

ISSUE DATE:

May 30, 2012



PL111287

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

Davis and McLay Developments Limited 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 Ministry of Municipal Affairs and Housing to announce a decision respecting a Proposed Amendment to the Official Plan for the Town of Northeastern Manitoulin and the Islands

51-PO-0025-091

OMB File No. PL111287

APPEARANCES:

Parties

Counsel*/Agent

Davis and McLay Developments Limited

G. McAndrew*

Ministry of Municipal Affairs and Housing

M. Biderman*

Lake Manitou and Area Association

M. Castigan and R. Coulter

DECISION DELIVERED BY C. CONTI AND ORDER OF THE BOARD

This is a pre-hearing conference (PHC) for an appeal by Davis and McLay Developments Limited (Appellant) against the failure of the Ministry of Municipal Affairs and Housing (MMAH) to make a decision regarding a proposed amendment to the Official Plan for the Town of Northeastern Manitoulin and Islands. The proposed amendment will permit the development of a twenty-one lot residential plan of subdivision on Lake Manitou at Part Lot 14 and 15, Concession 7 and Part Lot 14, Concession 8, Township of Bidwell, Town of Northeastern Manitoulin and Islands.

At the beginning of the PHC, Mr. Castigan requested party status on behalf of the Lake Manitou and Area Association (Association) which is an incorporated group. Mr. Castigan indicated that he and Mr. Coulter own properties on Lake Manitou and that they are concerned about potential impacts of the proposal on the lake. Mr. McAndrew opposed the request, expressing the concern that the evidence that would be provided

by the Association would duplicate evidence that would be brought forward by the Province.

After hearing the submissions, the Board granted party status to the Association since they appear to have a legitimate interest in matters that will be considered in the appeal. The Board advised the representatives of the Association that they should endeavour not to duplicate the submissions of the Province when they provide evidence at the hearing.

Mr. Coulter provided a more detailed description of the issues that are of concern to the Association. He stated that Lake Manitou is a Lake Trout lake and the Ministry of Natural Resources depends upon the lake as a source of genetic material for Lake Trout populations. Mr. Coulter contends that the development level for lands bordering Lake Manitou is already at capacity. Further development could increase phosphorus levels in the water which could cause reduced dissolved oxygen levels which could negatively impact fish habitat. These are some of the reasons for the Association's opposition to the proposal.

The parties indicated that they were working on an issues list and Procedural Order (PO). They indicated that they would attempt to finalize the issues list and PO within three weeks and if they could not reach a consensus, they may contact the Board to schedule a telephone conference call (TCC) to resolve issues.

The parties requested that a seven-day hearing be scheduled for the appeal. Mr. Biderman requested that the hearing be held at a location in Sudbury. Mr. Biderman undertook to secure space in a Provincial Government building in Sudbury. The other parties consented to locating the hearing in Sudbury, as noted above.

After hearing the submissions, the Board scheduled the hearing for two weeks, commencing on September 4, 2012. This will provide for nine hearing days, if required. The hearing will be held at the MMAH, Municipal Services Office at 59 Cedar Street in Sudbury.

Subsequent to the PHC, the Board was informed that there may be some difficulty with the scheduled dates. If this is the case, the parties are directed to contact Julie Nolan,

the Board planner responsible for this file, to identify alternative dates that are agreeable to all Parties.

If there are difficulties with the dates for the hearing or with the PO that require the Board's assistance, the parties are advised to contact Ms. Nolan to arrange for another PHC through TCC.

The member can be spoken to if required.

The member will continue case management of this appeal, subject to the requirements of the Board's hearing calendar.

No further notice is required.

So Orders the Board.

"C. Conti"

C. CONTI
MEMBER