesignation to a variety of urban land uses to be developed on full municipal services if warranted through a comprehensive review of the Official Plan and Master Plans in accordance with Section 2.2.8 of the Growth Plan. Until such time, the lands shall continue to be subject to the policies of the existing underlying land use designations</p>	OPA 13																												
12	<p><b>Add:</b> 18.4.5 The City shall coordinate forecasted growth and planned infrastructure upgrades.</p>	OPA 13																												
13	<p><b>Revise:</b> Section 18.5.1 [<i>delete current table</i>]</p> <table><tr><th><u>Settlement Area</u></th><th><u>Total Units (2006)</u></th><th><u>Total Units (2031)</u></th><th><u>Unit Demand 2006 to 2031</u></th></tr><tr><td><u>Lindsay</u></td><td><u>7,744</u></td><td><u>13,657</u></td><td><u>5,913</u></td></tr><tr><td><u>Bobcaygeon</u></td><td><u>1,325</u></td><td><u>2,037</u></td><td><u>712</u></td></tr><tr><td><u>Fenelon Falls</u></td><td><u>866</u></td><td><u>1,604</u></td><td><u>738</u></td></tr><tr><td><u>Omeme</u></td><td><u>529</u></td><td><u>944</u></td><td><u>415</u></td></tr><tr><td><u>Woodville</u></td><td><u>345*</u></td><td><u>490**</u></td><td><u>145</u></td></tr></table> <p><u>Source: Adopted from the City of Kawartha Lakes Growth Management Strategy (May 2011) *Note: Base year for Woodville is 2011 and data is sourced from the Census.</u> <u>** Assumes that all draft approved and potential residential units totaling 145 can be developed by 2031.</u></p> <p>[and replace with the following table]</p>	<u>Settlement Area</u>	<u>Total Units (2006)</u>	<u>Total Units (2031)</u>	<u>Unit Demand 2006 to 2031</u>	<u>Lindsay</u>	<u>7,744</u>	<u>13,657</u>	<u>5,913</u>	<u>Bobcaygeon</u>	<u>1,325</u>	<u>2,037</u>	<u>712</u>	<u>Fenelon Falls</u>	<u>866</u>	<u>1,604</u>	<u>738</u>	<u>Omeme</u>	<u>529</u>	<u>944</u>	<u>415</u>	<u>Woodville</u>	<u>345*</u>	<u>490**</u>	<u>145</u>	OPA 13				
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## Schedule "A"

PL120217 and PL171407

	<u>Settlement Area</u>	<u>Total Units (2016)*</u>	<u>Projected Total Units (2031)</u>	<u>Total Units (2051)**</u>	
	<u>Lindsay</u>	<u>9,085</u>	<u>13,657</u>	<u>TBD</u>	
	<u>Bobcaygeon</u>	<u>1,715</u>	<u>2,037</u>	<u>TBD</u>	
	<u>Fenelon Falls</u>	<u>1,130</u>	<u>1,604</u>	<u>TBD</u>	
	<u>Omeme</u>	<u>520</u>	<u>944</u>	<u>TBD</u>	
	<u>* Data is sourced from 2016 Census.</u>				
	<u>** Note: The 2051 housing units by settlement area is to be determined through the next municipal comprehensive review.</u>				
<b>14</b>	<b>Revise:</b> <del>18.5.12 A portion of the An affordable housing units should be accessible for people with disabilities. The affordable housing component contributing to an overall affordable housing City-wide target in Section 5.3.5 will be necessary for any new development where 25 or more single and/or semi-detached and/or townhouse dwelling units, or 50 or more multi-family dwelling units are proposed.</del>				OPA 13
<b>15</b>	<b>Add:</b> 18.5.12.1 It is expected that the affordable housing component could be achieved through <u>the provision of</u> townhouses, stacked townhouses, apartments, and/or secondary suites.				OPA 13
<b>16</b>	<b>Add:</b> 18.5.12.2 A portion of the affordable housing units should be accessible for people with disabilities.				OPA 13
<b>17</b>	<b>Add:</b> 18.5.12.3 The City shall ensure that the zoning by-law enables affordable housing as contemplated in policies 18.5.12.1 and 18.5.12.2.				OPA 13
<b>18</b>	<b>Revise:</b> 18.6.4 While intensification is encouraged <u>within a</u> settlement area's' existing <u>built boundary</u> , the strategic location for intensification projects should generally be within the downtowns <u>(while not undermining the heritage value of the downtown)</u> , on main streets, <u>and</u> on brownfield sites and <u>along key corridors other large sites, to maximize potential for intensification</u> within the settlement areas, as these areas are considered to be the most appropriate locations for intensification. <u>Furthermore, it is expected that the majority of the intensification will occur in Lindsay.</u> Refer to Schedules F1 to F <u>45</u> , which identify the settlement areas' <u>built boundaries</u> <u>Built-Up Area</u> .				OPA 13
<b>19</b>	<b>Revise:</b> 18.6.6 (f) Identifying intensification <del>strategic</del> sites and intensification corridors <del>and developing accompanying policies before the next 5-year review of the City of Kawartha Lakes Official Plan as further described in the Secondary Plans.</del>				OPA 13
<b>20</b>	<b>Revise:</b> 28.8.1 Development <del>near adjacent to the Lindsay airport shall be consistent with Section 1.6.9.2 of the PPS, as amended and in particular sensitive land uses that are not compatible should be prohibited in order to protect and to provide for any expansion. Such expansions include the extensions of the runways for aircraft approaches and take off.</del>				2012 OP

