

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 26, 2021

CASE NO(S):

PL180416

The Ontario Municipal Board (the “OMB”) and the Local Planning Appeal Tribunal (the “LPAT”) is continued under the name Ontario Land Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board or Local Planning Appeal Tribunal 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

PROCEEDING COMMENCED UNDER subsection 11(5) of the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended

Referred by: CRH Canada Group Inc.
 Objector: Blake & Brenda Anderson
 Objector: Peter & Jeanette Anderson
 Objector: Erin Archer
 Objector: Murray Archer; and others
 Applicant: Jessica Ferri
 Subject: Application for a Class A licence for the removal of aggregate
 Property Address/Description: 2 Darby Road
 Municipality: Township of Tiny
 LPAT Case No.: PL180416
 LPAT File No.: MM210011

Heard: July 23, 2021 by video hearing

APPEARANCES:

Parties

CRH Canada Group Inc. ("Appellant")

Township of Tiny ("Township")

Federation of Tiny Township
 Shoreline Associations ("FoTTSA")

Counsel

Jonathan W. Kahn
 Brittiny Rabinovitch

Sarah Hanh

Joseph Castrilli

DECISION DELIVERED BY S. BRAUN AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This was the ninth Case Management Conference (“CMC”) with respect to appeals by CRH Canada Group Inc. under s. 22(7) and s. 34(11) of the *Planning Act* (“Act”) regarding the failure of the Township of Tiny to make a decision on applications for amendments to the Township’s Official Plan (“OP”) and Zoning By-law (“ZBL”).

[2] This was also the second CMC dealing with the referral of the application for a License pursuant to s. 11(5) of the *Aggregate Resources Act* (“ARA”). The purpose of these applications is to permit the expansion of an existing gravel pit for the subject property located at 2 Darby Road, known as the Teedon Pit, in the Township of Tiny.

[3] The intent is to have the appeals on the proposed amendments to the Official Plan and Zoning By-law heard at the same time as the referral under the ARA.

[4] In addition to the foregoing, a related appeal concerning an application by CRH for a permit to take water from the existing operation at 2 Darby Road is currently before the former Environmental Review Tribunal (“ERT”) (now Ontario Land Tribunal) and scheduled for a pre-hearing conference (“PHC”) on August 3, 2021.

[5] At a previous CMC held on June 8, 2021, an issue arose with respect to a request by FoTTSA to consolidate the above noted ERT matter with the current appeals. The request was opposed by the Appellant and the parties agreed the issue would be dealt with by way of a motion at this CMC. However, Mr. Castrilli advised the Tribunal that the parties were able to resolve the issue in advance of today’s CMC and FoTTSA was no longer seeking consolidation.

PARTY/PARTICIPANT REQUESTS

[6] At previously held CMCs, the Tribunal granted Participant status to the following individuals: Peter Anderson, Erin Archer, Rene Ariens, Balm Beach Community

Association, David Barkey, Lynne Gibson, Mathew Lund, Nancy McBride, John D. Morgan, Bonnie Pauze, Jessica Staples-Campitelli, Christopher Williams, Anne Ritchie Nahuis, Yanina Zainkovskaya and William Shotyk.

[7] Of the list of parties and participants including Objectors, only David Barkey, John D. Morgan, Anne Ritchie Nahuis, Bonnie Pauze and Yanina Zainkovskaya were in attendance at today's CMC.

[8] There were no additional written requests for party/participant status in advance of the CMC and nobody present at the CMC requested party/participant status.

NEXT HEARING EVENT

[9] The parties explained that their ability to agree upon an Issues List ("IL") and Procedural Order ("PO") to govern the current appeals hinges, in part, upon the related ERT matter, as discussed above. As such, they were not in a position to discuss details in relation to setting the matter down for a hearing, such as anticipated witnesses, number of days required, etc. Consequently, the parties requested the Tribunal schedule a telephone conference call ("TCC") to take place following the August 3, 2021 PHC. The purpose of the TCC would be to provide an update on the related matter, discuss and finalize a PO and IL and, if appropriate, set a hearing date.

[10] Based on the foregoing, the Tribunal finds it appropriate to schedule a TCC, which will be held on **Friday, November 12, 2021 at 9 a.m.** The parties are directed to call **416-212-8012** or **Toll Free 1-866-633-0848** on the assigned date at the specified time. When prompted, enter the code **4779874#** to be connected to the call. It is the responsibility of the person(s) participating in the call to ensure that they are properly connected to the call at the correct time. Questions prior to the call may be directed to the Tribunal's Case Coordinator having carriage of this file.

[11] The Tribunal stressed the importance of ensuring that the next hearing event be productive and, to that end, the parties agreed to provide a draft PO and IL in advance of the TCC. The Tribunal directed the parties to file same no later than **Friday, November 5, 2021**.

OTHER MATTERS

[12] The Tribunal inquired as to whether there were any other matters to be addressed which might assist in the fair, just and expeditious resolution of this matter. The parties indicated there were none.

ORDER

[13] A telephone conference call is scheduled for November 12, 2021 at 9 a.m.

[14] The parties are directed to file a draft Procedural Order and an Issue List with the Tribunal no later than November 5, 2021.

[15] No further notice will be given and this Member is not seized of the matter.

“S. Braun”

S. BRAUN
MEMBER

Ontario Land Tribunal

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

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal.