

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** February 28, 2017

**CASE NO(S):** PL160112

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

Applicant and Appellant: 1194233 Ontario Ltd.  
Subject: Application to amend Zoning By-law No. 5000 -  
Refusal of Application by Township of  
Springwater  
Existing Zoning: Agricultural (A) and Environmental Protection  
(EP)  
Proposed Zoning: Extractive Industrial Hold [ME-(H)]  
Purpose: To permit the expansion of the existing  
neighbouring aggregate operation  
Property Address/Description: 3568 Barrie Hill Road  
Municipality: Township of Springwater  
Municipality File No.: ZB-2012-002  
OMB Case No.: PL160112  
OMB File No.: PL160112  
OMB Case Name: 1194233 Ontario Ltd. v. Springwater (Township)

**Heard:** February 14, 2017 in Springwater, Ontario

**APPEARANCES:**

**Parties**

1194233 Ontario Ltd.

Township of Springwater

County of Simcoe

**Counsel**

David S. White

Barnet Kussner

Marshall Green

**MEMORANDUM OF ORAL DECISION DELIVERED BY HEATHER I. GIBBS ON  
FEBRUARY 14, 2017 AND ORDER OF THE BOARD**

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[1] This was the second Pre-Hearing Conference (“PHC”) concerning an appeal by 1194233 Ontario Ltd. (“Appellant”) of a refusal by the Township of Springwater (“Township”) to amend a zoning by-law to permit a proposed expansion of the Eek Pit.

[2] At the first PHC, which took place on September 13, 2016, the parties informed the Ontario Municipal Board (“Board”) that a parallel application for a Licence under the *Aggregate Resources Act* (“ARA”) was still before the Ministry of Natural Resources and Forestry (“MNRF”), and it was likely that the application would be referred to the Board. There was consensus at that time that it was advisable to schedule a PHC in early 2017 to allow for the referral by MNRF, and possible consolidation of the matters before the Board.

[3] On February 14, 2017 at the second PHC, counsel for the Appellant informed the Board that MNRF has not yet made a decision on the ARA license application. The parties continue to agree that it will be most efficient to consolidate the ARA matter with this zoning by-law appeal. As a result, it is unlikely that the parties will be ready for the hearing of this zoning by-law appeal as currently scheduled, in June 2017.

[4] The Board agreed to adjourn the hearing of this matter, and to schedule a further PHC, to take place on June 12, 2017 at 10:30 a.m.

[5] The Board also dealt with requests for status at the PHC. The County of Simcoe (“County”) appeared and requested party status. The County has a direct interest in the matter and there were no objections its request. The Board therefore granted party status to the County.

[6] A number of local residents appeared at the PHC and requested participant status. The parties had no objection to any of the requests. The Board granted participant status to the individuals listed on Attachment 1.

[7] The Board therefore disposes of the above matter as follows:

1. The hearing that was scheduled in this matter for five weeks beginning June 12, 2017 is adjourned.
2. The Board fixes **Monday, June 12, 2017 at 10:30 a.m.** for the next PHC in this matter.
3. The PHC will take place at:

**Council Chambers  
Township Hall  
2231 Nursery Road  
Springwater, ON L0L 1Y2**

4. Assuming the ARA matter has been referred to the Board by that time, at the next PHC the Board will consider an update to the list of parties and participants, a prospective Procedural Order, and such other matters as the Board considers appropriate.
5. The parties may request that the PHC be converted to a telephone conference call, if the ARA matter has not yet been referred by the next PHC.

[8] No further notice will be given under the *Planning Act*. The Board makes no comment at this time on whether any other notice might eventually be required under the ARA.

[9] This Member is not seized.

*“Heather I. Gibbs”*

HEATHER I. GIBBS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

## **Attachment 1**

### **List of Participants in OMB appeal PL160112**

1. Stella Hutchinson
2. Roy Hunter
3. Stephanie Atthill
4. David Aves
5. Michael Beaudry
6. Tracey Beaudry
7. Dennis McClelland
8. Susan McClelland
9. Melanie Villeneuve
10. Adrienne Soltau
11. Joseph Shocrylas
12. Tom Sarris
13. Helen Sarris