

ISSUE DATE:

**Oct. 07, 2009**



PL081034

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant / Applicant: Muski Property Ltd  
Subject: Consent  
Property Address/Description: Part Lot 11, Concession 12  
Municipality: Township of Minden Hills  
OMB Case No.: PL081034  
OMB File No.: PL081034  
Municipal No. H-108/05

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant / Applicant: Muski Property Ltd  
Subject: Consent  
Property Address/Description: Part Lot 11, Concession 12  
Municipality: Township of Minden Hills  
OMB Case No.: PL081034  
OMB File No.: PL081035  
Municipal No. H-109/05

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant / Applicant: Muski Property Ltd  
Subject: Consent  
Property Address/Description: Part Lot 11, Concession 12  
Municipality: Township of Minden Hills  
OMB Case No.: PL081034  
OMB File No.: PL081036  
Municipal No. H-110/05

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant / Applicant: Muski Property Ltd  
Subject: Consent  
Property Address/Description: Part Lot 11, Concession 12  
Municipality: Township of Minden Hills  
OMB Case No.: PL081034  
OMB File No.: PL081037  
Municipal No. H-111/05

**APPEARANCES:**

**Parties**

Muski Property Ltd

County of Haliburton/Township of Minden Hills

**Counsel\*/Agent**

T. Murphy

R. J. Taylor\*

**MEMORANDUM OF ORAL DECISION DELIVERED BY M.A. SILLS ON  
SEPTEMBER 29, 2009 AND ORDER OF THE BOARD**

This was a telephone conference for the purpose of establishing the status of an appeal by Muski Property Ltd. (Appellant) of the decision by the County of Haliburton Land Division Committee (County) to refuse consent applications for the property known as Part Lot 11, Concession 12 in the Township of Minden Hills.

The Board has now adjourned three hearing events on this matter and the County, through its Solicitor, has expressed concern with regards to establishing a time frame for the resolution of this appeal.

Mr. Ted Murphy is the agent for the Applicant. He informed the Board that the Applicant's consultant requires scientific data with respect to water testing in order to complete the necessary report (Michalski report). He said that in accordance with Ministry guidelines, the required water testing could only be conducted in late August which has resulted in delaying the production of the Michalski report. Once the Michalski report is completed, it will need to be circulated to representatives of the Ministry of Natural Resources (MNR) and the Ministry of the Environment (MOE), as well as the County of Haliburton. The Board was told that the Applicant has now retained legal counsel and a planning consultant who will also need time to review this report. Under the circumstances, while the parties expect to be in a position to proceed to a hearing in the spring of 2010, it is impossible to gauge the time that will be required by the MNR and the MOE to peer review this report, at this time. Accordingly, the parties agree it is appropriate to adjourn this matter *sine die*. The parties will notify the Board about any need to bring this matter forward for the Board's consideration.

THE BOARD ORDERS that this appeal is adjourned *sine die* to allow additional time for the production, circulation and review of the relevant report(s). The Applicant is to provide the Board with an update of the progress of this matter no later than six months from the Date of Issue of this Order.

So Orders the Board.

“M. A. Sills”

M. A. SILLS  
MEMBER