

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 09, 2025

CASE NO(S):

OLT-24-001072

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

Applicant/Appellant: CIA Inspection Inc. and 1528112 Ontario Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the construction of a 3-storey mixed use building
Reference Number: OPNPL2024111
Property Address: 481 & 487 Norfolk Street South and 7 Decou Road
Municipality/UT: Norfolk County/Norfolk County
OLT Case No.: OLT-24-001072
OLT Case Name: CIA Inspection Inc. and 1528112 Ontario Inc. v. Norfolk County

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

Applicant/Appellant: CIA Inspection Inc. and 1528112 Ontario Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the construction of a 3-storey mixed use building
Reference Number: ZNPL2024131
Property Address: 481 & 487 Norfolk Street South and 7 Decou Road
Municipality/UT: Norfolk County/Norfolk County
OLT Case No.: OLT-24-001073
OLT Lead Case No.: OLT-24-001072
OLT Case Name: CIA Inspection Inc. and 1528112 Ontario Inc. v. Norfolk County

Heard: August 27, 2025 in Writing

APPEARANCES:**Parties**

CIA Inspection
Inc. and 1528112
Ontario Inc.

Norfolk County

Counsel

Anna Toumanians
Meredith Baker
Scott Snider

Andrew Wallace

DECISION DELIVERED BY SHARON L. DIONNE AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] The matter before the Tribunal is a settlement of appeals filed by CIA Inspection Inc. and 1528112 Ontario Inc. (“Appellants”) in respect of the refusal of the Corporation of Norfolk County (“County”) to approve planning applications for amendments to the Norfolk County Official Plan (“OP”) and the County of Norfolk Zoning By-law No. 1-Z-2014 (“ZBL”), pursuant to s. 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13 (“Act”), respectively. The affected lands are municipally known as 481 and 487 Norfolk Street South and 7 Decou Road in Simcoe, Norfolk County (“Subject Lands”).

[2] The Subject Lands are located on the northeast corner of Norfolk Street South and Decou Road and are comprised of three properties, having an area of approximately 0.96 hectares (“ha”). At present, a single detached dwelling and five accessory structures exist on the Subject Lands.

[3] It is proposed that the Subject Lands be developed with a 3-storey mixed use building, comprised of approximately 8 ground floor retail units and 42 residential units (“Proposed Development”).

[4] County Staff recommended approval of the planning applications, as set out in Report No. CD-24-105 dated September 4, 2024.

[5] On September 17, 2024, the County refused the planning applications.

[6] The Parties have reached a settlement with respect to revisions to the proposal for the Subject Lands, and at their request the Tribunal has scheduled a written hearing on the appeals.

EVIDENCE AND ANALYSIS

[7] The Tribunal confirms that it has received, reviewed and considered the uncontested opinion evidence of David Aston, a Registered Professional Planner and member of both the Canadian Institute of Planners and the Ontario Professional Planners Institute, and the Tribunal finds Mr. Aston to be duly qualified to provide land use planning opinion evidence in respect of the Revised Development Concept and the proposed amendments to the OP and ZBL. Mr. Aston's comprehensive Affidavit, sworn on August 13, 2024, has been marked by the Tribunal as **Exhibit 1**.

[8] The Revised Development Concept consists of a three-storey mixed use building, containing 42 dwelling units and ground floor retail units, with a maximum residential density of up to 50 units per ha and a maximum commercial Gross Floor Area ("GFA") of 1,393 square metres, and it is shown on **Exhibit 1**, Ex. "1" [PDF Page 230]. As shown, there is a three-storey "L"-shaped building along the Norfolk Street South and Decou Road frontages. A single point of vehicular access to the Subject Lands is proposed from Decou Road, providing access to 108 surface parking spaces (of which 10 are barrier free) and one loading space. Pedestrian connections to Decou Road are also provided for. An outdoor amenity space is positioned along Decou Road.

[9] The Revised Development Concept also shows road widenings along the full Decou Road frontage and partially along the Norfolk Street South frontage. Such widenings are to be conveyed to the County as part of a future Site Plan Approval process, as set out in the Minutes of Settlement agreed to between the Appellant and the County.

[10] To permit the Revised Development Concept, a site-specific amendment to the Official Plan (“OPA”) is required, and the proposed OPA is found in **Exhibit 1**, Ex. “G” [PDF Pages 220-223]. The OPA maintains the current land use designation of Urban Residential and adds a site-specific provision which will have the effect of permitting the use of the ground floor of a mixed-use building for commercial uses, while prohibiting the entirety of the building to be used for commercial uses. Additionally, the site-specific policy will permit a maximum residential density of 50 units per ha on the Subject Lands.

