

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 21, 2024

CASE NO(S): OLT-22-001930
(Formerly PL200426)

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

Appellant: CannTrust Inc.
Appellant: Redecan & Redecan Pharm
Appellant: Woodstock Biomed Inc.
Subject: Proposed Official Plan Amendment No. OPA 09
Municipality: Town of Pelham
OLT Case No.: OLT-22-001930
Legacy Case No.: PL200426
OLT Lead Case No.: OLT-22-001930
Legacy Lead Case No.: PL200426
OLT Case Name: Woodstock Biomed Inc. v. Pelham (Town)

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

Appellant: CannTrust Inc.
Appellant: Redecan & Redecan Pharm
Appellant: Woodstock Biomed Inc.
Subject: By-law No. BL 4252(2020)
Municipality: Town of Pelham
OLT Case No.: OLT-22-001931
Legacy Case No.: PL200427
OLT Lead Case No.: OLT-22-001930
Legacy Lead Case No.: PL200426

Heard: January 17, 2024, by Video Hearing

APPEARANCES:**Parties**

Redecan and Redecan Pharm

Town of Pelham

CounselAndrew Pelletier
Brian Duxbury (*in absentia*)Laura Dean
Patrick Harrington (*in absentia*)**MEMORANDUM OF ORAL DECISION DELIVERED ON JANUARY 17, 2024, BY S. DEBOER AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This Decision arises from the Case Management Conference (“CMC”) held at the request of the Town of Pelham (“Town”) concerning the satisfaction of conditions by Redecan and Redecan Pharm (“Appellant”) from the OLT’s Interim Order delivered on August 23, 2022.

BACKGROUND

[2] The Interim Order approved the Town’s Official Plan Amendment No. 9 (“OPA 9”). The Interim Order also approved the Zoning By-law Amendment No. 4252 (2020) (“ZBLA”) based on the Appellant satisfying three conditions for the lands Municipally known as 182 Foss Road:

- a. A description of the current odour control and management systems being employed;
- b. A site plan drawing showing the location of existing buildings; and
- c. A Contingency Odour Management Plan.

[3] Since the time of the Interim Order, the Town has requested the documents from the Appellant on multiple occasions in both 2022 and 2023. The Town stated that it had only received one response containing any of the required documentation, which occurred on October 11, 2023. This documentation was provided by the Appellant's Senior Director of Cultivation. The Town reviewed and responded to the Senior Director on November 2, 2023, stating that the information received was not adequate and that further documentation was needed. The Town stated that it has not received any further correspondence from the Appellant as to the requested documentation.

[4] The Appellant stated that since the time of the Interim Order, the company has gone through many management changes and the company itself has been sold to another company. This has led to many internal issues in completing the conditions to satisfy the Interim Order.

[5] It was the Town's argument that the Appellant has had nearly 18 months to satisfy the conditions and has not taken the appropriate steps to meet the conditions of the Interim Order. It was the Town's request that the Appellant be given 60 days to complete and submit the documents needed to satisfy the conditions. The Town stated that if the conditions are not met, it would request that the Tribunal approve the Final Order excluding sections 7 and 8 of the "Schedule A" of the ZBLA, which contain the site-specific exemptions for the Appellant's lands.

[6] The Appellant argued that their expert needed more time to complete the documentation and would not be able to complete the documents in that short a timeframe. It was the Appellant's request that they be given 125 days to complete the necessary documents and submit them to the Town for review and approval.

ANALYSIS AND FINDINGS

[7] The Tribunal notes that it had received Participant Statements from Wayne Robbins, James Jeffs and Kathryn Atherton. The Tribunal is also in receipt of emails from Wendy Brule, Lonny Demers and Julie Rakonjac, who the Tribunal considers to be

interested persons concerning this file. The Tribunal notes that it takes these Participant Statements into consideration when rendering its decision in this matter.

[8] The Tribunal has taken into account the requests of the Parties and finds that the Town's request of 60 days is too short for the Appellant to satisfy the conditions. The Tribunal finds that 125 days is too long for the materials to be received to satisfy the conditions.

[9] The Tribunal finds that there is some middle ground which may allow for an efficient resolution to the conditions of the Interim Order. The Tribunal rules that a deadline of **Tuesday, April 30, 2024** would be sufficient to allow the Appellant to complete the required documentation.

[10] The Tribunal rules that the Town shall have until **Wednesday, May 15, 2024** to analyze the received documentation and ask the Appellant to submit further documents as needed.

[11] The Tribunal rules that the Appellant shall have until **Thursday, May 30, 2024** to submit to the Town the further documents needed to satisfy the conditions.

[12] The Tribunal rules that the Town, upon receiving the further documentation, will have until **Monday, June 17, 2024** to notify the Tribunal if the conditions of the Interim Order have been met. If these conditions have not been met, the Town may request that the Tribunal remove sections 7 and 8 from Schedule A of the ZBLA – which pertain to the Appellant's lands – when issuing its Final Order.

[13] The Tribunal understands the significance of the satisfaction of these conditions before issuing its Final Order. As such, the Tribunal is requesting that the Parties send to the Tribunal, through the Case Coordinator, correspondence three business days before each of the deadlines to update the Tribunal as to the process of meeting the deadlines in the Order below.

ORDER

[14] **THE TRIBUNAL ORDERS** that the Appellant will submit the required documentation concerning the three conditions of the Interim Order to the Town of Pelham by **Tuesday, April 30, 2024**.

[15] **THE TRIBUNAL ORDERS** that the Town will have until **Wednesday, May 15, 2024** to respond to the Appellant's documents.

[16] **THE TRIBUNAL ORDERS** that the Appellant will have until **Thursday, May 30, 2024** to submit any outstanding or further documents required to satisfy the three conditions of the Interim Order.

[17] If the conditions of the Interim Order have not been satisfied by **Monday, June 17, 2024**, the Town may request the Tribunal issue its Final Order by removing sections 7 and 8 from Schedule A from the ZBLA, which contain the site-specific exemptions for the Appellant's lands.

[18] Correspondence from the Parties is to be received by the Tribunal as to the process of meeting the above noted deadlines three business days prior to each deadline date.

"S. deBoer"

S. DEBOER
MEMBER

Ontario Land Tribunal

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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.