21	<p><b>Replace all of Section 34.8, as it appears in the 2012 OP and OPA 13, with the following:</b></p> <p>34.8.1 The City intends to ensure that new development proceeds in a logical, efficient manner and in keeping with the needs of the marketplace and the City's ability to provide adequate services. The City also intends to ensure that the phasing of development within the designated greenfield area will not adversely affect the achievement of the minimum intensification and density targets in this Plan.</p> <p>34.8.1.1 Lands identified within the Urban Settlement Boundary of a community are intended to serve the growth needs of the community to the year 2031 and may be allowed to develop subject to a demonstration of municipal water and wastewater servicing capacity by a professional engineer in a Functional Servicing Report or Servicing Options Study to the satisfaction of the City, and final confirmation of water and wastewater servicing capacity by the City as a condition of development approval.</p> <p>34.8.2 In the City's fully serviced urban settlement areas:</p> <ul style="list-style-type: none"><li>i. Priority shall be given to the development of those lands that are presently serviced by and/or directly abut existing piped sewer and water infrastructure, as well as those areas to which such infrastructure can most easily be extended at no expense to the City;</li><li>ii. Undeveloped lands located within a community's Settlement Boundary but beyond its Urban Servicing Boundary shall only be considered for development once municipal water, wastewater, and stormwater infrastructure have been upgraded and/or extended to adequately service those lands and enable the inclusion of those lands in the Urban Servicing Boundary;</li><li>iii. The phasing of development shall be in accordance with the policies of the Secondary Plans for urban settlement areas, and shall be based on the progressive extension and economic utilization of utilities and services;</li><li>iv. The timing of development approvals shall accordingly be based on the regulation of the geographic sequence and balance so that:<ul style="list-style-type: none"><li>a. there are adequate opportunities for both intensification and greenfield development but first priority is to be given to intensification;</li><li>b. there is the logical extension of municipal services that avoids the leap-frogging of large undeveloped tracts of land;</li><li>c. a compact urban form and pattern of development is maintained; and</li><li>d. the provision of all municipal services proceeds in an economically viable manner.</li></ul></li></ul>	OPA 13
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	<p>v. Existing already-developed properties within the Urban Settlement Boundary that do not have municipal water and wastewater services available to them may be allowed to continue to function on private water and/or wastewater services until such time as municipal water and wastewater services are made available. When municipal water and wastewater services become available, those properties shall be required to connect to the municipal water and wastewater services and decommission any private servicing.</p> <p>vi. To ensure that lands are not developed prematurely, lands proposed for development in accordance with policies 34.8.1.1 and 34.8.2.ii above, shall be zoned with a Holding (H) provision when:</p> <p>a. The subject lands do not have available allocations of municipal water and wastewater servicing and/or;</p> <p>b. Where construction is not planned to commence within 3 years from the date of final development approval by the municipality.</p> <p>vii. The condition for release of the Holding (H) provision in policy ‘vi’ above shall be confirmation that any infrastructure constraints have been eliminated or remedied and no longer preclude the proposed development from proceeding to construction within three years.</p> <p>34.8.3 To ensure that the lack of adequate servicing does not create a constraint to development, the City shall coordinate upgrades to water, wastewater, stormwater, and transportation infrastructure to ensure they are planned and completed in advance of their becoming necessary.</p> <p>34.8.4 There may continue to be draft approved plans of subdivision throughout the City which have been dormant for an extended period of time:</p> <p>i. When conditions of draft plan approval are not fulfilled within the allotted time period for which draft subdivision/condominium approval has been granted, Council may elect not to support the extension of draft approval and assign the servicing allocation to other developments or areas of the City or hold the capacity in reserve.</p> <p>ii. Prior to the lapsing of draft approval, the development proponent may request an extension of draft approval. Provided Council is satisfied with the merits of the request for an extension of draft approval, Council may choose to extend the draft approval period. No extension is permissible if draft approval lapses before the extension is given. In which case, Council may proceed with re-allocating the servicing capacity and revising the City’s planning documents, as necessary.</p>	
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	<p>iii. In all future draft plan of subdivision approvals, a 3 year lapsing provision for draft plan approval shall be included.</p> <p>iv. To ensure that municipal servicing allocation is not tied up indefinitely and that lots are developed to meet the anticipated growth within the municipality, the City will review all draft approved plans and revise the conditions to reflect the current appropriate agency that must clear conditions of draft approval. For draft plans of subdivision to be serviced by municipal services, a condition will also be added that the draft approved plan shall lapse within 3 years if final approval is not given.</p> <p>v. A provision shall be included in the conditions of draft approval or the executed subdivision agreement to ensure that phases are developed in a reasonable time or the allocation of services will be withdrawn or reallocated to another development.</p>	
22	<p><b>Delete:</b> [<i>‘Future Development Area’ shapes and legend item from Schedules A-3, A-4 and A-5, currently shown in OPA 13</i>]</p>	OPA 13
23	<p><b>Revise:</b> [<i>Replace the ‘Urban Settlement Area’ designation for Woodville with the ‘Hamlet’ designation in Schedules A-2 and A-4</i>]</p>	OPA 13

