

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 11, 2026

CASE NO(S): OLT-26-000137

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

Applicant/Appellant: PowerBank Corporation
Subject: Application to amend the Official Plan – Refusal of application
Description: To permit the development of a battery energy storage system
Reference Number: OPA-2025-01
Property Address: 219 Peggs Mountain Road
Municipality: Township of Armour
OLT Case No: OLT-26-000137
OLT Lead Case No: OLT-26-000137
OLT Case Name: PowerBank Corporation v. Armour (Township)

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

Applicant/Appellant: PowerBank Corporation
Subject: Application to amend the Zoning By-law – Refusal of application
Description: To permit the development of a battery energy storage system
Reference Number: ZBA-2025-01
Property Address: 219 Peggs Mountain Road
Municipality: Township of Armour
OLT Case No: OLT-26-000138
OLT Lead Case No: OLT-26-000137

Heard: April 29, 2026, by Video Hearing

APPEARANCES:**Parties**

PowerBank Corporation

Township of Armour

Counsel/RepresentativePiper Morley
Lee English (in *absentia*)

Edward Veldboom

**MEMORANDUM OF ORAL DECISION DELIVERED BY A. MASON ON APRIL 29, 2026
AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This first Case Management Conference (“CMC”) was held to prepare for a Merit Hearing of appeals by PowerBank Corporation under s. 22(7) and 34(11) of the *Planning Act*, R. S. O. 1990, c. PO.13, as amended, concerning the refusal by the Township of Armour of applications for Official Plan Amendment and Zoning By-law Amendment for the property located at 219 Peggs Mountain Road (“Property”). The Applications facilitate the development of the Property for a battery energy storage facility.

NOTICE

[2] An Affidavit of Service sworn on March 30, 2026, attesting to giving Notice for this proceeding, was marked as **Exhibit 1**.

PARTICIPANTS

[3] The Tribunal received a request for Participant status from the incorporated group No Lithium Way Citizens United Inc., represented by Mark Vernon as counsel. The Tribunal granted the group Participant status without opposition from the statutory Parties.

[4] The Tribunal directed Mr. Vernon to submit the group’s written comments setting out their position with respect to the Applications no later than 45 days before the Merit Hearing,

being **Monday, May 25, 2026**, in accordance with Rule 7.7 of the Tribunal's *Rules of Practice and Procedure* ("Rules").

[5] The Tribunal received a request for Participant status from David Creasor, represented by Peter Hungerford, a land use planner. Mr. Creasor is the owner of the Property and the request for status sets out a monitoring brief. The Tribunal granted Participant status to Mr. Creasor without opposition from the statutory Parties.

[6] The Tribunal directed Mr. Hungerford to file written confirmation of authorization to act for Mr. Creasor by **Monday, May 4, 2026**, as required under Rule 4.1 of the Rules for representatives of Participants who are not legal counsel. Such authorization was received before this Decision was released.

STATUS OF MATTER

[7] The Parties advised the Tribunal that they are in active and productive discussions to narrow or resolve the issues between them such that a full contested Merit Hearing would not be necessary. The Parties jointly requested the Tribunal set down a one-day Merit Hearing, at which the Township anticipates it will not be taking a position. The Appellant anticipates bringing two witnesses (a land use planner and an engineer) to the Merit Hearing to provide evidence in support of the Appeals.

[8] The Parties jointly requested that a Procedural Order was not required considering the length of Merit Hearing and the anticipated resolution or narrowing of issues. The Tribunal agreed with this request but directed that all material intended to be relied at the Merit Hearing is to be submitted no later than ten days in advance, being **Monday, June 29, 2026**.

[9] The Parties do not anticipate the need for a second CMC and raised no further matters for the fair and expeditious resolution of these Appeals.

HEARING DATES

[10] The Tribunal scheduled a one-day Merit Hearing on **Thursday, July 9, 2026**, commencing at **10 a.m.** The Hearing is as set out below.

[11] Parties and/or 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:

GoTo Meeting: <https://global.gotomeeting.com/join/656004293>

Access code: 656-004-293

[12] Parties and/or 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>

[13] Persons who experience technical difficulties accessing the GoTo Meeting application or who only wish to listen to the event can connect to it by calling in to an audio-only telephone line: **+1 (647) 497-9373 or (Toll-Free) 1-888-299-1889**. The access code is: **656-004-293**.

[14] 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 at the correct time. Questions prior to the event may be directed to the Tribunal's Case Coordinator.

[15] 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**[16] THE TRIBUNAL ORDERS THAT:**

1. No Lithium Way Citizens United Inc., represented by Mark Vernon, is granted Participant Status and shall file written Participant comments no later than **Monday, May 25, 2026**.
2. David Creasor, represented by Peter Hungerford, is granted Participant status.
3. A one-day Merit Hearing will take place on **Thursday, July 9, 2026**, starting at **10 a.m.** by video conference.
4. All material to be relied on at the Merit Hearing will be filed with the Tribunal no later than ten days in advance, being **Monday, June 29, 2026**.
5. No further Notice will be given.
6. This Member is not seized but may be spoken to for case management purposes.

"A. Mason"

A. MASON
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.