

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



**ISSUE DATE:** October 1, 2015

**CASE NO(S):** PL150313

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Burleigh Bay Corporation  
Subject: Proposed Plan of Subdivision - Failure of the County of Peterborough to make a decision  
Purpose: To permit a 60 unit waterfront vacant plan of condominium together with common elements  
Property Address/Description: Part Of Lots 3, 4, 5 And 6 Concessions I and II  
Municipality: Township of North Kawartha  
Municipality File No.: 15CD-03001  
OMB Case No.: PL150313  
OMB File No.: PL150313  
OMB Case Name: Burleigh Bay Corporation v. North Kawartha (Township)

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

Applicant and Appellant: Burleigh Bay Corporation  
Subject: Application to amend Zoning By-law No. 66-1996 - Refusal or neglect of the County of Peterborough to make a decision  
Existing Zoning: Rural Zone  
Proposed Zoning: Shoreline Residential Exception Eleven (SRE-11) Zone; Special Community Facility (SCF) Zone; Shoreline Natural Environment (SNE) Zone; Special Major Recreation Open Space (SOS) Zone; Limited Institutional (LI) Zone and Environmental Constraint One (EC-1) Zone  
Purpose: To permit 60 single detached residential units, to recognize the proposed vacant land condominium development and to provide special regulation for controlling development and the protection of wetland features

Property Address/Description: Part Of Lots 3, 4, 5 And 6 Concessions I and II  
 Municipality: Township of North Kawartha  
 Municipality File No.: NK02-06P  
 OMB Case No.: PL150313  
 OMB File No.: PL150323

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

Applicant and Appellant: Burleigh Bay Corporation  
 Subject: Request to amend the Official Plan - Failure of the Township of North Kawartha to adopt the requested amendment

Existing Designation: Rural Zone  
 Proposed Designated: Restricted Shoreline Residential; Restricted Recreation-Open Space; Private Community Facility; Shoreline Conservation and Provincially Significant Fraser Property Wetland Complex

Purpose: To establish a Burleigh Bay Corporation Special Policy Area to facilitate the proposed 60 single detached residential units

Property Address/Description: Part Of Lots 3, 4, 5 And 6 Concessions I and II  
 Municipality: Township of North Kawartha  
 Approval Authority File No.: NK02-06P  
 OMB Case No.: PL150313  
 OMB File No.: PL150322

**Heard:** August 31, 2015 in North Kawartha, Ontario

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

Burleigh Bay Corporation	J. Wigley
Township of North Kawartha	J. Ewart
Friends of the Fraser Wetlands Inc.	D. Donnelly, A. Sabourin
Curve Lake First Nation	M. Dokis*

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. C. DENHEZ ON AUGUST 31, 2015 AND ORDER OF THE BOARD**

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[1] Some 200 people attended this first pre-hearing conference ("PHC") about the proposal, by Burleigh Bay Corporation (the "Applicant"), to build a 60-unit residential condominium project on 273 hectares of the north shore of Stony Lake, in the Township of North Kawartha (the "Township"), in the County of Peterborough (the "County").

[2] The project would require an Official Plan Amendment ("OPA") to the Township's Official Plan, rezoning, and approval of a draft plan of condominium.

[3] The Applicant applied for each of the above. The application for the draft plan of condominium was to the County. The application for the OPA and the rezoning were to the Township.

[4] Neither the County nor the Township rendered a decision within the statutory timelines. The Applicant appealed to the Ontario Municipal Board (the "Board") under s. 22(7), 34(11) and 51(34) of the *Planning Act* (the "Act").

[5] At this PHC, the Applicant and the Township were represented by counsel. The Board was told that the County would not be taking a position.

[6] There were two requests for party status. One was from the Friends of the Fraser Wetlands Inc. ("the Friends"). The other was from the Curve Lake First Nation. There was no objection, and the Board proceeded to grant party status.

[7] There were observers from Parks Canada in attendance. Parks Canada has responsibilities concerning the Trent-Severn Waterway. They were asked by members of the audience whether Parks Canada would be taking a position. They replied that this decision had not been made yet.