\*All comments that have been made in **bold** or that are *italicized* and made in [square brackets] are intended to capture an action item or other note pertaining to the proposed modification and do not form part of that modification.

## ATTACHMENT 2

LPAT Case Nos. PL120217 and PL171407

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

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13,  
as amended

Appellant:	Bromont Homes Inc.
Appellant:	Kerry L.W. Doughty
Appellant:	Ferma Aggregates Inc.
Appellant:	Jennifer Graham; and others
Subject:	Official Plan
Municipality:	City of Kawartha Lakes
OMB Case No.:	PL120217
OMB File No.:	PL120217
OMB Case Name:	Graham v. Ontario (Municipal Affairs and Housing)

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13,  
as amended

Appellant:	2358493 Ontario Inc.
Appellant:	BARMMAR Investments Ltd. & BMMB Investments Ltd.
Appellant:	Bromont Homes Inc.
Appellant:	Comhold Investments Ltd.; and others
Subject:	Proposed Official Plan Amendment No. OPA 13
Municipality:	City of Kawartha Lakes
OMB Case No.:	PL171407
OMB File No.:	PL171407
OMB Case Name:	Gravely v. Kawartha Lakes (City)

BEFORE:	)	[DATE], 2021
	)	
	)	
	)	

**ORDER**

THIS MATTER having come on for a hearing event on January 11, 2021, to determine, among other things, issues pertaining to the location of the settlement area boundary for each of Bobcaygeon, Fenelon Falls, Omemee, Woodville, and Lindsay, as they are shown in Schedules A-2, A-3, A-4 and A-5 of the City of Kawartha Lakes Official Plan, which Plan was adopted by City Council in 2010 and approved with modifications by the Ministry of Municipal Affairs and Housing on January 11, 2012 ("CKLOP");

