

ISSUE DATE:

January 24, 2014



PL130372

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: Barry Glaspell
Appellant: Ambrose Moran
Subject: By-law No. 26-2013
Municipality: Township of North Kawartha
OMB Case No.: PL130372
OMB File No.: PL130372

APPEARANCES:

Parties

Counsel

Barry Glaspell

Ambrose Moran

Township of North Kawartha

John Ewart

**ORAL DECISION DELIVERED BY R. ROSSI VIA TELECONFERENCE CALL
ON JANUARY 21, 2014 AND ORDER OF THE BOARD**

[1] Barry Glaspell and Ambrose Moran (“Appellants”) have appealed comprehensive Zoning By-law No. 26-2013 (“Zoning By-law”) of the Township of North Kawartha (“Township”).

[2] Minutes of Settlement (“Minutes”) have been reached between the Township and Mr. Moran for items 2 to 15 inclusive of the April 2013 Notice of Appeal. The Minutes are now before the Board, as is the affidavit from Iain Mudd, the Director of Planning for the County of Peterborough who has attested to the appropriateness of these Minutes; that they comply with the requisite planning policies; and that they represent good planning. These documents have been placed on the Board’s file. Counsel for the Township, John Ewart, has consented to provide Messrs. Glaspell and Moran with a strike out version of the subject Zoning By-law for their records. The Board accepted as persuasive Mr. Mudd’s affidavit that the Minutes of Settlement represent good planning.

[3] The remaining Zoning By-law issue that will be the subject of a future hearing before the Board is Messrs. Glaspell and Moran's issue of regulation of in-water development. In all other respects, Mr. Ewart, asked the Board to declare this Zoning By-law in full force and effect in save and except for this remaining issue.

[4] The Board was also advised that a separate legal matter with potential overlap with planning issues is occurring under a separate legal jurisdiction. On consent, the Board will adjourn the remaining matter before the Board *sine die* to allow for completion of that other legal process. The Board has asked Mr. Ewart to then contact the Board once that matter is concluded so that the planner might canvass dates of availability of these parties for the Board hearing.

ORDER

[5] Having considered the evidence before it, the Board allows the appeals in part by declaring the subject Zoning By-law to be in full force and effect, save for the issue of regulation of in-water development.

[6] The Member is not seized.

"R. Rossi"

R. ROSSI
MEMBER