

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



**ISSUE DATE:** June 15, 2016

**CASE NO(S):**

PL150119

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Arbour Farms Limited
Subject:	Request to amend the Official Plan - Failure of Township of Mulmur to adopt the requested amendment
Existing Designation:	Rural and Natural Area
Proposed Designated:	Extractive Industrial designation
Purpose:	To permit a sand and gravel pit
Property Address/Description:	Lot 23, Concession 7, East of Hurontario Street
Municipality:	Township of Mulmur
Approval Authority File No.:	OP01/2013
OMB Case No.:	PL150119
OMB File No.:	PL150119
OMB Case Name:	Arbour Farms Limited v. Mulmur (Township)

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

Referred by:	Jane Ireland
Objector:	John Bowles
Objector:	Conserve Our Rural Environment
Objector:	Gary Corlett
Objector:	Carl Cosack; and others
Applicant:	Arbour Farms Limited
Subject:	Application for a Class A licence for the removal of aggregate
Property Address/Description :	Part Lot 23, Concession 7
Municipality:	Township of Mulmur
OMB Case No.:	PL150119
OMB File No.:	MM150011

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

Applicant and Appellant:	Arbour Farms Limited
Subject:	Application to amend Zoning By-law No. 05-02 - Refusal or neglect of the Township of Mulmur to make a decision
Existing Zoning:	Rural and Environmental Protection
Proposed Zoning:	Extractive Industrial (MX)
Purpose:	To permit a sand and gravel pit.
Property Address/Description:	Lot 23, Concession 7, East of Hurontario Street
Municipality:	Township of Mulmur
Municipality File No.:	ZB01/2013
OMB Case No.:	PL150119
OMB File No.:	PL150120

**Heard:** May 26, 2016 in Mulmer, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

Arbour Farms Limited

Mary Bull\*

Mulmer Township

David Germain\*

Conserve Our Rural Environment (CORE)

Alistair Crawley\* for Jane Pepino\* (absent)

Airport Road Gravel Group

Alistair Crawley \*

Cheryl Russel

Self-represented

Gary Corlett

Self-represented

John Bowles

Self-represented

Jennifer Wink

Self-represented

**Participants**

Crawford Spencer and Sandra Spencer

Lawrence Bell and Jacqueline Raison

Lisa Thompson

**MEMORANDUM OF ORAL DECISION BY JAMES R. McKENZIE ON MAY 26,  
2016, AND ORDER OF THE BOARD**

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[1] This proceeding was a second prehearing conference relating to appeals filed by Arbour Farms Limited under sections 22(7) and 34(11) of the *Planning Act*, and objections referred to the Board under section 11(5) of the *Aggregate Resources Act*. Its purpose was to establish a procedural order and dates for a hearing on the merits of the appeals/referrals which relate to a proposal by Arbour Farms to establish a sand and gravel pit operation on Lot 23, Concession 7 EHS and known municipally as 938171 Airport Road.

[2] The matters before the Board remain active in mediation.

[3] At the outset, the Board was presented with a draft procedural order (Exhibit 4), the form and content of which has been agreed to by the parties present at the proceeding. An issues list remains outstanding given the active status of mediation.

**ORDER**

[4] The following is ordered based on the consent of the parties present:

- i. A third prehearing conference is scheduled for **November 24 and 25, 2016**, commencing at **10:30 a.m.** on **November 24<sup>th</sup>** at:

**Mulmer Township Municipal Offices  
758070 Second Line E., Terra Nova  
Mulmur, ON L9V 0G8**

Further notice of the third prehearing conference is not required unless the parties in mediation advise the Board they have achieved a resolution of their differences and are desirous of converting that prehearing conference to a hearing to present a settlement. A conversion of the third prehearing conference to a settlement hearing will require notice consisting of no less than 35 days from November 24<sup>th</sup>.

- ii. In the event the mediating parties do not achieve a resolution through mediation, a 14-day hearing is scheduled from **March 27 to April 13, 2017**, at the Mulmer Township Municipal Offices, commencing at **10:30 a.m.** on **March 27<sup>th</sup>**. All parties and participants planning on making submissions to the Board in that hearing are required to be present on the first day, March 27<sup>th</sup>, on which date further details for making submissions will be determined.
- iii. Whether the November 24 and 25, 2016 dates are convened for a prehearing conference or a hearing to consider a settlement, a corresponding issues list is to be finalised and submitted to the Board no later than Friday, September 30, 2016. In the event an issues list is not consensually finalised, the Board will infer that the third prehearing conference will proceed as such, at which submissions will be expected regarding the finalisation of the issues list for the hearing to commence on March 27, 2017.
- iv. The draft procedural order (Exhibit 4) is approved. Counsel are directed to reflect the above hearing dates in the procedural order and submit same to the Board, whereupon it will be appended to this decision as Attachment 1 (if received prior to issuance of this written memorandum of oral decision) or appended to a separately issued administrative order of the Board.

[5] In the event the mediating parties do not achieve a resolution in mediation but do

submit an issues list on or before the September 30<sup>th</sup> date for doing so, the scheduled third prehearing conference may not be necessary. Those dates will be released from the Board's calendar upon receipt of correspondence from counsel confirming that the third prehearing conference is not required.

[6] The Board may be spoken to in the event procedural issues arise prior to the September 30<sup>th</sup> deadline noted above.

*"James R. McKenzie"*

JAMES R. McKENZIE  
VICE-CHAIR

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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