AND WHEREAS THE TRIBUNAL has directed that the portion of this Phase 1 Hearing that addresses issues pertaining to the location of the urban settlement boundary for each of Bobcaygeon, Fenelon Falls, Omemee and Lindsay under the Official Plan Amendment No. 13 ("OPA 13") is deferred to the hearing scheduled to commence on May 25, 2021;

AND WHEREAS THE TRIBUNAL has received the Statement of Agreed Facts, dated September 25, 2020 and the Second Statement of Agreed Facts, dated October 9, 2020, which have been executed by all land use planners who have prepared expert witness statements for the Phase 1 Hearing;

AND WHEREAS THE TRIBUNAL has been advised by counsel for the City that the City and all of the appellant parties having issues with respect to the CKLOP settlement boundaries, being Catherine Gravely, J. Stollar Construction Limited, and William Westcott, have agreed that those issues would be resolved if the Tribunal approves certain modifications to Schedules A-2, A-3, A-4 and A-5 of the CKLOP so as to reflect the Settlement Boundary for each of Bobcaygeon, Fenelon Falls, Lindsay, Omemee, and Woodville as shown in Maps 1 through 5 of Attachment 'B' to the planners' Second Statement of Agreed Facts, which maps have been attached here to as Schedule "A" (the "2012 Boundaries");

AND WHEREAS the City, Catherine Gravely, J. Stollar Construction Limited, and William Westcott seek the Tribunal's approval of the agreed upon 2012 Boundaries on the consent of all of the other parties having issues in the Phase 1 Hearing, including with respect to OPA 13;

AND WHEREAS THE TRIBUNAL has heard viva voce land use planning evidence that the proposed modifications to CKLOP Schedules A-2, A-3, A-4 and A-5 are consistent with the Provincial Policy Statement 2020, conform to the applicable Growth Plan for the Golden Greater Horseshoe, and represent good planning;

AND WHEREAS THE TRIBUNAL may make modifications to the parts of the CKLOP that are before it and approve all or part of those parts, as modified, in accordance with subsections 17(50) and 17(50.1) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;

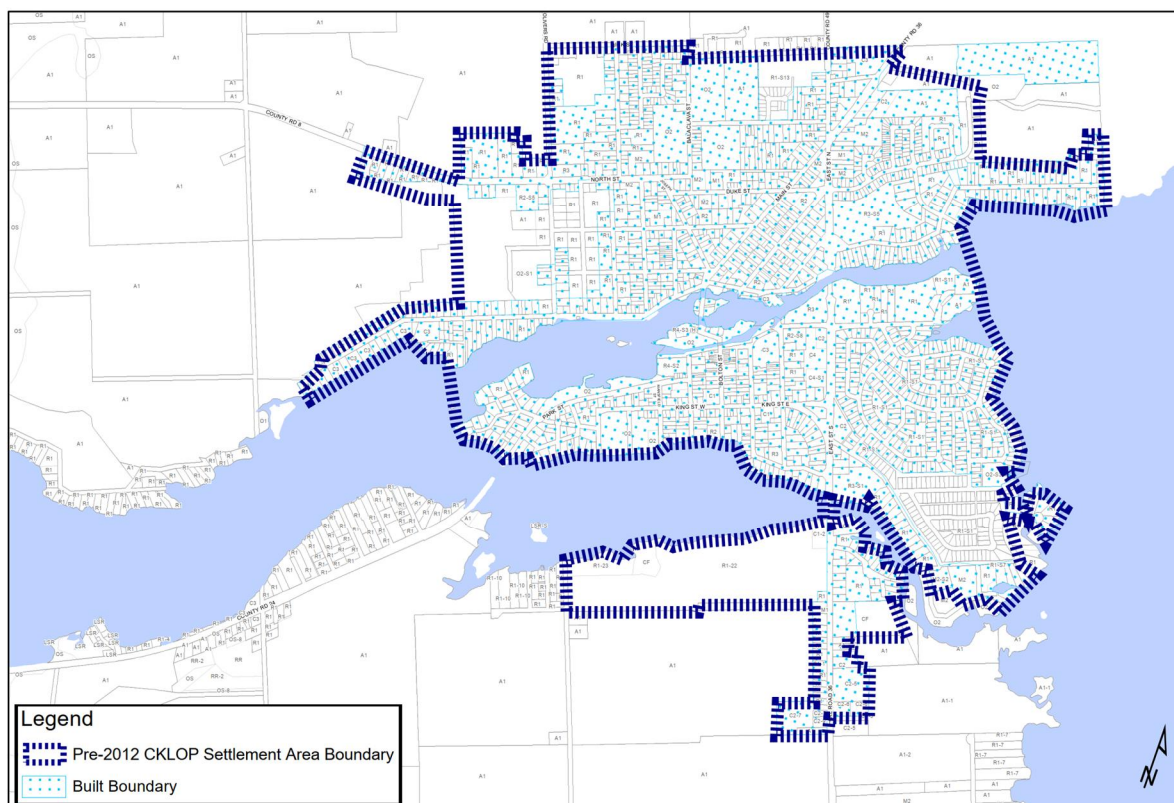
THE TRIBUNAL HEREBY ORDERS that:

