

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 19, 2026

CASE NO(S): OLT-25-000818

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

Applicant and Appellant: 2463756 Ontario Inc.
Subject: Request to amend the Official Plan – Refusal to adopt the requested amendment
Description: To permit the development of a plan of subdivision consisting of 25 single-detached dwelling units fronting onto Benoir Lake Road to be described as the “Northern Phase”
Reference Number: D08-OP-2025-001
Property Address: Part of Lots 27 through 31, Concession 8, Part of Lots 27 and 28, Concession 9, and Part of Lot 27, Concession 10 and 11, in the former Geographic Township of Harcourt, Municipality of Dysart et al
Municipality/UT: Municipality of Dysart et al/ County of Haliburton
OLT Case No.: OLT-25-000818
OLT Lead Case No.: OLT-25-000818
OLT Case Name: 2463756 Ontario Inc. v. Dysart et al (Municipality)

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

Applicant and Appellant: 2463756 Ontario Inc.
Subject: Application to amend the Zoning By-law – Neglect to make a decision
Description: To permit the development of a plan of condominium consisting of 38 single-detached dwelling units fronting onto Elephant Lake to be described as the “Southern Phase”
Reference Number: D14-ZB-2024-003

Property Address: Part of Lots 27 through 31, Concession 8, Part of
Lots 27 and 28, Concession 9, and Part of Lot 27,
Concession 10 and 11, in the former Geographic
Township of Harcourt, Municipality of Dysart et al
Municipality/UT: Municipality of Dysart et al/ County of Haliburton
OLT Case No.: OLT-26-000258
OLT Lead Case No.: OLT-25-000818

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

Applicant and Appellant: 2463756 Ontario Inc.
Subject: Application to amend the Zoning By-law – Neglect to
make a decision
Description: To permit the development of a plan of subdivision
consisting of 25 single-detached dwelling units fronting
onto Benoir Lake Road to be described as the
“Northern Phase”
Reference Number: D14-ZB-2022-014
Property Address: Part of Lots 27 through 31, Concession 8, Part of Lots
27 and 28, Concession 9, and Part of Lot 27,
Concession 10 and 11, in the former Geographic
Township of Harcourt, Municipality of Dysart et al
Municipality/UT: Municipality of Dysart et al/ County of Haliburton
OLT Case No.: OLT-26-000342
OLT Lead Case No.: OLT-25-000818

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

Applicant and Appellant: 2463756 Ontario Inc.
Subject: Proposed Plan of Subdivision – Failure of Approval
Authority to make a decision
Description: To permit the development of a plan of condominium
consisting of 38 single-detached dwelling units fronting
onto Elephant Lake to be described as the “Southern
Phase”
Reference Number: 46-CE-25001
Property Address: Part of Lots 27 through 31, Concession 8, Part of Lots
27 and 28, Concession 9, and Part of Lot 27,

Municipality/UT:	Concession 10 and 11, in the former Geographic Township of Harcourt, Municipality of Dysart et al
OLT Case No.:	Municipality of Dysart et al/ County of Haliburton
OLT Lead Case No.:	OLT-26-000269
	OLT-25-000818

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

Applicant and Appellant:	2463756 Ontario Inc.
Subject:	Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description:	To permit the development of a plan of subdivision consisting of 25 single-detached dwelling units fronting onto Benoir Lake Road to be described as the “Northern Phase”
Reference Number:	46-T-25001
Property Address:	Part of Lots 27 through 31, Concession 8, Part of Lots 27 and 28, Concession 9, and Part of Lot 27, Concession 10 and 11, in the former Geographic Township of Harcourt, Municipality of Dysart et al
Municipality/UT:	Municipality of Dysart et al/ County of Haliburton
OLT Case No.:	OLT-26-000270
OLT Lead Case No.:	OLT-25-000818

Heard: July 28, 2026, by Video Hearing

APPEARANCES:

Parties

2463756 Ontario Inc.
 (“Applicant/Appellant”)

Municipality of Dysart et al
 (“Municipality”)

County of Haliburton
 (“County”)

Counsel

Mark Flowers
 Lauren Cao, co-counsel

Denise Baker

Denise Baker

2063730 Ontario Limited
("206 Ontario Limited")

Jennifer Evola
Matthew Bernier (*in absentia*)
Raivo Uukkivi (*in absentia*)

Baptiste Lake Association
("BLA")

Sarah Spitz

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. CHIPMAN ON JULY 28,
2026 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was the first Case Management Conference ("CMC") with respect to appeal filed by 2463756 Ontario Inc. on an application pertaining to an Official Plan Amendment ("OPA") (specific to the Northern Phase), on the refusal of the Municipality to grant the requested amendment. Also filed, were two (2) Zoning By-law Amendment applications ("ZBA"), a Draft Plan of Subdivision application and a Draft Plan of Condominium. These appeals were filed on the failure of the Municipality to make a decision within the timeframe specified in subsection 34(11) and 51(34) of the *Planning Act*.