[11] A site-specific amendment to the ZBL (“ZBLA”) is also required to rezone the Subject Lands from Urban Residential Type 1 (R1-B) to Commercial Residential Business (CRB) Zone and to establish site-specific provisions to regulate the permitted uses and to set the performance standards, including the maximum permitted commercial GFA, for the development on the Subject Lands. The proposed standards are intended to allow for the development of the Subject Lands in accordance with the Revised Development Concept. The Proposed ZBLA is found in **Exhibit 1**, Ex. “H” [PDF Pages 224 – 228].

[12] It is Mr. Aston’s opinion evidence that the OPA and ZBLA have regard to matters of Provincial interest set out in s. 2 (f), (h), (j), (o), (p), (q), (r), and (s) of the Act, and are consistent with the Provincial Planning Statement 2024 (“PPS 2024”), in that the amendments will provide for intensification within the Simcoe settlement area thru the introduction of new housing options, in a compact built form, which will make efficient use of lands, resources, infrastructure and public service facilities and support active

transportation.

[13] In terms of conformity with the OP, it is the opinion evidence of Mr. Aston that the Urban Residential designation is intended to accommodate attractive neighbourhoods which provide a variety of residential forms and neighbourhood facilities and convenience commercial uses. As set out in his Affidavit, the Revised Development Concept will represent a net increase in residential units and the better utilization of the Subject Lands which are in an appropriate location for intensification, and that the Revised Development Concept represents an appropriate scale of building while maintaining an adequate separation to existing low density residential areas. Furthermore, he opines that the additional commercial uses will contribute towards the function of Simcoe as a major service centre within the County, serving the daily needs of residents.

[14] Mr. Aston also opines that the revised Development Concept, OPA and ZBLA represent good planning and are in the public interest.

[15] The Tribunal accepts and relies upon the opinion evidence of David Aston as presented in his Affidavit and similarly finds that the Revised Development Concept has merit in that it will provide additional housing supply, along with additional commercial space, while providing opportunities for local businesses and services and added convenience for residents, in an appropriate location.

[16] The Tribunal has considered the issues raised by Glenn Paquette as articulated in his Participant Statement, as well as the additional information and clarification in respect of each of the issues raised as provided in Mr. Aston's Affidavit. The Tribunal is satisfied that the issues related to traffic, pedestrian safety, tree protection, storm water management, and retail market impact have been looked at in the technical studies and have been factored into the revisions made to the Revised Development Concept to date, along with appropriate setbacks for privacy and land use compatibility

considerations, and that the issues related to parking, lighting, and noise will be adequately addressed through the future Site Plan Approval process.

[17] Based on the evidence before it, the Tribunal finds that the proposed OPA and ZBLA are consistent with the Provincial Planning Statement, 2024 (“PPS 2024”), and are in keeping with, and/or in the case of the ZBLA conforms with, the Norfolk County Official Plan. The Tribunal also finds that the OPA and ZBLA have appropriate regard for matters of provincial interest as set out in s. 2 of the Act, are in the public interest and represent good planning. The Tribunal makes its findings considering that the Revised Development Concept and the proposed OPA and ZBLA have been endorsed by the County.

[18] The Tribunal finds that the OPA and ZBLA, as appended to Mr. Aston’s Affidavit (**Exhibit 1**) as Exhibits “G” and “H”, respectively, should be approved.

ORDER

[19] **THE TRIBUNAL ORDERS THAT:**

- (a) The appeals are allowed, in part; and
- (b) The Official Plan for the County of Norfolk is amended as set out in **Attachment 1** to this Order; and
- (c) The Zoning By-law No.1-Z-2014 of the County of Norfolk, as amended, is further amended as set out in **Attachment 2** to this Order.

[20] In all other respects, the appeals are dismissed.

“Sharon L. Dionne”

SHARON L. DIONNE
MEMBER

Ontario Land Tribunal

Website: 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.

ATTACHMENT 1
OFFICAL PLAN AMENDMENT



The Corporation of Norfolk County

By-Law 2025-XX

Being a By-Law to Adopt Amendment Number 162 to the Norfolk County Official Plan in respect of lands described as CON 5 PT LOT 1 IRREG, CON 5 PT LOT 1 RP 37R2585 PART 2 and CON 5 PT LOT 1 RP 37R2585 PART 1 IRREG, Urban Area of Simcoe, Norfolk County, municipally known as 481 and 487 Norfolk Street South and 7 Decou Road, Simcoe.

