

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



**ISSUE DATE:** March 03, 2021

**CASE NO(S):** PL190604  
PL200278

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

Appellant: The Quaternary Mining & Exploration  
Company Limited & Hardrock Extension Inc.  
Subject: By-law No. BL 19-94  
Municipality: Municipality of Greenstone  
LPAT Case No.: PL190604  
LPAT File No.: PL190604  
LPAT Case Name: The Quaternary Mining & Exploration  
Company Limited & Hardrock Extension Inc. v.  
Greenstone (Municipality)

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

Appellant: Greenstone Gold Mines GP Inc.  
Subject: Proposed Official Plan Amendment No. OPA 8  
Municipality: Municipality of Greenstone  
LPAT Case No.: PL200278  
LPAT File No.: PL200278  
LPAT Case Name: Greenstone Gold Mines GP Inc. 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: The Quaternary Mining & Exploration  
Company Limited & Hardrock Extension Inc.  
Subject: Proposed Official Plan Amendment No. OPA 8  
Municipality: Municipality of Greenstone  
LPAT Case No.: PL200278  
LPAT File No.: PL200279

**Heard:** February 17, 2021 by video hearing

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

Municipality of Greenstone

Allan McKittrick\*

Ministry of Municipal Affairs and Housing

Ugo Popadic\* and Mariam Awan\*

Quaternary Mining & Exploration Company Limited & Hardrock Extension Inc.

Michael Malouf

Greenstone Gold Mines GP Inc.

Derek Zulianello\* and Ryan Bodnar\*

Long Lake #58 First Nation

Mary Flynn-Guglietti\*

**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON  
FEBRUARY 17, 2021 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] Greenstone Gold Mines GP Inc. ("GGM") filed applications with the Municipality of Greenstone (the "Municipality") to amend the Official Plan ("OP") and the Zoning By-law 98-2040 ("ZB") to permit the redevelopment of certain lands within the vicinity of Highways 11 and 584 with an open pit gold mine operation. The Municipality approved Zoning By-law No. 19-49 ("ZBA") amending the ZB and adopted Amendment No. 8 to the Official Plan for the Geraldton and Suburban Planning Area ("OPA 8"). OPA 8 was forwarded to the Ministry of Municipal Affairs and Housing ("MMAH") for approval. The MMAH approved OPA 8 with a modification. The Applicant filed an appeal pursuant to s. 17(36) of the *Planning Act* (the "Act") against the MMAH approval of OPA 8 specifically in respect of the modification. Quaternary Mining & Exploration Company Limited & Hardrock Extension Inc. ("Quaternary") has filed an appeal pursuant to s.

17(36) of the Act against the MMAH approval of OPA 8 and filed an appeal pursuant to s. 34(19) of the Act against the Municipality's passing of the ZBA (collectively "the Appeals").

[2] This hearing is the first Case Management Conference ("CMC") conducted in respect of the Appeals. The Appeals involve the same parties and planning instruments and for the purposes of the CMC are being heard together.

[3] The Tribunal received an Affidavit of Service filed by the Municipality confirming that notice of the proceedings was completed in accordance with the Tribunal's direction. The Affidavit is marked as Exhibit #1.

#### **CASE MANAGEMENT CONFERENCE**

[4] The Tribunal considered three requests for party status. Mr. Zulianello on behalf of GGM requested that GGM be granted party status in respect to the appeals by Quaternary. A Party Status Request Form was filed with the Tribunal in advance of the CMC setting out that GGM filed the applications to amend the OP and ZB with the Municipality and is knowledgeable of the matters before the Tribunal.

[5] The second request was filed by Ms. Flynn-Guglietti on behalf of Long Lake #58 First Nation ("LL#58") requesting status. Ms. Flynn-Guglietti filed a Party Status Request Form with the Tribunal which set out that LL#58 has an interest in the Appeals and participated in the proceedings making submissions to the Municipality prior to the passage of the ZBA and adoption of the OPA8. LL#58 requested that the ZBA contain provisions for the protection of indigenous sites which were incorporated by the Municipality in the ZBA.

[6] The final request was received from the Municipality seeking party status in the OPA 8 proceedings as they are not the approval authority and as such are not a statutory party as defined in the Act. Mr. McKitrick submitted that the Municipality has

an interest in the matters before the Tribunal and their participation will assist the Tribunal in efficiently and completely adjudicating the issues of the proceeding.

[7] No objections to any of the three requests were raised.

[8] The Tribunal is authorized in s. 17(44.1) and s. 7(44.2) of the Act to add parties to an appeal filed under s. 17(36). These sections state:

17(44.1) Despite subsection (44), in the case of an appeal under subsection (24) or (36), only the following may be added as parties:

1. A person or public body who satisfies one of the conditions set out in subsection (44.2).
2. The Minister.
3. The appropriate approval authority.

17(44.2) The conditions mentioned in paragraph 1 of subsection (44.1) are:

1. Before the plan was adopted, the person or public body made oral submissions at a public meeting or written submission to the council.
2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.

