

INNOVATIVE PLANNING SOLUTIONS

PLANNERS • PROJECT MANAGERS • LAND DEVELOPMENT

Monday February 1st, 2016

The Township of Springwater
2231 Nursery Road
Minesing, Ontario
L0L 1Y2

Attention: John Daly, Director of Corporate Services & Clerk

Re: OMB Appeal of Township File # ZB-2012-002
John Eek & Sons - 1194233 Ontario Limited
Part of Lot 21, Concession 9, former Township of Vespra, now in the
Township of Springwater, County of Simcoe

On behalf of 1194233 Ontario Limited, please find attached an OMB appeal relative to Township File No. ZB-2012-002 as it relates to an application for a Zoning Bylaw Amendment. This appeal is being submitted based on the Notice of Refusal of Application to Amend Zoning By-law 5000, as amended, dated January 22, 2016. Accompanying this submission are the following:

1. One (1) fully completed OMB A1 appeal form;
2. One (1) copy of letters of incorporation for 1194233 Ontario Limited;
3. One (1) certified cheque in the amount of \$125.00, payable to the Minister of Finance; and
4. One (1) copy of the Notice of Refusal on the proposed application

Trusting this is satisfactory; should you have any additional questions or concerns, please do not hesitate to contact the undersigned at your convenience.

Respectfully submitted,

Innovative Planning Solutions

Greg Barker, B.A.A.
Senior Planner

**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopieur: (416) 326-5370
Site Web: www.elto.gov.on.ca



Instructions for preparing and submitting the Appellant Form (A1)

- Complete one form for each type of appeal you are filing.
- Please print clearly.
- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable.
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp: Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

3568 Barrie Hill Road
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Township of Springwater, County of Simcoe

Part 3: Appellant Information

First Name: _____ Last Name: _____

1194233 Ontario Limited
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: david.eek@johnneekandson.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905 775 4321 _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: 190 Artesian Parkway PO Box 149 _____ Bradford West Gwillimbury
Street Address Apt/Suite/Unit# City/Town
Ontario _____ L3Z 2A7
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: Darren _____ Last Name: Vella _____

Company Name: Innovative Planning Solutions _____


Professional Title: President & Director of Planning _____

E-mail Address: dvella@ipsconsultinginc.com _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 705 812 3281 _____ Alternate Telephone #: _____

Fax #: 705 812 3438 _____

Mailing Address: 150 Dunlop Street E _____ Suite 201 _____ Barrie _____
Street Address Apt/Suite/Unit# City/Town
Ontario _____ L4M 1B1
Province Country (if not Canada) Postal Code

Signature of Appellant:  _____ Date: January 25th, 2015 _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

X I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

Township Council refused application ZB-2012-002, a zoning bylaw amendment application to amend Zoning Bylaw 5000, as amended.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

Council refused the application despite a recommendation from the Springwater Planning department to approve the application based on conformity and consistency with all relevant and in effect planning policies.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** December 16th, 2011 – deemed complete February 7th, 2012. (If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Application seeks to rezone lands from Agricultural and Environmental Protection to Extractive Industrial. Lands are currently designated as High Aggregate Potential in Township Official Plan, and recognized as having High Potential Mineral Aggregate Resources (Sand and Gravel) in the County of Simcoe Official Plan. The application would permit aggregate extraction, subject to obtaining the necessary permits under the Aggregate Resources Act. The subject lands are municipally known as 3568 Barrie Hill Road and abut two existing aggregate pits to the west and north respectively. Application is consistent with and conforms to all relevant planning policy, as acknowledged by Township Staff and Council.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

- **PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.**



Ministry of
Consumer and
Commercial
Relations

Ministère de
la Consommation
et du Commerce

CERTIFICATE
This is to certify that these
articles are effective on

CERTIFICAT
Ceci certifie que les présents
statuts entrent en vigueur le

1194233

OCTOBER 17 OCTOBRE, 1996

Trans Code 18	Line No 20	Stat 28	Comp Type 29	Method Incorp 30
A	0	0	A	3
Share 31	Notice Req'd 32	Jurisdiction 33		
S	N	ONTARIO		

Law D. [Signature]

10

Director / Directeur
Business Corporations Act / Loi de sur les compagnies

**ARTICLES OF INCORPORATION
STATUTS CONSTITUTIFS**

Form 1
Business
Corporations
Act
Formule 1
Loi sur les
sociétés par
actions

1. The name of the corporation is: **Dénomination sociale de la société :**

1194233	O	N	T	A	R	I	O	L	I	M	I	T	E	D
----------------	---	---	---	---	---	---	---	---	---	---	---	---	---	---

2. The address of the registered office is: **Adresse du siège social :**

190 Artesian Parkway, P.O. Box 149,

(Street & Number or R.R. Number & if Multi-Office Building give Room No.)
(Rue et numéro ou numéro de la R.R. et, s'il s'agit d'un édifice à bureaux, numéro du bureau)

BRADFORD WEST GWILLIMBURY

(Name of Municipality or Post Office)
(Nom de la municipalité ou du bureau de poste)

L 3 Z 2 A 7

(Postal Code)
(Code postal)

**TOWN OF BRADFORD WEST
GWILLIMBURY**

(Name of Municipality, Geographic Township)
(Nom de la municipalité, du canton géographique)

in the
dans le/la

COUNTY OF SIMCOE

(County, District, Regional Municipality)
(Comté, district, municipalité régionale)