Now therefore the following is enacted:

1. That amendment number 162 to the Norfolk County Official Plan as set out in the text and Schedule "A" attached hereto is hereby adopted.
2. That the effective date of this By-Law shall be the date of passage thereof.

Amendment Number 162 to the Norfolk County Official Plan

Part A: Preamble to the Amendment

The purpose of amendment number 162 to the Norfolk County Official Plan is allow for the removal of all ground floor commercial uses within the building into residential.

Location of the Lands Affected

As shown on the attached 'Schedule "A"', the subject lands are located on CON 5 PT LOT 1 IRREG, CON 5 PT LOT 1 RP 37R2585 PART 2 and CON 5 PT LOT 1 RP

37R2585 PART 1 IRREG, Urban Area of Simcoe, Norfolk County, municipally known as 481 and 487 Norfolk Street South and 7 Decou Road, Simcoe.

Basis of the Amendment

The basis for permitting this Amendment is to accommodate the development of a mixed-use development with commercial uses on ground floor and high density residential units above ground, in conformity with overall Provincial Policy.

Part B: The Amendment

That the Norfolk County Official Plan is hereby amended as follows:

Map Schedule Amendment

That Schedule B, Land Use, in the Norfolk County Official Plan is amended by identifying all the lands shown as the subject lands on 'Schedule "A"' attached to and a part of this amendment with the 7.7.3.23 site specific policy number.

Text Amendment

That the following site-specific policy area be added to Section 7, Urban Residential Designation.

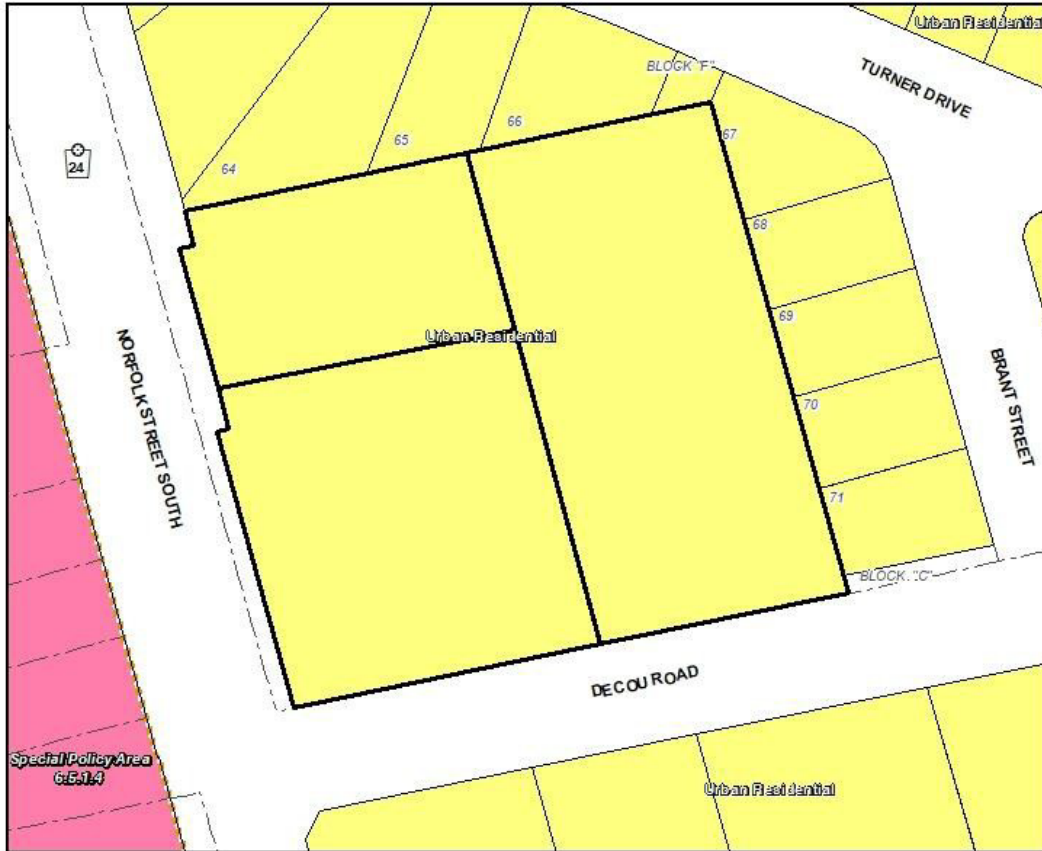
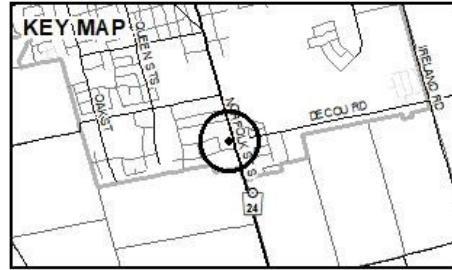
7.7.2.23 – 487 Norfolk Street South Site Specific Policy Area [2025-XX]