[2] The subject lands are municipally known as Part of Lots 27 through 31, Concession 8, Part of Lots 27 and 28, Concession 9, and Part of Lot 27, Concession 10 and 11, in the former Geographic Township of Harcourt, Municipality of Dysart et al. ("Subject Lands").

[3] The purpose of the applications is to permit the development of a subdivision consisting of 63 lots ("Proposed Development") on lands to be described as the "Northern Phase" and the "Southern Phase".

[4] The Northern Phase of the proposed development proposes to create 25 lots fronting onto Benoir Lake Road. Each lot within the proposed development will accommodate a single-detached seasonal dwelling with a private septic system and a

well. The Northern Phase lands are predominantly zoned "Rural Type 1 (RU1)" under Municipality Zoning By-law No. 2005-120, with a small portion zoned "Environmental Protection (EP)". The ZBA application proposes to rezone portions of the Northern Phase lands to a site-specific "Waterfront Residential Zone".

[5] The Southern Phase of the proposed development proposes to create 38 lots fronting onto Elephant Lake. Each lot within the proposed development will accommodate a single-detached permanent dwelling with a private septic system and a well. The Southern Phase will also contain a common element condominium road and common amenity area providing access to Elephant Lake for the Northern and Southern Phases. The Southern Phase lands are currently zoned "Rural Type 1 (RU1)" and "Environmental Protection (EP)". The ZBA proposes to rezone portions of the Southern Phase lands to a site-specific "Waterfront Residential Zone".

[6] The Tribunal marked as **Exhibit 1** the Affidavit of Service of the Notice of this first CMC, was dated July 6, 2026, and sworn by Ali Ahmed. No issues were raised regarding service, and no further notice is required.

PARTY REQUEST

[7] The Tribunal received a Party status request from 206 Ontario Limited, who is the owner of the property, municipally known as 3685 Elephant Lake Road, which is directly adjacent to the Subject Lands. The property has accommodated a runway for a small aircraft for more than 50 years. The lands were historically registered as an aerodrome under the *Aeronautics Act* and have since been in operation for approximately 25 years. 206 Ontario Limited is taking steps to renew the aerodrome's registration with Transport Canada with completion anticipated in the coming months. 206 Ontario Limited requested Party status to ensure there will be no negative impacts to the operation of the aerodrome and property.

[8] Upon hearing no objection, the Tribunal granted Party status to 206 Ontario Limited.

[9] The second Party status request came from Baptiste Lake Association ("BLA"), which is a registered not-for-profit corporation since 1949.

[10] The Tribunal heard BLA represents the interests of those who live on, and in the vicinity of Baptiste Lake. BLA has retained counsel and has a full understanding of the obligations expected of a party. Counsel insisted that BLA is fully prepared to work in cooperation with the Municipality. Counsel indicated that BLA participation would assist the Tribunal in adjudicating the matter and its impact on the public interconnected waterways (Elephant Lake, Benoir Lake and Baptiste Lake), in a more complete manner.

[11] Counsel advised BLA's direct interests are not adequately addressed by the Appellant, whose position focuses primarily on impacts to Elephant Lake. In BLA's view, the broader impacts of the proposed lots are only partially addressed in the Municipality's Issues List.

[12] Counsel submitted that the proposed development represents an overdevelopment of the Subject Lands, which will have adverse impacts on the ecosystem downstream. Counsel explained that the appeals fail to adequately consider the potential effects of the development on sensitive environmental features, including wetlands and navigable waters, and that the development would impose additional stress on the lake system. Counsel submitted that no studies have been conducted regarding these environmental functions.

[13] Counsel emphasized that although Baptise Lake is not adjacent to the proposed development, environmental impacts should not be constrained by municipal boundaries, as natural systems function irrespective of jurisdictional limits. Counsel argued that

interconnected lakes and waterways flow into one another, such that impacts arising from the proposed development may extend throughout the broader watershed.

[14] If granted party status, BLA plans to call a lay witness and an environmental planning witness to address the natural functions of Baptiste Lake and the effects of development on the lake system. In BLA's view, a participant statement is not an appropriate mechanism for presenting expert evidence. BLA would confine its participation to issues concerning Baptiste Lake and coordinate with the Municipality to avoid duplication. Counsel stated that granting BLA party status would not prejudice any party and would assist in advancing the public interest.

