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PL090310

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Lorna Greatrex
Subject: Proposed Official Plan Amendment No. 47-01-OP2008
Municipality: Township of McNab-Braeside
OMB Case No.: PL090310
OMB File No.: PL090310

APPEARANCES:

Parties

Counsel

Lorna Greatrex
Heather Finner

Township of McNab-Braeside

J. Bradley

MEMORANDUM DELIVERED BY M. C. DENHEZ ON JUNE 16, 2009

After this hearing ended, but before the Decision was Issued, the Board was duly advised that the Parties had reached an understanding, that the appeal was withdrawn, and that the Board could close its file.

Lorna Greatrex and Heather Finner are Executors of an estate, which has title to a property in the Township of McNab-Braeside (the Township), in the County of Renfrew (the County). The Township adopted a new Official Plan (OP), approved by the County, but which was of concern to the heirs of the property. On behalf of the estate, Lorna Greatrex (the Appellant) appealed the OP under Section 17 of the *Planning Act*, which covers the OP appeals.

The matter was of interest not only to the estate and to the Township, but also to a Provincial Ministry. The testimony at the hearing clearly disclosed that the Parties shared certain common concerns with the existing public process for the relevant planning instrument.

At the end of the hearing, the Board advised that although it was seized of the matter and would normally be issuing its Decision in due course, nothing prevented the Parties from discussing their shared concerns among themselves.

The Board was subsequently advised in writing that those discussions did indeed occur, and that letters were exchanged. The Board was also advised that on the apparent basis of the representations therein, the Appellant was withdrawing the appeal.

Section 17 of the *Planning Act*, at the following subsections, deals with the withdrawal of an OP appeal:

- (30) If all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn and the time for filing appeals has expired, the secretary of the Municipal Board shall notify the clerk of the municipality that made the decision and,
 - (a) the decision or the part of the decision that was the subject of an appeal is final; and
 - (b) the plan or part of the plan that was adopted and in respect of which all appeals have been withdrawn comes into effect as an official plan or part of an official plan on the day the last outstanding appeal has been withdrawn.
- (30.1) Subsection (30) also applies, with necessary modifications, when there is no longer any appeal with respect to a particular part of the decision of council as the result of a partial withdrawal of one or more appeals.

THE BOARD THEREFORE NOTES that since the appeal is withdrawn, the Board's file is being closed accordingly.

"M.C. Denhez"

M.C. DENHEZ
MEMBER