

ISSUE DATE:

**May 30, 2002**

DECISION/ORDER NO:

**0718**



PL001186

PL010517

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

Blairhampton Properties Inc. has appealed to the Ontario Municipal Board under subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the County of Simcoe to announce a decision respecting Proposed Amendment No. 51 to the Official Plan for the Township of Tiny

Approval Authority File No. OPA: D09 (8376)

OMB File No. O000241

Blairhampton Properties Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 30-77 of the Township of Tiny to rezone lands respecting Part of Lot 21, Concession 20, Part of Lots 20 and 21, and Part of Road Allowance between Concession 20 and 21, from Rural (A) Zone and Rural Exemption A-94 to Hillside Residential (R2) Zone to permit the development of a plan of subdivision for 35 residential lots

Approval Authority File No. ZBL: D14 (8379)

OMB File No. Z000190

Blairhampton Properties Inc. has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the County of Simcoe to make a decision respecting a proposed plan of subdivision on lands composed of Lot 21, Concession 20, Part of Lots 20 and 21 and Part of Road Allowance between Concession 20 and 21 in the Township of Tiny

Approval Authority File No. T1-T99016

OMB File No. S000092

Blairhampton Properties has appealed to the Ontario Municipal Board under subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the County of Simcoe to announce a decision respecting Proposed Amendment No. 51 to the Official Plan for the Township of Tiny

Approval Authority File No. OPA: D09 (8380)

OMB File No. O000242

Blairhampton Properties Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 30-77 of the Township of Tiny to rezone lands respecting Lot 21, Concession 20, Part of Lots 20 and 21 and Part of Road Allowance between Concession 20 and 21 from Rural (A) Zone and Rural Exemption A-94 to Open Space - Type 2 (OSC Zone) to permit the development of a 9-hole golf course

Approval Authority File No. ZBL: D14 (8381)

OMB File No. Z000191

Peter H. Kratzmann, Basil R. Williams, Donald J. Ubell and others have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the County of Simcoe to modify and approve part of the proposed new official plan for the Township of Tiny (a decision was not made on Section B.6.4.5, Seasonal and Permanent Occupancy of Residential Dwellings) County of Simcoe File No.: T1-OP-0001

OMB File No. O010101

**A P P E A R A N C E S :**

<u>Parties</u>	<u>Counsel*/Agent</u>
County of Simcoe (Simcoe)	Marshall Green*
Township of Tiny (Tiny)	Ian Rowe*
Blairhampton Properties Inc.	Linda Townsend-Renaud*
Basil Cheeseman	Basil Cheeseman*
Beausoleil First Nation (BFN)	David Stinson

**MEMORANDUM OF ORAL DECISION DELIVERED BY RONALD J. EMO ON  
MARCH 19, 2002 AND ORDER OF THE BOARD**

Blairhampton Properties Inc., the developer of the “Cedar Ridge” development at the northwest apex of Tiny Township, originally sought planning approvals to permit it develop a second aspect under the name “Pebble Ridge”. The Pebble Ridge proposal would have seen a nine hole golf course on its upland property adjacent to Simcoe Road 26 together with 34 additional lots on the east side of Nipissing Ridge Road. Blairhampton’s original five (private) appeals were consolidated on August 7<sup>th</sup> with its appeal against the new Tiny Official Plan (OP) and integrated with the other OP appeals in the Board’s pre-hearing conference (PHC) process. As in their final submissions this evening, counsel lauded the PHC process, it is appropriate that a brief chronology be noted for the record.

The Board conducted its first PHC on the Blairhampton appeals on March 13, 2001 at which time it set aside a three week period, to commence on September 4<sup>th</sup> for the hearing of the appeals. Prior to its PHC of August 7<sup>th</sup> organizing the hearing of the other OP appeals, the Board met with the four parties to the Blairhampton appeals and, on consent, granted an adjournment of the hearing set to commence on September 4<sup>th</sup>. In allowing the adjournment, the Board directed the various “like” experts meet during September to narrow the issues. Anticipating that there was a possibility of narrowing some of the issues, the Board re-scheduled the Blairhampton hearing to commence on March 18<sup>th</sup>, 2002, with nine days set aside. In addition, at the request of the four parties, the Board provided a mediation session on September 20<sup>th</sup>, under the guidance of Vice-Chair Eger.

