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PL090335

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Temagami Bays Development Corporation 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 Municipality of Temagami to make a decision respecting a proposed plan of subdivision on lands composed of Part of Mining Location WD 259 and WD 257 in the Municipality of Temagami

Approval Authority File No. S-06-01
OMB File No. PL090335

Temagami Bays Development Corporation 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 06-650 of the Municipality of Temagami to rezone lands composed of Part of Mining Location WD 259 and WD 257 Integrated Management Area (IMA) to Rural Residential (R3) to permit residential development
OMB File No. PL090336

APPEARANCES:

Parties

Counsel

Municipality of Temagami

Dennis Trinaistich

Temagami Bays Development Corporation

Nicholas Roche

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. E. SNIEZEK
JULY 28, 2009 AND ORDER OF THE BOARD**

Temagami Bays Development Corporation (the Appellant) applied for the approval of a Plan of Subdivision consisting of 50 lots on the shores of Net Lake that is north of the town site on the Kanichee Mine Road (that is a private road connecting with Highway #11). The plan has subsequently been revised and now contains 32 lots.

The Municipality of Temagami (the Municipality) has failed to make a decision on the matter and this has precipitated an appeal.

The position of the Municipality is that there are two outstanding matters holding up the approval of the matter of dissolved oxygen readings and the matter of development on the Kanichee Mine Road that is a private road. Net Lake is a cold-water trout lake. The Ministry of Natural Resources requires three readings of dissolved

oxygen in order to determine the capacity of the lake for cottage development. The Appellant did a reading in 2007 and the Municipality did a reading in 2008. The readings must be taken between August 15 and September 15. The third year of readings will be completed this year. The Official Plan only permits development on public roads. The Kanichee Mine Road must be conveyed to the Municipality and brought up to an acceptable standard.

The Municipality is undertaking two planning studies – its five-year review of its official plan is under way and the lot creation and development plan. The present lot development plan permits five lots per year in the Matabitchuan Neighbourhood. The proposed subdivision consumes more than a six-year supply of lots (32/5).

The Appellant is amenable to mediation on the matters of the road access and dissolved oxygen readings.

The Municipality and the Appellant jointly requested a further Pre-Hearing Conference in late fall once the dissolved oxygen readings have been finalized. The Parties will then be in a position to finalize the next steps.

Members of the public expressed concerns about the need for a boat landing for existing water access for cottages on the lake. (see attached Participant List)

The Board informed the Parties that the next hearing would be held on Monday, October 26, 2009, at 10:30 a.m., in the Council Chambers of the Municipality of Temagami. No further notice will be given.

The Parties were also informed that a formal request to the Board must be made in order for mediation to take place.

The Member is seized of the management of the file but not the hearing.

The Board so Orders.

“J. E. Sniezek”

J. E. SNIEZEK
MEMBER

Participant List*Participant or Party to Appeal*

Name	Address	Email	Participant or Party
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