1. Schedules A-2, A-3, A-4 and A-5 of the CKLOP be modified in accordance with the agreed upon Settlement Boundary for each of Bobcaygeon, Fenelon Falls, Omemee, Woodville and Lindsay, as shown in Maps 1 through 5 attached hereto as Schedule "A", including any necessary revisions to the 'Urban Settlement Area' designation shown on the same CKLOP Schedules arising from the modifications approved herein.
2. Final approval of the revised CKLOP Schedules is withheld until such time as the parties to the Phase 1 Hearing advise the Tribunal that the revised Schedules have been finalised in form and provided to the Tribunal.
3. This Order is made without prejudice to any right that the Parties to the Phase 1 Hearing may have to argue for, or against, a boundary adjustment pursuant to 2019 Growth Plan Policy 2.2.8.4 during the portion of the Phase 1 Hearing that is scheduled to be heard in May/June of 2021.
4. The Schedule which is attached to this Order shall form part of this Order.
5. The Tribunal may be spoken to should any matters arise respecting the implementation of this Order.

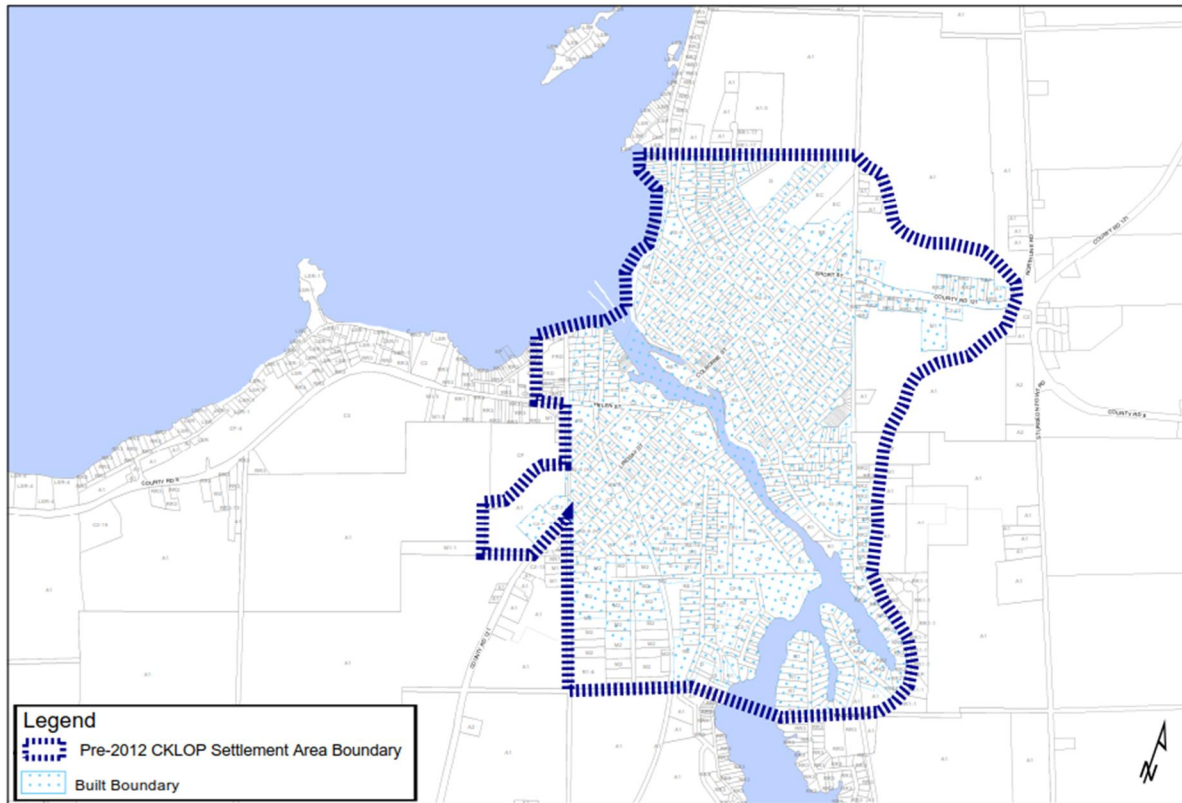
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Registrar

