

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: June 6, 2017

CASE NO(S): PL141348

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: The Georgian Bay Trust Foundation, Inc.
(formerly 2144032 Ontario Inc./JMB Cattle Corp.)
Subject: Consent
Property Address/Description: Part of Island 97A Et al
Municipality: Township of The Archipelago
Municipal File No.: B-08-14
OMB Case No.: PL141348
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OMB Case Name: The Georgian Bay Trust Foundation, Inc. v. The Archipelago (Township)

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Subject: Consent
Property Address/Description: Part of Island 97A Et al
Municipality: Township of The Archipelago
Municipal File No.: B-10-14
OMB Case No.: PL141348
OMB File No.: PL141350

Heard: June 6, 2017 by telephone conference call

APPEARANCES:**Parties****Counsel**

The Georgian Bay Trust Foundation,
Inc.

N. Davis and H. Bahmanpour

Township of The Archipelago

C. Tzekas

**MEMORANDUM OF ORAL DECISION DELIVERED BY K. J. HUSSEY ON MAY 30,
2017 AND ORDER OF THE BOARD**

Background

[1] JMB Cattle Corp. (“JMB”) entered into an agreement of purchase and sale to acquire certain lands on Harrison Island in Georgian Bay, parts of which were owned by 2144032 Ontario Inc. (“214”), and a part owned by the Estate of William H. Kaufman (the “Kaufman Estate”). Applications were made to The Archipelago Planning Board to create two new lots on the lands owned by 214 and to sever a 2.7 hectare lot from the lands owned by the Kaufman Estate (the “Kaufman lot”). The applications were refused by The Archipelago Planning Board and pursuant to s. 53(19) of the *Planning Act*, the refusal was appealed.

[2] The agreement of purchase and sale between JMB and the Kaufman Estate was not completed, and on June 14, 2016 the Georgian Bay Trust Foundation, Inc. (“GBLT”) acquired all of the lands on Harrison Island owned by 214 and an option to acquire the Kaufman lot.

[3] In these proceedings GBLT has been authorized by 214 and the Kaufman Estate to act on their behalf with respect to the matters before the Board.

[4] The Board was informed that the Township of the Archipelago and GBLT agreed to settle the appeals before the Board and have presented signed Minutes of Settlement

(Exhibit 2) to this effect. The settlement proposes that the appeals with respect to the land formerly owned by 214 be withdrawn and that the lands not be subdivided.

[5] GBLT seeks the Board's approval of the application for consent to sever the Kaufman lot from the Kaufman estate, shown in the hatched section of Attachment 1 hereto appended, in order to exercise the option under the agreement of purchase and sale to acquire that lot. The approval would be subject to conditions set out in Exhibit 2. The Kaufman lot would then be added to and merged with the lots acquired from 214, currently owned by GBLT. GBLT intends to preserve the Kaufman lot and the 214 lands in their natural state, and has agreed to submit a rezoning application to give effect to their intention.

[6] The Board received evidence by affidavit (Exhibit 3) in support of the settlement from a qualified land use planner, Cale Henderson, the Manager of Development and Environmental Services at the Township of The Archipelago. Mr. Henderson was also available for question by the Board. It was Mr. Henderson's opinion that the proposal is in keeping with all relevant planning requirements and represents good planning, and thus he opined as follows:

- the proposal is consistent with the applicable provisions of the Provincial Policy Statement 2014;
- the proposal is in conformity with Zoning By-law No. A 2000-07; the proposal is in conformity with the Township Official Plan; and
- the proposal meets the relevant criteria set out in s. 51(24) of the *Planning Act*.

[7] The Board accepts and adopts the uncontested evidence and opinion of Mr. Henderson and finds that the proposal represents good planning and is in the public interest.

[8] Accordingly, the appeal is allowed and provisional consent is to be given to sever from the lands owned by the Kaufman Estate, 2.7 hectares of lands (the Kaufman lot) shown on Attachment 1, subject to the conditions set out in the Minutes of Settlement, filed as Exhibit 3.

[9] This is the Order of the Board.

"K. J. Hussey"

K. J. HUSSEY
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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