A third PHC was conducted on October 31<sup>st</sup> at which time it was noted that the scheduled March hearing time would be sufficient. In a fourth (teleconference) PHC on January 18<sup>th</sup>, 2002, BFN was given "limited" party status as to a hydro-geologic issue relating to a perceived impact on the water supply for its small mainland community, adjoining the Blairhampton property on the north.

Although there was considerable "to-ing and fro-ing", between Blairhampton and the two municipal parties as to various issues including Simcoe's "Stump Dump", at the start of the hearing on March 18<sup>th</sup>, the Board was apprised that there was essentially agreement in principle as between all of the parties other than the BFN, which would see a reduced Blairhampton proposal consisting of 23 new lots without the golf course being presented for approval. As there was still a need for some "fine tuning" of the subdivision conditions as well as a further attempt to accommodate BFN's concerns, the Board stood down until its "public session", previously scheduled for 7:00 pm on March 19<sup>th</sup>.

In the "public session" this evening, the Board was presented with minutes of settlement (Exhibit 3) executed by all parties, other than BFN. Ronald Watkin, Tiny's planning consultant and Ian Bender, Simcoe's Planning Director, gave evidence in support of the reduced Blairhampton proposal. During the cross examination of David Stinson, BFN's community planner, the Board allowed Chief Valerie Monague to interject and provide insight to the (BFN) suggested alternate wording (Exhibit 9) to the minutes of settlement. The Board commends Mr. Green for picking up on Chief Monague's comments, which after a brief recess, allowed BFN to execute an amendment (Exhibit 10) to the minutes of settlement, thereby bringing all parties "on side". The final (revised) minutes of settlement are Attachment "1" to this decision/order.

The only "public" comment was that of long time resident Bill Johnson, who expressed a concern relating to a future road extension of Nipissing Ridge Road southerly to the 19<sup>th</sup> Concession Road. I understood Mr. Johnson to have accepted Tiny's explanation, which involved a matter not in front of the Board.

On the basis of the uncontroverted evidence of the two planners, the Board finds that the revised Blairhampton proposal accords with the Provincial Policy Statements, the Simcoe Official Plan, appropriately addresses the items of subsection 51(24) of the *Planning Act* (Act) and represents appropriate land-use planning. From this finding and the submissions of Ms Townsend-Renaud, the Board rules as follows:

1. Blairhampton's (private) appeals seeking (two) Official Plan amendments for its Golf Course and Residential subdivision and its (private) appeal seeking a Zoning change for its Golf Course are withdrawn and, on consent, are dismissed.
2. Blairhampton's appeal against the designation placed on its property by the new Tiny OP is allowed, in part, and the Tiny OP is hereby modified in accordance with Map Schedule 'A' (Exhibit 4), which forms Attachment "2" to this decision/order, and as so modified, this aspect of the Tiny OP is hereby approved.
3. Blairhampton's (private) appeal seeking a zoning change for its residential subdivision is allowed, in part, and Tiny (parent) Zoning By-law 30-77 is hereby amended in the form set out on Exhibit 5, which now forms Attachment "3" to this decision/order.
4. Blairhampton's appeal seeking approval for a subdivision is allowed and draft approval is hereby given to the creation of 23 lots as shown on Exhibit 7, which for practical notification reasons are also depicted on Attachment "2". The draft approval is subject to the conditions set out on Attachment "4" to this decision/order. On consent, clearance of the conditions and final subdivision approval is delegated to Simcoe.

The Board so Orders.

"Ronald J. Emo"

RONALD J. EMO

MEMBER