

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: August 22, 2016

CASE NO(S): PL160282

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1178460 Ontario Inc
Appellant: 2156713 Ontario Ltd
Appellant: 548186 Ontario Inc
Appellant: Ivy Lea Management Ltd; and others
Subject: Proposed Official Plan Amendment No. 8-OP-146602

Municipality: Upper Tier of Leeds & Grenville
OMB Case No.: PL160282
OMB File No.: PL160282
OMB Case Name: Ivy Lea Management Ltd v. Ontario (Municipal Affairs and Housing)

Heard: August 11, 2016 in Brockville, Ontario

APPEARANCES:

Parties

Counsel*/Representative

United Counties of Leeds and Grenville

Tony Fleming*

1178460 Ontario Inc.
548186 Ontario Ltd
Ivy Lea Management Inc.
2156 Ontario Ltd
Ed Huck Marine Ltd.
Clark's Bus and Marina Ltd

Michael Polowin*

Township of Leeds and Grenville

Mark Touw

Ministry of Municipal Affairs and Housing	Ken Hare* and Trevor Sher* (student-at law)
Township of Rideau Lakes	Brittany Mulhern and Mike Dwyer
Township of Front of Yonge	Elaine Covey

MEMORANDUM OF ORAL DECISION DELIVERED BY SYLVIA SUTHERLAND ON AUGUST 11, 2016 AND ORDER OF THE BOARD

[1] This was the first Pre-Hearing Conference (“PHC”) related to the first Official Plan (“OP”) of the United Counties of Leeds and Grenville (“County”), adopted by the County on July 23, 2015. The Minister modified and approved the OP on February 12, 2016.

[2] Eight parties appealed the OP on a site or policy specific basis.

[3] On March 29, 2016, a Ministry letter to the County confirmed that, pursuant to s. 17 (38) of the *Planning Act* (“Act”), the OP came into effect on March 15, 2016, except for those parts under appeal.

[4] In a letter dated July 8, 2016, the Township of Leeds and the Thousand Islands withdrew its appeal to an OP Amendment and Zoning By-law Amendment related to a development proposal for 8-88 Macneil Park. As such, pursuant to s. 17(39) of the Act, the OP is in full effect on the lands that were formally subject to the appeal.

[5] The majority of the OP is in fact in effect, with a limited number of site specific policies and designations remaining under appeal (Exhibit 2).

[6] The Parties agree that the remaining OP appeals can be grouped into two categories:

- Coastal Wetland Mapping (four appeals)
- Growth Management Policies (three appeals)

[7] The Township of Leeds and the Thousand Islands requested, and on consent was granted, Party status with respect to s. 3.2.5 (e), 4.4.1 (j) and (k), 4.4.3.1 (a) and 4.5.2 (b) of the OP.

[8] Ed Huck Marine Ltd and Clark's Bus and Marina Ltd were, on consent, granted non-appellant party status, subject to the conditions as set out in Attachment 1 to this Order.

[9] On the consent of the Parties, the Board orders the following:

- The appeals be addressed in two hearing streams: (1) Coastal Wetland Mapping and (2) Growth Management policies. Notice and documents relating to each stream will only be provided to the appellants and non-appellant parties involved in that stream. The County and the Ministry will be provided notice and documents relating to both hearing streams.
- By August 18, 2016, the County will update Exhibit 2, the Appeal Overview Table, to identify parties granted status in the individual appeals.
- By October 3, 2016, the appellants will provide the County with specific relief sought. Proposed policy changes should be identified in a track change format. The County will share GIS data layers for OP schedules if so requested by the appellants.
- By October 3, 2016, the Coastal Wetland appellants will identify the extent of their appeal on Schedules A and C on the OP, and will provide the County with a map showing the location and extent of their land holdings, a legal description of the parcels, and will indicate whether the parcels are owned or leased.
- By November 7, 2016, the County and the Ministry will review the relief sought and investigate opportunities for settlement discussions and/or

consider whether Board mediation should be pursued.

[10] The Board has scheduled a second PHC to be conducted by telephone conference call for **9 a.m. on Friday, January 13, 2017**. The Parties will call **(416)212-8012** or Toll Free **1(866)633-0848**, and when prompted, enter the following **code 1006967#**.

[11] At this second PHC, the Parties will provide a status report to the Board on the various appeals. Subject to the outcome of discussions among the County, Ministry and appellants, the Board may be asked to set dates for motions, settlement hearing, or a further PHC.

[12] No further notice will be given.

[13] Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

[14] Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

“Sylvia Sutherland”

SYLVIA SUTHERLAND
MEMBER

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

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

Tony E. Fleming
Direct Line: 613.546.8096
E-mail: tfleming@cswan.com
LSUC Certified Specialist in Municipal Law
(Local Government / Land Use Planning)

July 27, 2016

WITHOUT PREJUDICE

Gowling Lafleur
Barristers & Solicitors
2600-160 Elgin Street
P.O. Box 466, Station D
Ottawa, Ontario
K1P 1C3

Attention: Michael Polowin

Dear Mr. Polowin:

**RE: United Counties of Leeds & Grenville OP Appeals; PL160282
Request for party Status for Ed Huck Marine Ltd. and Clark's Bus and Marina
Ltd.
Our File No. 13119-10**

We have your letter of June 29, 2016 advising that you intend to seek party status for the two companies listed above. Further to our telephone conversation on this issue, the United Counties is prepared to consent to add the two named companies, provided that your clients agree to the following conditions, which conditions would be included by the Board in its procedural order:

1. that the participation of Ed Huck Marine Ltd. and Clark's Bus and Marina Ltd. shall be limited to the issues raised in the Notice of Appeal by the following appellants: 548186 Ontario Inc., 2156713 Ontario Ltd., Ivy Lea Management Inc., and 1178460 Ontario Inc.;

2. that the two added parties not be permitted to raise new issues or seek relief outside of what is sought by the appellants;
3. that the status of the two additional parties shall be tied to that of the appellants named in paragraph one above; and
4. that if the issues related to the appeals of the appellants named in paragraph one above are scoped or resolved, the status of the two additional parties shall be limited to the revised scope of issues, or in the event the entire appeal is resolved the party shall no longer have status in that appeal.

We have been informed that the Ministry of Municipal Affairs is agreeable to the party status requests by the two companies, subject to the conditions above.

Please advise whether these conditions are acceptable by August 5, 2016.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

Tony E. Fleming, C.S.

TEF:kj

copy to: Ken Hare, Counsel for the Ministry of Municipal Affairs
Cherie Mills, UCLG