

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: March 16, 2017

CASE NO(S): PL120363

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Carlyle Development Corp.
Subject: Request to amend the Official Plan - Refusal of request by the Township of Baldwin

Existing Designation: Rural
Proposed Designated: Industrial Extractive
Purpose: To permit the development of a quarry
Property Address/Description: Lot 8, Concession 2
Municipality: Township of Baldwin
Approval Authority File No.: #625203
OMB Case No.: PL120363
OMB File No.: PL120363
OMB Case Name: Carlyle Development Corp. v. Baldwin (Township)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Carlyle Development Corp.
Subject: Application amend Zoning By-law No. 578 - Refusal of Application by the Town of Baldwin

Existing Zoning: Rural
Proposed Zoning: Industrial Extractive
Purpose: To permit development of a quarry
Property Address/Description: Lot 8, Concession 2
Municipality: Township of Baldwin
Municipality File No.: #625203
OMB Case No.: PL120363
OMB File No.: PL120364

Heard: February 14, 2017 in McKerrow, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Representative</u>
Carlyle Development Corp.	M. Allemano*
Corporation of the Township of Baldwin	P. Cassan*
Texas MacDonald	Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON
FEBRUARY 14, 2017 AND ORDER OF THE BOARD**

[1] On January 27, 2012, Carlyle Development Corp. (the “Appellant”) submitted an application to the Corporation of the Township of Baldwin (the “Township”) to amend the Township’s Official Plan and its Zoning By-law to permit the development of a quarry on Lot 8, Concession 2.

[2] On February 13, 2012, the Township Council refused the application.

[3] On or about March 20, 2012, the Appellant appealed the Township’s decision under s. 22(7) and 34(11) of the *Planning Act*. On September 21, 2012, the proceedings were adjourned to allow time for related applications under the *Aggregate Resources Act* to be determined, which was done in August 2016.

[4] This is the first Pre-hearing Conference (“PHC”) in this proceeding.

[5] Texas MacDonald, who is an adjacent landowner, requested and was granted party status on consent and Nanette Boucher and Kelly Scoyne, each of whom own property nearby, requested and were granted participant status on consent.

[6] During the PHC, the Township presented a proposed list of issues. The Board stood down to allow the Parties to review and discuss the proposed issues list; however, the Parties were unable to come to agreement on them. The Township indicated that it would be bringing a motion to have the Board determine the issues to be addressed at the hearing of the appeals and requested that a motions day be scheduled.

[7] The Township also stated that some property owners who may be impacted by the proposed development may not have been notified of the PHC and requested that broader public notice of the next hearing event be provided. The Township indicated that it would be willing to publish notice of the next hearing event in a local newspaper.

[8] The Appellant and the Township each expressed an interest in seeking Board-assisted mediation once the issues have been determined.

[9] The Board directed that a second PHC and motions day be held on April 11, 2017. Given the Township's request for broader public notice of the next hearing event, the Board directed that if the Township wishes to publish notice, it must send a draft of the notice to the other Parties for comment and submit the draft and any comments received from the other Parties to the Board for approval prior to its publication.

[10] The Board encouraged the Parties to further refine and narrow all of the proposed issues prior to the motions day.

ORDER

[11] The Board orders that:

1. Texas MacDonald is a party to these proceedings.
2. Nanette Boucher and Kelly Scoyne are participants to these proceedings.

[12] A motions day and second PHC is scheduled to be held on **April 11, 2017** commencing at **10 a.m.** at which the Board will hear the Township's proposed motion for the determination of the issues to be addressed at the hearing of the appeals.

[13] The Parties must serve and file their motion materials in accordance with Rules 34 to 41 of the Board's *Rules of Practice and Procedure*.

[14] The motions day and second PHC will be held at:

**Snoopy Landing (Baldwin)
9 Short Street
McKerrow, ON
P0P 1M0**

[15] If the Township wishes to publish notice of the motions day and second PHC, it must send a draft of the notice to the other Parties for comment and submit the draft and any comments received from the other Parties to the Board for approval prior to its publication.

[16] This Member of the Board is not seized.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

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please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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