

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



ISSUE DATE: March 08, 2021

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: February 26, 2021 by telephone conference call

APPEARANCES:

Parties

Counsel*/Representative

CRH Canada Group Inc.

Jonathan W. Khan*

Township of Tiny

Sarah Hahn*
 Charles Lund (Articling Student)

Federation of Tiny Township
 Shoreline Associations (FoTTSA)

Judith Grant
 Ramani Nadarajah*

**MEMORANDUM OF ORAL DECISION DELIVERED BY T. PREVEDEL ON
 FEBRUARY 26, 2021 AND ORDER OF THE TRIBUNAL**

[1] This was the seventh Case Management Conference (“CMC”), conducted by telephone conference call, with respect to appeals by CRH Canada Group Inc. under s. 22(7) and s. 34(11) of the *Planning 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] The purpose of these applications is to permit the expansion of an existing gravel pit for the subject property located at 2 Darby Road.

[3] 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 in late February 2020 before the COVID 19 Emergency Order had been declared. The parties had anticipated that there would be a referral of the ARA Licence Application to the Tribunal by this CMC date. 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.

[4] At this CMC, Mr. Kahn advised that the long-awaited ARA referral was submitted to the Tribunal on February 25, 2021.

[5] Now that the ARA referral has been formally submitted, CRH Canada Group Inc., will be able to understand any additional concerns or objections arising from the referral.

[6] On consent, it was agreed that two additional CMC's would be required: one to identify any additional Parties or Participants arising from the ARA referral and the next one to finalize the Procedural Order and Issues List for the Hearing.

[7] A further Notice of the upcoming CMC will be required due to the ARA referral.

[8] Mr. Kahn has volunteered to prepare a draft Procedural Order and Issues List for the Parties to review in advance of the next CMC, recognizing that the Issues List may require some refinement depending on what other concerns are raised.

[9] The CMC's are scheduled to proceed by video as follows:

Tuesday, June 8, 2021 at 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/591703109>

Access code: 591-703-109

Audio-only telephone line: 1 (647) 497-9373 or Toll Free [1 888 299 1889](tel:18882991889)

Audio-only access code: 591-703-109

Friday, July 23, 2021 at 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/468514341>

Access code: 468-514-341

Audio-only line: 1 (647) 497-9373 or Toll Free [1 888 299 1889](tel:18882991889)

Audio-only access code: 468-514-341

[10] Parties and Participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

[11] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://app.gotomeeting.com/home.html) a web application is available:

<https://app.gotomeeting.com/home.html>

[12] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **(Toll Free): 1 (888) 455-1389 and: +1 (647) 497-9391. The access code is 647-581-325.**

[13] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[14] This Member is not seized, but may assist with case management, schedules permitting.

[15] Notice of the next CMC is to be given in accordance with instructions from the Case Coordinator.

[16] The Tribunal so Orders.

"T. Prevedel"

T. PREVEDEL
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