

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



ISSUE DATE: March 28, 2019

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: December 5, 2018 in Perkinsfield, Ontario

APPEARANCES:

Parties

Counsel*/Representative

CRH Canada Group Inc.

Jonathan W. Kahn*
 Brittiny Rabinovitch

Township of Tiny

Sarah Hahn*

MEMORANDUM OF ORAL DECISION DELIVERED BY JOHN DOUGLAS ON DECEMBER 5, 2018 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This was the first Pre-hearing Conference (“PHC”) with respect to appeals by CRH Canada Group Inc. (the “applicant/appellant”) of the failure of the Township of Tiny, under sections 22(7) and 34(11) of the *Planning Act* (the “Act”), to make a decision on applications for amendments to the Township’s Official Plan (the “OP”) and Zoning By-law (the “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 in the Township of Tiny.

[2] As required, an application has also been made under the Aggregate Resources Act (“ARA”). At the time of writing of this decision, the referral of this matter by the Ministry of Natural Resources and Forestry (“MNR”) had not been received by the Local Planning Appeal Tribunal (the “Tribunal”).

[3] There is a copy of an Affidavit of Service for the provision of notice in the Tribunal's files. However, concerns with respect to the notice were discussed at the PHC. The applicant/appellant agreed to provide additional notice, upon direction by the Tribunal.

[4] Judith Grant requested party status for the Federation of Tiny Township Shoreline Associations ("FOTTSA"), which is an umbrella group for 20 shoreline associations in the surrounding area. FOTTSA was granted participant status on consent. Ms. Grant did not have incorporation information available at the PHC, but has since advised the Tribunal that FOTTSA was incorporated on May 23, 1991 under Ontario Corporation Number 000936663.

[5] A number of people requested and were granted participant status on consent: Jessica Staples-Campitelli; Bonnie Pauze; Erin Archer; Lynne Gibson; Balm Beach Community Association (Incorporation No.992157-5, spokesperson: John Campbell – President); Rene Ariens; David Barkey; Mathew Lund; Don Morgan; Chris Williams; Peter Anderson; Nancy McBride; and Anne Ritchie Nahuis.

[6] Four of the participants listed above indicated that they may seek party status at a future PHC. These individuals are: Bonnie Pauze; Erin Archer; Mathew Lund; and, Don Morgan. Any individuals that wish to seek party status should refer to the Tribunal's *Rules of Practice and Procedure*, and in particular Rule 8 – Role and Obligations of a Party and Rule 10 - Motions.

[7] A second PHC by Telephone conference call ("TCC"), to be attended by the parties, has been scheduled to commence on **Friday, April 12, 2019 at 9 a.m.** The purpose of this TCC is for the applicant/appellant to advise the Tribunal on the status of the ARA application, specifically whether the referral of the ARA matter by the MNRF has been made. 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 **416-326-8946**.

[8] An in-person third PHC has been scheduled to commence at **10:30 a.m.** on **Tuesday, July 2, 2019**.

**Township of Tiny Municipal Building
Council Chambers
130 Balm Beach Rd. W.,
Perkinsfield RR 1
Tiny, ON L0L 2J0**

[9] The purpose of the third PHC will be discussed at the TCC on April 12, 2019.

[10] This panel is seized up to and including the TCC scheduled for April 12, 2019.

[11] The Tribunal orders as directed above.

"John Douglas"

JOHN DOUGLAS
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.

Local Planning Appeal Tribunal

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