[9] Similarly, s. 34(24.1) and 34(24.2) of the Act authorize the Tribunal to add parties to an appeal filed under s. 34(19). These sections state:

34(24.1) Despite subsection (24), in the case of an appeal under subsection (11) that relates to all or part of an application for an amendment to a by-law that is refused, or in the case of an appeal under subsection (19), only the following may be added as parties:

1. A person or public body who satisfies one of the conditions set out in subsection (24.2).
2. The Minister.

34(24.2) The conditions mentioned in paragraph 1 of subsection (24.1) are:

1. Before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council.

2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party.

[10] The Tribunal, in consideration of s.17(44.1) and s. 34(24.1) of the Act, finds that there are reasonable grounds to add the Applicant, the Municipality and LL#58 as parties to this matter. Further, as set out in Rule 8.2 of the Tribunal's *Rules of Policy and Procedure* (the "Rules"), the Tribunal finds that the Applicant, the Municipality and LL#58 satisfy the legislative tests to be a party and finds that the presence of the Applicant and the Municipality is necessary to enable the Tribunal to adjudicate effectively and completely on the issues in the proceeding.

[11] The Tribunal adds GGM as a party in respect of the Quaternary appeals, adds the Municipality as a party in respect to the OPA 8 appeals by GGM and Quaternary, and adds LL#58 as a party in respect to Quaternary appeals and GGM's appeal.

[12] Mr. McKitrick advised that there have been some discussions in respect to issues with Mr. Malouf, the MMAH and GGM and a draft issues list was circulated to Mr. Malouf for his consideration. Mr. McKitrick advised that based on these discussions he has summarized the issues into four specific areas: the 'Sensitive Use Area' boundary, a reference plan of survey relating to a Municipal agreement, an access easement over the Applicant's land, and the location of a Mine Hazard symbol on a schedule to the OPA.

[13] In response to questions from Mr. Malouf, the Tribunal explained one of the purposes of the CMC is to identify issues raised in the notice of appeal for consideration and their approval for inclusion on an issues list. The expectation of the Tribunal is that the parties will have discussed the issues in advance of the CMC and would bring a draft issues list to the CMC for consideration by the Tribunal. The Tribunal further explained that the issues identified should be matters which the Tribunal has authority to adjudicate and once the issues are determined the Tribunal expects that an Appellant will proffer evidence in support of their position.

[14] The Tribunal raised the issue of hearing the matters together as provided for in Rule 16 of the Rules. Mr. Popadic noted that the issues surrounding the GGM Appeal of OPA 8 are specific to the modification and therefore the scope is very focussed as opposed to the Appeal filed by Quaternary. The Tribunal acknowledged the concerns raised and suggested that through the Procedural Order and hearing work plan the parties could address such issues and notes that the Rule 16 contemplates such concerns with making provisions to hear two or more proceedings or any part of them to be heard at the same time or heard one after the other.

[15] The Parties indicated that hearing the matters together is appropriate with the exception of Mr. Malouf who expressed concerns that his matter could be impacted by the Applicant's appeal and lengthen the hearing which would impact on his ability to participate fully.

[16] The Tribunal schedules a further CMC for May 19, 2021 for consideration and approval of an Issues List and Procedural Order. The Tribunal directs the Parties to provide a draft Issues List and draft Procedural Order to the Tribunal two weeks prior to the CMC (May 5, 2021).

[17] Should a party wish to bring a Motion before the Tribunal, they are directed to notify the Tribunal's Case Coordinator and Rule 10 of the Rules will apply.

## **ORDER**

[18] The Tribunal Orders that Greenstone Gold Mines GP Inc. is added as a Party in respect of the Quaternary Mining & Exploration Company Limited & Hardrock Extension Inc. Appeals.

[19] The Tribunal Orders that the Municipality of Greenstone is added as a Party in respect of the Greenstone Gold Mines GP Inc. Appeal and the Quaternary Mining & Exploration Company Limited & Hardrock Extension Inc. Appeals of OPA 8.

[20] The Tribunal Orders that Long Lake #58 First Nation is added as a Party in respect to the Greenstone Gold Mines GP Inc. Appeal and the Quaternary Mining & Exploration Company Limited & Hardrock Extension Inc. Appeals.

[21] The Tribunal Orders that the matters will be heard together.

[22] The Tribunal Orders that a draft Issues List and draft Procedural Order will be submitted to the Tribunal on or before **Wednesday, May 5, 2021**.

[23] The Tribunal schedules a further CMC to be held **Wednesday, May 19, 2021**, commencing at **10 am** at which time the Tribunal will consider an Issues List and Procedure Order for these proceedings.

[24] 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/530863981>

**Access Code: 530-863-981**

[25] 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](#) a web application is available:

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

[26] 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: Canada (Toll Free): [1 888 455 1389](tel:18884551389) / Canada: [+1 \(647\) 497 9391](tel:+16474979391). **Access Code : 530-863-981.**

[27] 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.

[28] There will be no further notice provided.

[29] This member is not seized of the matter.

*"David Brown"*

DAVID BROWN  
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

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