[15] Counsel for the Appellant objected to the granting of party status to BLA, submitting that all issues concerning water quality and impacts on the natural environment would be addressed by the Municipality and the County. Counsel also questioned the relationship between Baptiste Lake and the Subject Lands, arguing that the lake is not sufficiently proximate to be considered an adjacent property and therefore, it does not warrant BLA's participation as a party.

[16] Counsel for the Municipality supported BLA's request for party status. Counsel submitted that the three lakes in the area are interconnected and that Baptiste Lake, as a designated trout lake, which may be affected by matters at issue in the appeals. Counsel further argued that BLA's participation would provide the Tribunal with a more balanced perspective on the environmental issues raised. Most importantly, granting party status to BLA would not prejudice the Appellant or any other party. Counsel committed to coordinating with BLA to ensure that there would be no duplication of issues or evidence.

[17] Rule 8.2 of the Tribunal's *Rules of Practice and Procedure* indicates that an entity can be added as a party "provided that the person's presence is necessary to enable the Tribunal to adjudicate effectively and completely."

[18] Absent any statutory restrictions (of which there are none in this case), the Tribunal's decision to grant party status is discretionary and context specific. Procedural fairness and public interest considerations are the guiding principles. In this case, BLA has an interest in ensuring no negative impacts will befall Baptiste Lake as a result of down stream impacts due to the introduction of the proposed development. The Tribunal is reluctant to forgo the potentially important insights that BLA might add to the hearing.

[19] In summary, the Tribunal finds that BLA's involvement is needed to give the Tribunal a full and balanced view of the issues. Consequently, the Tribunal granted BLA's Party status.

PARTICIPANT REQUEST

[20] The Tribunal received six Participant status requests from the following: Marianne Schlottke, Louise Croft, Susana Croft, Valerie Hunt, Graham Bocking (Camp Ponacka) and Gary and Donna Martin. Common issues including environmental concerns, downstream effects on the connecting waterways, traffic and roadway widening were contained in the Participant statements.

[21] Upon hearing no objection, the Tribunal granted Participant status on those named above in para [20].

MEDIATION

[22] In response to inquiries, the Parties indicated they will continue discussions and may pursue Tribunal-led mediation, if necessary. The Tribunal noted that information on Tribunal-led mediation is available through the Case Coordinator and encouraged the Parties to consider this option to help resolve some, or all of the issues, as they finalize the draft Procedural Order ("PO").

PROCEDURAL ORDER AND HEARING DATES

[23] The Tribunal directed the Appellant's counsel with submitting the PO and Issues List ("IL"), including all hearing dates and issues, by **Tuesday, September 1, 2026**.

[24] The Tribunal canvassed the anticipated length of the merit hearing with counsel. Based on the number of witnesses expected to provide testimony, a merit hearing will commence on **Monday, February 22, 2027, at 10 a.m.**, by video hearing. The Tribunal will not be available on Monday, March 1, 2027.

[25] The Parties indicated that discussion to reduce the number of issues will continue. The Parties are directed to contact the Case Coordinator should some, or all of the issues be resolved to reduce time set aside for the merit hearing.

[26] Parties and Participants and/or Observers are asked to log in to the event at least **15 minutes** before it begins to test their video and audio connections.

Go to Meeting Link: <https://meet.goto.com/357283957>

Access Code: **357-283-957**

[27] 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 [GoTo Meeting](#), or a web application is available:

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

[28] Persons who experience technical difficulties accessing the GoTo Meeting application or who only wish to listen to the event can connect to the event by calling in to an audio-only telephone line: **Toll-Free 1(888) 455-1389** or **+1 (647) 497-9391**. The **Access Code** is indicated above.

[29] 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 event 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.

[30] As of March 30, 2026, all hearing events are governed by the Tribunal's [Artificial Intelligence Practice Direction](#). This Practice Direction requires a party, participant, or witness to include a declaration within each submitted document if generative AI was used to create or generate content.

ORDER

[31] **THE TRIBUNAL ORDERS** its directions as set out in this Decision.

[32] **THE TRIBUNAL ORDERS** that 2063730 Ontario Limited and Baptiste Lake Association are granted Party status.

[33] **THE TRIBUNAL ORDERS** that Marianne Schlottke, Louise Croft, Susana Croft, Valerie Hunt, Camp Ponacka (represented by Graham Bocking), and Gary and Donna Martin are granted Participant status.

[34] This Member remains available to assist with the case management of this proceeding, subject to the Tribunal's calendar.

[35] This Member is not seized.

[36] No further notice will be given.

"D. Chipman"

D. CHIPMAN
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.