

Ontario Municipal Board Hearing Stalled

The Ontario Municipal Board hearing dealing with the proposed House quarry application has been adjourned temporarily. This decision was given by the Board on the fourth day of the fourteen day hearing. It is likely that the Board will schedule the completion of the hearing in spring 2006.

The legal counsel for Peninsula Lake Association raised the complex legal matter with the Board after it became apparent that the Board did not have the appropriate jurisdiction to address the applicant's zoning bylaw amendment. The other parties agreed without argument. The zoning application was made under the old comprehensive zoning bylaw (1986). While the site plan application remains valid, that application cannot proceed without a corresponding zoning application.

After some discussion amongst the parties, it was determined that the applicant must apply for a zoning bylaw amendment pursuant to the Township's new comprehensive zoning bylaw(2004).

If as a result of the new zoning application and a decision by Township Council this new application is appealed to the Board, that appeal would provide the Board sufficient jurisdiction to address the proposed change in land use. Then the hearing can resume. The Board's hearing officer resolved to stay with the file if the case resume.

The parties agreed that this is an unfortunate circumstance for all since all were at the table and ready to proceed.

Respectfully submitted,

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