

OMB Dismisses House Quarry Motion for Review

We are thrilled to report that the OMB has dismissed the Motion for review and change brought to the OMB by Huntsville Granite Supply Inc. (Kristian House) (the appellant). This motion was heard by OMB Chair, Harold Goldkind, on Sept. 9, Oct. 16, and Oct. 17, 2007.

Mr. Goldkind's Decision upheld Ms. Karlene Hussey's Decision, released February 14, 2007. He found that her Decision was "reasonable and provides sufficient analysis and reasons". Furthermore, Mr. Goldkind stated that "the important issues have been identified, examined and dealt with".

The Motion for review and change brought forth by the appellant identified three areas which were examined in detail at the Hearing. The appellant submitted that there were errors in fact and in law as well as new evidence.

Mr. Goldkind ruled that there were no errors in fact or law and that Ms. Hussey's Decision was consistent with both the Provincial Policy Statement and the Official Plan of the Township of Lake of Bays. In addressing the matter of new evidence, Mr. Goldkind stated that "This panel finds that the appellant has not satisfied the terms of Rule 115(e) for the purpose of a change to the Order of the Board or a new hearing."

Mr. Goldkind concluded with the statement that "The Motion under s.43 of the Ontario Municipal Board Act is therefore dismissed."

This Decision is a victory for our Association and the Township of Lake of Bays. It affirms our decision to oppose the establishment of a quarry in a most inappropriate location. It affirms the commitment of the Township to uphold their Official Plan, which emphasizes the importance of the character of the area. Most importantly to the members of the association, it affirms the importance of our vision for our community as outlined in the Lake Plan.

We thank the Township of Lake of Bays, the Mayor, Janet Peake, the councillors, their planner, Derrick Hammond, and their lawyer, Michael Fitton, for their unwavering support and dedication to this cause.

We are very grateful to our lawyer, Barney Kussner, and our planner, Janet Amos, for their professionalism, hard work and expertise in developing the case and presenting the evidence. We thank the "No Quarry" team who began their struggle to preserve our lakeside environment in 2002, and who have worked tirelessly ever since to coordinate this case.

Above all, we thank all the members of the Association, the Hillside neighbours, the Lake of Bays Association and the other interested citizens who have contributed so generously to help us achieve our goal. Without your support and your donations, this outstanding environmental victory would not have been possible. We stand as an example of community cooperation and environmental advocacy that will be emulated throughout the province. We are proud that the Peninsula Lake Association has worked so diligently to preserve and protect our community.

Sincerely,

Jean Fraser (President)

on behalf of the Board of Directors

Peninsula Lake Association

Please take the time to download the OMB decision.