

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: June 20, 2016

CASE NO(S): PL130823

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Township of Armour
Appellant: Garry Sanderson
Appellant: Glen Thompson
Appellant: Paul Van Dam
Subject: By-law No. 31-13
Municipality: Township of Ryerson
OMB Case No.: PL130823
OMB File No.: PL130823
OMB Case Name: Sanderson v. Ryerson (Township)

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

Referred by:
Objector: Eleanor & Jim Armstrong
Objector: Morley & Diana Bonazza
Objector: Robert Farrar
Objector: David & Terry Galey; and others
Applicant: Glen Thompson
Subject: Application for a Class A licence for the removal of aggregate
Property Address/Description : Lots 4 & 5, Concession 6
Municipality: Township of Ryerson
OMB Case No.: PL130823
OMB File No.: MM130073

Heard: June 3, 2016 by telephone conference call

APPEARANCES:**Parties****Counsel**

Township of Ryerson

Robert van der Wijst

Township of Armour

Edward Veldboom

1668830 Ontario Limited

Aynsley Anderson

MEMORANDUM OF ORAL DECISION DELIVERED BY C. HEFFERON ON JUNE 03, 2016 AND ORDER OF THE BOARD

BACKGROUND

[1] In April 2015, a Decision of the Board was issued approving the applications of 1668830 Ontario Limited (the "Applicant") to amend Zoning By-law No. 6-91 and for a Class A licence to remove aggregate pursuant to the *Aggregate Resources Act*. The approvals would permit the Applicant to develop and operate a pit and quarry on Peggs Mountain subject to a number of conditions that had been negotiated in a Minutes of Settlement agreement signed by the parties prior to the opening of the February 2015 hearing.

[2] The Board Decision included an Interim Order. The Interim Order stipulated that the Board's Final Order was withheld until the parties had signed a haul route agreement.

[3] The Interim Order imposed a limit of approximately five months from the date of issue of the Decision for this agreement to be signed. In its Interim Order the Board indicated that it could be spoken to if the parties were unable to reach agreement on a final haul route. Shortly before the date stipulated in the Interim Order, the parties contacted the Board to inform it that they had been unable to reach an agreement. Accordingly, the Board convened a telephone conference call ("TCC") for August 7, 2015.

[4] In the course of this TCC, the Parties were able to resolve a number of the real and perceived stumbling blocks to arriving at a suitable haul route agreement and suggested that they might be able to resolve the remaining issues by early November 2015.

[5] However, the Board was informed during the TCC on November 18, 2015 that no progress had been made on resolving the key haul route issue. On consent of all the Parties, the matter was adjourned until June 3, 2016.

[6] During a TCC on June 3, 2016, on consent of all the Parties the Board adjourned the matter *sine die*. The Board was informed that none of the Parties, including the Applicant, is of the view that the matter of the haul route is particularly urgent at this time.

DISPOSITION

[7] The Board orders that the hearing is adjourned *sine die*.

[8] However, the Applicant is directed to contact the Board (Nazma Ramjaun is the Case Coordinator for this file) by 4 p.m. on December 2, 2016 to provide an update.

[9] The Parties were advised that with 28 days' notice, any one of them may put forward a Motion to have the Board re-convene the hearing to make a ruling on the haul route matter.

[10] This Member is not seized.

"C. Hefferon"

C. HEFFERON
MEMBER

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Ontario Municipal Board

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