3. Number (or minimum and maximum number) of directors is: **Nombre (ou nombres minimal et maximal) d'administrateurs :**

Minimum - One (1)
Maximum - Ten (10)

4. The first director(s) is/are: **Premier(s) administrateur(s) :**

First name, initials and surname Prénom, initiales et nom de famille	Residence address, giving Street & No. or R.R. No., Municipality and Postal Code Adresse personnelle, y compris la rue et le numéro, le numéro de la R.R. ou le nom de la municipalité et le code postal	Resident Canadian State Yes or No Résident canadien Oui/Non
DAVID EEK	63 Crown Cres., BRADFORD, Ontario L3Z 2M4	YES

W Roy Gordon
Barrister & Solicitor
Bradford, Ontario
style us corporation
TORONTO • CANADA
Serticos® 3.11
C27-86 8/1993

CERTIFICATE
This is to certify that these
articles are effective on

la Consommation
et du Commerce
CERTIFICAT
Ceci certifie que présents
statuts entrent en vigueur le

Numero de la compagnie en Ontario

796467

OCTOBER 26 / OCTOBRE, 1988

Director
Companies Branch

Le Directeur
Direction des Compagnies

Trans Code A 18	Line No. 0 20	Stat 0 28	Comp Type A 29	Method Incorp. 3 30
Share S 31	Notice Req'd N 32	Jurisdiction ONTARIO 33		

**ARTICLES OF INCORPORATION
STATUTS CONSTITUTIFS**

Form 1
Business
Corporations
Act,
1982
Formule
numéro 1
Loi de 1982
sur les
compagnies

1. The name of the corporation is: *Dénomination sociale de la compagnie:*

796467 **ONTARIO, INC.**

2. The address of the registered office is: *Adresse du siège social:*

18,123 Yonge Street,
(Street & Number or R.R. Number & if Multi-Office Building give Room No.)
(Rue et numéro ou numéro de la R.R. et, s'il s'agit d'un édifice à bureaux, numéro du bureau)

Holland Landing, Ontario
(Name of Municipality or Post Office)
(Nom de la municipalité ou du bureau de poste)

L O G I H O
(Postal Code)
(Code postal)

Town of East Gwillimbury in the **Regional Municipality of York**
(Name of Municipality Geographical Township) dans le/la (County, District, Regional Municipality)
(Nom de la municipalité, du canton) (Comté, district, municipalité régionale)

3. Number (or minimum and maximum number) of directors is: *Nombre (ou nombres minimal et maximal) d'administrateurs:*

Minimum 1 - (One)
Maximum 5 - (Five)

4. The first director(s) is/are: *Premier(s) administrateur(s):*

First name, initials and surname <i>Prénom, initiales et nom de famille</i>	Residence address, giving street & No. or R.R. No. or municipality and postal code. <i>Adresse personnelle, y compris la rue et le numéro, le numéro de la R.R. ou, le nom de la municipalité et le code postal</i>	Resident Canadian State Yes or No <i>Résident Canadien Oul/Non</i>
--	--	--

W. ROY GORDON

57 John Street West, P.O. Box 1660,
Bradford, Ontario. L3Z 2B9

Yes

**NOTICE OF REFUSAL OF APPLICATION TO AMEND ZONING BY-LAW 5000, AS
AMENDED**

SUBJECT – ZB-2012-002 – EEK PIT PROPOSAL

TAKE NOTICE that the Council of the Township of Springwater at their meeting held on January 20, 2016, has made a decision to **REFUSE** the subject application.

Township Council refused the proposed zoning by-law amendment on the basis that the application facilitates the encroachment of the pit operation on existing/future residential uses resulting in the continuation of aggregate extractive impacts on residents located within the settlement area of Centre Vespra.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATION

THE PURPOSE of the proposed zoning by-law amendment was to rezone lands located in Part of Lot 21, Concession 9, former Township of Vespra, now in the Township of Springwater, municipally known as 3568 Barrie Hill Road from the Agricultural (A) and Environmental Protection (EP) Zones to the Extractive Industrial Hold [ME-(H)] Zone. The effect of the amendment was to permit the expansion of the existing neighbouring aggregate operation onto the subject lands.

And take notice that any person or agency may appeal to the Ontario Municipal Board in respect of the refusal by filing with the Planning Department of The Corporation of the Township of Springwater not later than the 11th day of February, 2016 a completed Appellant Form (A1), available from the Planning Department or the Ontario Municipal Board's website, accompanied by the fee prescribed under the *Ontario Municipal Board Act, R.S.O. 1990, s.100, Chap. O.28*. The fee for an appeal to the Ontario Municipal Board is \$125.00. The cheque is payable to the "Minister of Finance" and must be certified.

Only individuals, corporations and public bodies may appeal the refusal of a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf. If a person or public body who files an appeal of a decision of The Corporation of the Township of Springwater in respect of a proposed zoning by-law does not make oral submissions at a public meeting or written submissions to The Corporation of the Township of Springwater before the decision is made, the Ontario Municipal Board may dismiss all or part of the appeal.

DATED AT THE TOWNSHIP OF SPRINGWATER ON JANUARY 22, 2016.

Planning Department, Township of Springwater
Administration Centre
2231 Nursery Road
Minesing, ON L0L 1Y2
(705)728-4784 x 2019 Fax (705) 728-2759
e-mail: planning@springwater.ca
web site: www.springwater.ca