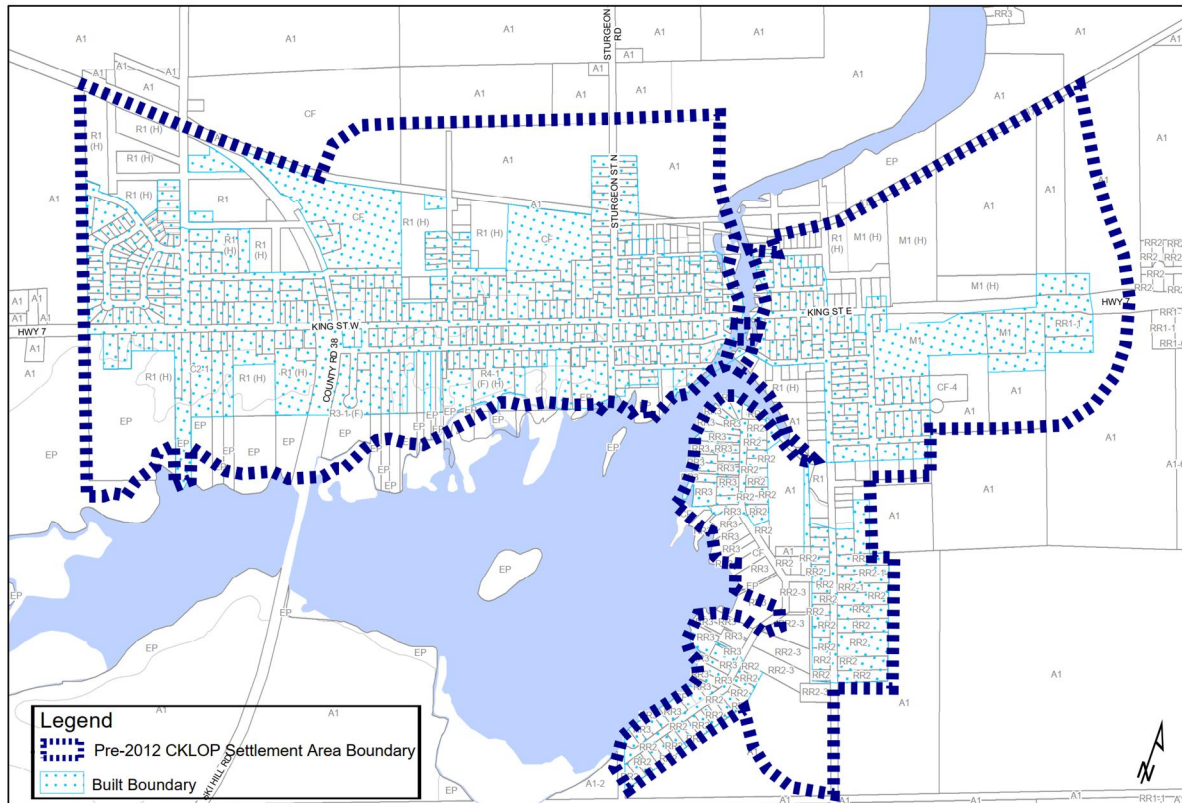
**Attachment 'B', Map 1**  
**Bobcaygeon Settlement Area Boundary**