[8] The following 43 individuals requested participant status: Jaime Anderson, Holly Bleggen, Patricia Bourne, Simon Branson, Reid Brownscombe, Carol Cole, Elaine

Cooper, Mark Cooper, Rachel Corbett, Suzanne Coros, W. Frank Crouse, Betsy Drake, Ron Drake, Greg Finlay, Susan Fisher (on behalf of the Association of Stony Lake Cottagers Inc.), David Hall (on behalf of the Juniper Point Cottage Owners Association Inc.), Tamara Humphries, Catherine Kirk (on behalf of the Stony Lake Yacht Club Inc.), Joanne Lanon, Andrea Marcus, Patty McDonald, Betsy McGregor, John McGregor, H. Gordon MacPherson, John McWilliams, Ann Morgen, Roslyn Moore (on behalf of the unincorporated Environmental Council for Clear, Stony & White Lakes), Derek Nelson, Mike Ormsby, Martin Parker, Danielle Poirier-Heine, Jennifer Reid, Barbara Rimmer, Jacob Rodenberg, Anne Shepherd, Christopher Wagner, Jennifer Wagner, Lois Wallace (on behalf of the unincorporated Environmental Council for Clear, Stony & White Lakes), Edgar Wood, Bill Woods, Robert Woosnam, Scott Wootton, and Jim Young.

[9] The Board expressed concern about the logistical challenges with this number of participants, and the prospect of duplication. The Board mentioned the possibility that some participants may act as spokespersons for others. However, counsel for the Friends expressed confidence that, with proper organization, the evidence of the participants could be presented in "a day or two." He offered to assist in that regard.

[10] There was some speculation that the eventual hearing on the merits might take some three weeks, perhaps in the summer of 2016. However, there was no full consensus on that timing, nor on all the logistical factors leading to readiness for the hearing. It was agreed that a further PHC should be convened in the Fall of 2015.

[11] The Township advised that it was working on creating a web page, so that the public could follow these proceedings.

[12] The Board disposes of the above matters as follows:

1. The Board recognizes the following as parties to these proceedings:

- Burleigh Bay Corporation

- Township of North Kawartha
  - Friends of the Fraser Wetlands Inc.
  - Curve Lake First Nation
2. The Board recognizes the following as participants in these proceedings: Jaime Anderson, Holly Blefgen, Patricia Bourne, Simon Branson, Reid Brownscombe, Carol Cole, Elaine Cooper, Mark Cooper, Rachel Corbett, Suzanne Coros, W. Frank Crouse, Betsy Drake, Ron Drake, Greg Finlay, Susan Fisher (on behalf of the Association of Stony Lake Cottagers Inc.), David Hall (on behalf of the Juniper Point Cottage Owners Association Inc.), Tamara Humphries, Catherine Kirk (on behalf of the Stony Lake Yacht Club Inc.), Joanne Lanon, Andrea Marcus, Patty McDonald, Betsy McGregor, John McGregor, H. Gordon MacPherson, John McWilliams, Ann Morgen, Roslyn Moore (on behalf of the unincorporated Environmental Council for Clear, Stony & White Lakes), Derek Nelson, Mike Ormsby, Martin Parker, Danielle Poirier-Heine, Jennifer Reid, Barbara Rimmer, Jacob Rodenberg, Anne Shepherd, Christopher Wagner, Jennifer Wagner, Lois Wallace (on behalf of the unincorporated Environmental Council for Clear, Stony & White Lakes), Edgar Wood, Bill Woods, Robert Woosnam, Scott Wootton, and Jim Young.
3. The Board reserves the right to make ongoing arrangements for participants, from time to time, so that the hearing can unfold in a fair and orderly manner.
4. The next hearing event for this case will be held on **Monday, October 26, 2015 at 10 a.m., at:**

**The North Kawartha Community Centre,  
Banquet Hall,**

**340 McFadden Road,  
Apsley, ON K0L1A0**

6. That PHC shall consider the length and timing for the hearing on the merits, development of a Procedural Order, prospects for visitation, any Motions forthcoming, and other matters the Board finds appropriate.
7. No further notice will be given for the matters currently before the Board.
8. This Member is not seized.

*"M.C. Denhez"*

M.C. DENHEZ  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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