

ISSUE DATE:

May 23, 2012



PL110580

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Victoria Harbour Development Co-Ownership Group 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 2000-57 of the Township of Tay to rezone lands respecting 2472 and 2506 Newton Street, Part of Lots 12 and 13, Concessions 6 and 7 from EP, OS, OS-2(H), RU and D to EP, OS-2, C1, R2-S, and R3 to permit the development of a golf course, club house, and 300 residential units
OMB File No. PL110580

Victoria Harbour Development Co-Ownership Group 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 Township of Tay to make a decision respecting a proposed plan of subdivision on lands composed of Part of Lots 12 and 13, Concessions 6 and 7 in the Township of Tay
(Approval Authority File No. TA-T-03001)
OMB File No.: PL110635

APPEARANCES:

Parties

Counsel

Victoria Harbour Development Co-Ownership Group

D.S. White

Township of Tay

P. Peterson

MEMORANDUM OF ORAL DECISION DELIVERED BY M.A. SILLS ON MAY 10, 2012 AND ORDER OF THE BOARD

This was the second pre-hearing conference ("PHC") conducted by telephone conference call ("TCC"), related to appeals by Victoria Harbour Development Co-Ownership Group ("Applicant/Appellant") resulting from the failure of the Township of Tay to make a decision with respect to a proposed zoning by-law amendment and a proposed plan of subdivision in the requisite period, pursuant to subsections 34(11) and 51(34) of the *Planning Act*.

The lands which are the subject of these applications are known as 2472 and 2506 Newton Street, Parts of Lots 12 and 13, Concessions 6 and 7, in the Township of Tay. The Applicant/Appellant proposes to develop the subject lands with a golf course, club house, and 300 residential units.

The purpose and effect of the zoning by-law amendment is to rezone the subject lands from Environmental Protection "EP", Open Space "OS", Open Space Exception Two Holding "OS-2(H)", Rural "RU", and Future Development "D", to Environmental Protection "EP", Open Space Exception Two "OS-2", Village Commercial "C1", Village Residential Special "R2-S", and Multiple Residential "R3".

At the last PHC the parties agreed that the Applicant/Appellant would submit a revised/updated development proposal to the Municipality for review, after which time a public meeting would be held. The purpose of this PHC was to provide an update of this matter.

Mr. White informed the Board that to date the subject proposal has not been submitted, and due to, among other things, an aggressive hearing schedule, he was unable to contact his client for an update in advance of this TCC. Consequently, he requested an adjournment of this matter until he is able to confirm that the requisite proposal has been submitted to the Municipality.

The Board suggested, and the parties agreed, that there would be no purpose served in convening a further PHC until such time that the Municipality has had an opportunity to review the proposal and to hold a public meeting. In the meantime, for the purpose of providing a status update, Mr. White will correspond with the Board planner (Ms. Kimberly Livingstone) at such time that he is in a position to confirm that the proposal has been submitted to the Municipality. Thereafter, the parties will contact the Board planner to arrange for a further PHC and/or hearing date should same be required.

Accordingly, the Board adjourns this matter *sine die*.

This Member is seized of the case management of this file, subject to the availability of the Board calendar.

"M. A. Sills"

M. A. SILLS
MEMBER