**Attachment 'B', Map 2**  
**Fenelon Falls Settlement Area Boundary**

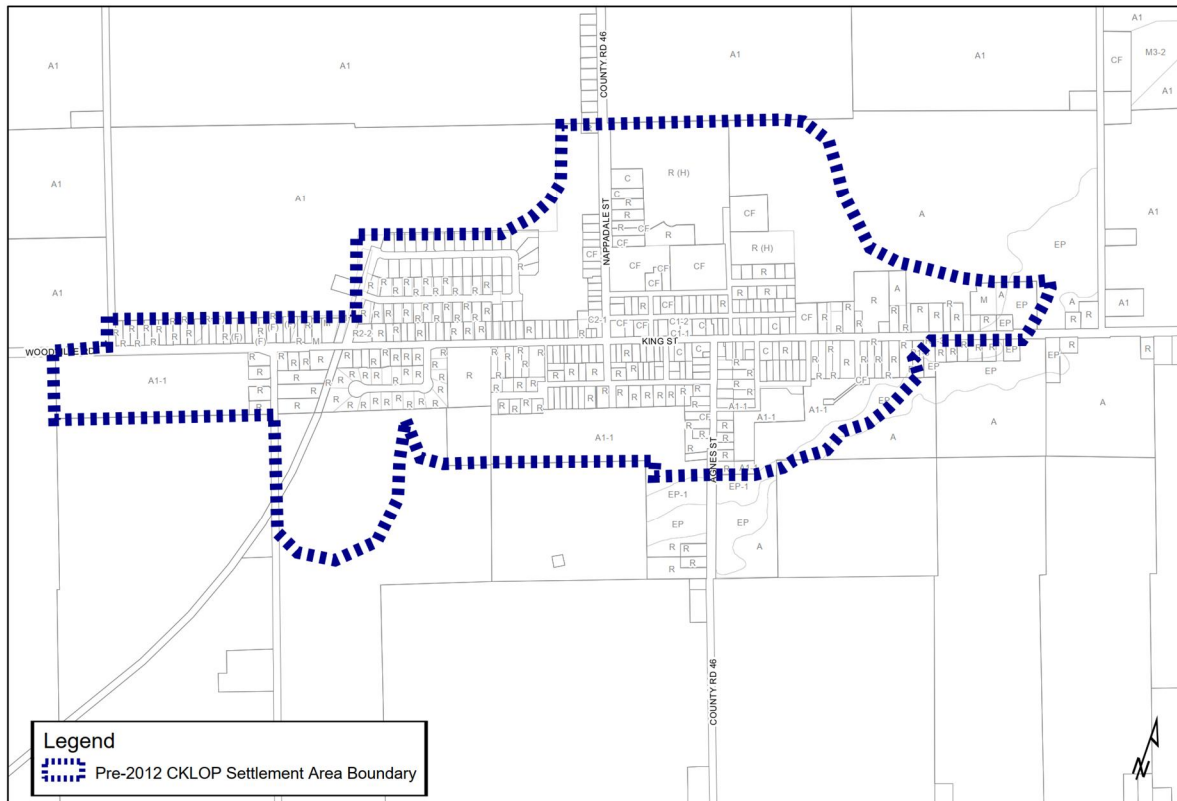


### Attachment 'B', Map 3 Omemee Settlement Area Boundary





### Attachment 'B', Map 4 Woodville Settlement Area Boundary





## Attachment 'B', Map 5 Lindsay Settlement Area Boundary

