

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: August 17, 2020

CASE NO(S): PL180416

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	CRH Canada Group Inc.
Subject:	Request to amend the Official Plan - Failure of Township of Tiny to adopt the requested amendment
Existing Designation:	'Rural', 'Environmental Protection II' and 'Mineral Aggregate Resource II'
Proposed Designated:	'Mineral Aggregate Resources I'
Purpose:	To permit the expansion of the existing gravel pit
Property Address/Description:	2 Darby Road
Municipality:	Township of Tiny
Approval Authority File No.:	'12/D09' (DS #36243)
OMB Case No.:	PL180416
OMB File No.:	PL180416
OMB Case Name:	CRH Canada Group Inc. v. Tiny (Township)

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

Applicant and Appellant:	CRH Canada Group Inc.
Subject:	Application to amend Zoning By-law No. 06-001 and 30-77 - Refusal or neglect of Township of Tiny to make a decision
Existing Zoning:	Rural (RU) Zone, Rural (A) Zone and Holding Low Hazard (OS4) Zone
Proposed Zoning:	Mineral Aggregate (MAR) Zone and Extractive Industrial (M5) Zone
Purpose:	To permit the expansion of the existing gravel pit

Property Address/Description: 2 Darby Road
 Municipality: Township of Tiny
 Municipality File No.: '12/D14' (DS#36242)
 OMB Case No.: PL180416
 OMB File No.: PL180417

Heard: August 11, 2020 by telephone conference call

APPEARANCES:

Parties

Counsel/Representative*

CRH Canada Group Inc.

Jonathan W. Kahn

Township of Tiny

Sarah Hahn

Federation of Tiny Township Shoreline
 Associations (FoTTSA)

Judith Grant*
 Joe Castrilli

**MEMORANDUM OF ORAL DECISION DELIVERED BY D. CHIPMAN ON
 AUGUST 11, 2020 AND ORDER OF THE TRIBUNAL**

[1] This was the fifth Case Management Conference (“CMC”), conducted by telephone conference call (“TCC”), with respect to appeals by CRH Canada Group Inc. (the “Applicant/Appellant”) of the failure of the Township of Tiny (“Township”), under s. 22(7) and s. 34(11) of the *Planning Act*, to make a decision on applications for amendments to the Township’s Official Plan (“OP”) and Zoning By-law (“ZBL”). The purpose of these applications is to permit the expansion of an existing gravel pit for the subject property located at 2 Darby Road.

[2] An associated application has been made for a License under the *Aggregate Resources Act* (“ARA”). This application was submitted to the Ministry of Natural Resources and Forestry (“MNR”) in late February 2020 before the COVID19 Emergency Order had been declared. The parties anticipated that there would be a referral of the ARA License application to the Tribunal by this CMC date. As of the date

of this CMC, no communications have been received by the Tribunal in regard to the License application. As the intent is to have the appeals on the proposed amendments to the OP and ZBL heard at the same time as the referral under the ARA, this matter remains without the information needed to move forward.

[3] At this CMC, Mr. Kahn advised that he now expects the ARA referral will be received by the fall (2020). Mr. Kahn advised that while this is his anticipated timeline his client has no control over that timing. Mr. Kahn requested a sixth CMC by TCC be scheduled for November 2020, by which time the Tribunal will hopefully have received the ARA referral. No objections were raised by the other parties to this suggestion. The Tribunal encouraged Mr. Kahn to contact MNRFB to ensure that the process is continuing as expeditiously as possible.

[4] Once the ARA referral has been received by the Tribunal, the Applicant/Appellant will be in a position to understand any outstanding concerns or objections arising from the ARA referral. The purpose of the sixth CMC will include: finalizing the PO and Issues List and setting a date for a contested hearing.

[5] On consent, a sixth CMC by TCC, to be attended by the parties, has been scheduled to commence on **Friday, November 6, 2020 at 9 a.m.** Individuals are directed to call **416-212-8012** or **Toll Free 1-866-633-0848** on the assigned date at the correct time. When prompted, enter the **code 4779874** to be connected to the call. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to Ryan Co, the Tribunal's Case Coordinator, at (437) 217-9883.

[6] No further notice is required for the sixth CMC.

[7] This Member will remain available for case management purposes, including the sixth CMC, as the Tribunal's calendar may permit.

[8] The Tribunal orders as directed above.

"D. Chipman"

D. CHIPMAN
MEMBER

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

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248