

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 26, 2017

CASE NO(S): PL130372
PL160745

PROCEEDING COMMENCED UNDER subsection 34(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: Charles deSorcy
Appellant: Barry Glaspell
Appellants: Richard Hart and Margaret Hart
Appellant: Marion Minty
Appellant: Ambrose Moran
Appellant: Michael Whelan
Subject: By-law No. 2016-061
Municipality: Township of North Kawartha
OMB Case No.: PL160745
OMB File No.: PL160745
OMB Case Name: deSorcy v. North Kawartha (Township)

PROCEEDING COMMENCED UNDER 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
OMB Case Name: Glaspell v. North Kawartha (Township)

Heard: March 28, 2017 in Apsley, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Representative</u>
Michael James Whelan	Self-represented
Marion Lee Minty	Self-represented
Richard and Margaret Hart	Jody Johnson*
Charles Lee deSorcy	Self-represented
Barry Glaspell	Self-represented
Ambrose Moran	Excused
Township of North Kawartha	John Ewart*

MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON MARCH 28, 2017 AND ORDER OF THE BOARD

[1] This was the first prehearing conference (“PHC”) involving appeals of the passing of Zoning By-law Amendment No. 2016-61 (“By-law 2016-61”) by the Council of the Township of North Kawartha (the “Township”).

[2] By-law 2016-61 amends Township comprehensive Zoning By-law No. 26-2013 (“By-law 26-2013”) by establishing zone regulations in lake and shoreline areas in a manner consistent with the County of Peterborough Official Plan (“COP”).

[3] By way of background, the Township’s in-force comprehensive zoning by-law lacks specific use definitions and regulations for in-water buildings and structures such as docks, boathouses and marine facilities. By-law 26-2013, passed on March 5, 2013, was intended to bring the by-law into conformity with the COP, and as well, to maintain consistency with the Provincial Policy Statement 2014. Ambrose Moran and Barry Glaspell also appealed the passing of By-law 26-2013.

[4] Mr. Glaspell subsequently launched a court action with regard to the requirement for regulations of structures/boathouses on the water. Following the decision of Justice Perell in that matter, By-law 2016-61 was passed on June 21, 2016 for the purpose of establishing permissible in-water structures, as well as providing permissions and regulations for these structures. Essentially, the issues in the current dispute involve the definition and associated regulations with respect to boat houses/in-water structures and docks. For case management purposes, the outstanding appeals of By-law 26-2013 have been joined with the current appeals.

[5] Mr. Ewart provided the Board with a letter from Chandos Lake cottage owner, Evan Rodgers (Exhibit 2). Mr. Rodgers, who was unable to attend this PHC, is seeking Participant status in this matter. There being no objections to the request, the Board grants Participant status to Mr. Rodgers.

[6] On a matter of the record, having notified the Board in advance of this PHC that he was out of the Country and unable to attend, Appellant Ambrose Moran was excused from the current PHC.

[7] Mr. Ewart has circulated a draft Procedural Order ("PO") and the parties are in the process of developing an Issues Lists. Once the Issues List is completed, Mr. Ewart will forward the PO to the Board for approval.

[8] The Board was informed that several of the unrepresented parties have been involved in discussions, and it is anticipated that a coordinated approach will be exercised with respect to these appeals.

[9] There is an apparent consensus among the parties that this is a matter which could benefit from discussions aimed at reaching a mutually-agreeable resolve. In this regard, Mr. Ewart indicated that consideration is being given to making a formal request for Board-led mediation services. However, in view of the expressed urgency to resolve these matters in a timely manner, and given the current demand on Board-led mediation

resources, for expediency purposes the Board encourages the parties to explore alternate dispute resolution options.

[10] At the request of the parties, a second PHC has been scheduled for **Wednesday, August 23, 2017**, beginning at **10 a.m.** at:

**Municipal Building
Council Chambers
280 Burleigh Street
Apsley, Ontario**

[11] No further notice will be provided.

[12] Subject to availability, this Member is seized in regard to the case management of this file.

"M. A. Sills"

M. A. SILLS
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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