THAT on land designated Urban Residential – Site Specific Policy Area 7.7.3.23 on Schedule “B” to this Plan, permits the use of the ground floor for commercial uses in a mixed-use building, with increased ground floor commercial area and increased residential density to a maximum density of 50 units per hectare. Wholly commercial buildings are not permitted.

Part C: Additional Information

This document will be implemented with the enacting of the appropriate amendment to the Norfolk County Zoning By-Law 1-Z-2014.

SCHEDULE A
Amendment No.
 to the
OFFICIAL PLAN
 for
NORFOLK COUNTY
 in the Urban Area of
SIMCOE



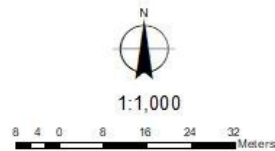
LEGEND

Subject Lands

From: Urban Residential
To: Urban Residential with
Site Specific
Special Provision

Official Plan Designations

- Urban Residential
- Shopping Centre Commercial
- Urban Area Boundary
- Special Policy Area



ATTACHMENT 2
ZONING BY-LAW AMENDMENT



The Corporation of Norfolk County

By-Law 2025-XX

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for properties described as CON 5 PT LOT 1 IRREG, CON 5 PT LOT 1 RP 37R2585 PART 2 and CON 5 PT LOT 1 RP 37R2585 PART 1 IRREG, Urban Area of Simcoe, Norfolk County, municipally known as 481 and 487 Norfolk Street South and 7 Decou Road, Simcoe.

Whereas Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

And whereas this By-Law conforms to the Norfolk County Official Plan. Now therefore the Ontario Land Tribunal hereby approves as follows:

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-Law) from Urban Residential Type 1 (R1-B) to Residential Commercial Business Zone (CRB) with a Special Provision 14.1059.
2. That Subsection 14 Special Provisions is hereby amended by adding new Special Provision 14.1059 to the subject lands as follows:

14.1059 In addition to the zoning provisions in the Residential Commercial Business (CRB) *Zone*, the following shall apply:

- a) In lieu of the permitted use in the CRB *Zone*, only

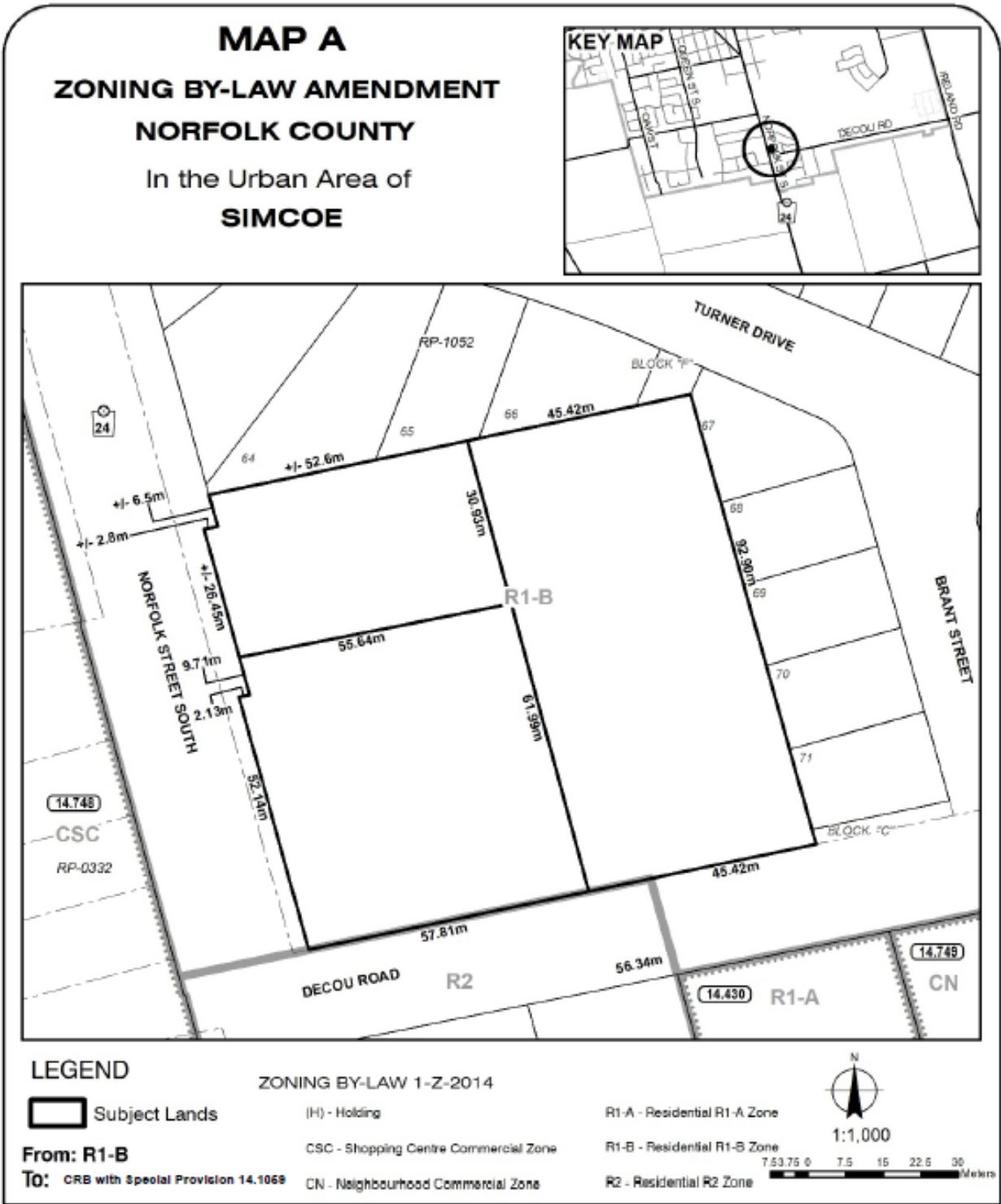
the following uses are permitted:

- i. art gallery
 - ii. clinic or doctors' offices
 - iii. community centre
 - iv. convenience store
 - v. day care nursery
 - vi. delicatessen and specialty food shops
 - vii. dry cleaning distribution station
 - viii. dwelling units, apartment
 - ix. dwelling units, in a mixed-use building
 - x. financial institution
 - xi. home occupation
 - xii. laundromat
 - xiii. library
 - xiv. long-term care facility
 - xv. museum
 - xvi. office, all types
 - xvii. personal service shop
 - xviii. photographic studio or shop
 - xix. place of assembly
 - xx. place of sports and recreation
 - xxi. place of worship
 - xxii. private club
 - xxiii. retirement home;
- b) Commercial and institutional uses, only except for accessible/barrier-free residential uses, are restricted to ground floor area only and within a mixed-use (residential/non-residential) building;
- c) The maximum dwelling units shall be up to 50 units per hectare;
- d) The minimum front yard and exterior yard setback shall be 3.0m;
- e) The maximum building height shall be 12.0m (3 storeys).
- f) The interior side yard setback for the easterly lot line shall include a minimum 6 metre landscape buffer strip.
- g) The minimum interior side yard setback for the easterly lot line shall be 25 metres for the westerly edge of any building structure.

- h) The maximum gross floor area for commercial uses shall be 1,393 square metres
- i) Balconies shall be setback a minimum of 1.5 metres from the front yard and exterior side yard.
- j) The perpendicular width of every parking aisle for two-way traffic shall be

6.7 metres.

That this By-Law shall become effective upon final approval of OP Amendment 162.



**Explanation of the Purpose and Effect of
By-Law 2025-XX**

This By-Law affects a parcel of land described as CON 5 PT LOT 1 IRREG, CON 5 PT LOT 1 RP 37R2585 PART 2 and CON 5 PT LOT 1 RP 37R2585 PART 1 IRREG, Urban

Area of Simcoe, Norfolk County, municipally known as 481 and 487 Norfolk Street South and 7 Decou Road, Simcoe.

The purpose of this By-Law is to change the zoning of the subject lands from Urban Residential Type 1 (R1-B) to Commercial Residential Business (CRB) zone with a Special Provision to restrict commercial uses to ground floor only and to allow for an increased level of residential units within a mixed-use building.