

# Black Sutherland LLP

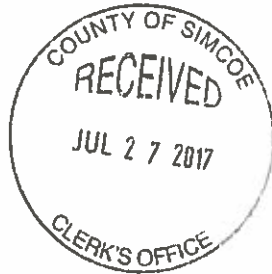
Barristers & Solicitors · Trademark Agents

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**Nicholas T. Macos** Direct: 416.840.1319

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July 25, 2017

County of Simcoe Administration Centre  
1110 Highway 26  
Midhurst, Ontario  
L9X 1N6

Attention: John Daly, County Clerk

Dear Sirs:

**Re: OMB Appeal of County File No SC-OPA-1601  
Burls Creek Event Grounds Inc  
Part of Lots 22 & 23, Concession 9, Part of Lots 21 & 22, Concession 8,  
former Oro, Township of Oro Medonte, County of Simcoe**

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On Behalf of Burls Creek Event please find attached an OMB appeal relative to County File No. SC-OPA-1601 as it relates to an application for a County Official Plan Amendment. This appeal is being submitted based on the failure of the County to adopt the amendment requested in the application within 180 days of deeming the application complete.


Accompanying this cover letter is a copy of the completed OMB A1 appeal form and a solicitor's general cheque in the amount of \$300.00, payable to the Minister of Finance as required.

This appeal is made reluctantly as excellent progress has been made with County staff in processing the application. Notwithstanding, the applicant wishes to continue this work to address any outstanding issues. As you are aware, the application for a temporary use by-law was contested by SaveOro and WORA and took over two years, after being deemed complete, to be authorized by the OMB. As the OMB authorized temporary use

by-law is effective only through the 2018 festival season, this appeal is necessary to achieve a final decision in time.

Yours truly,

BLACK SUTHERLAND LLP



Nicholas T. Macos

NTM:rcp  
Encl.



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: 416-212-6349  
Toll Free: 1-866-448-2248  
Fax: 416-326-5370  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

## **Instructions for preparing and submitting the Appellant Form (A1)**

- **Important: Do not send your appeal directly to the Ontario Municipal Board (OMB).** Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the municipality/approval authority will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the OMB.
- We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at:  
Toll free: 1-866-448-2248; or  
TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the OMB. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee of \$300 is required for each type of appeal you are filing.  
Example: An appeal of an official plan and a zoning by-law would be \$300 + \$300 for a total fee of \$600.
- To view the Fee Schedule, visit the OMB's website [<http://elto.gov.on.ca/omb/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the OMB if you retain a representative after the submission of this form.
- The *Planning Act*, *Development Charges Act*, *Education Act* and *Ontario Municipal Board Act* are available on the OMB's website [<http://elto.gov.on.ca/omb/legislation-and-regulations/>].
- Fields marked with an asterisk (\*) are mandatory.



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Ontario Municipal Board

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Appellant Form (A1)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

1. Appeal Type (Please check all applicable boxes) \*

Subject of Appeal	Type of Appeal	Act Reference (Section)
<b>Planning Act Matters</b>		
<b>Official Plan or Official Plan Amendment</b>	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input checked="" type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	
<b>Zoning By-law or Zoning By-law Amendment</b>	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
<b>Interim Control Zoning By-law</b>	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
<b>Minor Variance</b>	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
<b>Consent/Severance</b>	<input type="checkbox"/> Appeal a decision that approved or refused the application	
	<input type="checkbox"/> Appeal conditions imposed	53(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
<b>Plan of Subdivision</b>	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

Subject of Appeal	Type of Appeal	Act Reference (Section)
<b>Development Charges Act Matters</b>		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
<b>Education Act Matters</b>		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
<b>Aggregate Resources Act Matters</b>		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
<input type="checkbox"/> Revocation of licence	20(4)	
<b>Municipal Act Matters</b>		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
<b>Ontario Heritage Act Matters</b>		
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Matters

Subject of Appeal	Act/Legislation Name	Section Number
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2. Location Information

Address and/or Legal Description of property subject to the appeal \*  
Part of Lot 21 & 22 Concession 8, Part of Lot 22 & 23 Concession 9, former Township of Oro, now in the Township of Oro-Medonte, County of Simcoe

Municipality \*  
Township of Oro-Medonte

Upper Tier (Example: county, district, region)  
County of Simcoe

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name	First Name
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Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) \*  
Burls Creek Event Grounds Inc, 1350341, 2440656, 2437339, 2434219 (all Ontario Inc) and Farova Investments Ltd

Professional Title

Email Address

Daytime Telephone Number * 416-846-2062	ext.	Alternate Telephone Number	Fax Number
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Mailing Address

Unit Number 1100	Street Number * 366	Street Name * Bay Street	PO Box
City/Town * Toronto	Province * Ontario	Country * Canada	Postal Code * M5H 4B2

4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name Macos	First Name Nicholas
--------------------	------------------------

Company Name  
Black Sutherland LLP

Professional Title  
Solicitor

Email Address  
nmacos@blacksutherland.com

Daytime Telephone Number 416-840-1319	ext.	Alternate Telephone Number	Fax Number 416-361-1674
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Mailing Address

Unit Number 3425	Street Number 130	Street Name Adelaide Street W	PO Box 34
City/Town Toronto	Province Ontario	Country Canada	Postal Code M5H 3P5

**Note:** If you are representing the appellant and are not a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

### 5. Appeal Specific Information

Municipal Reference Number(s)

Outline the nature of your appeal and the reasons for your appeal \*

Application No: SC-OPA-1601 was confirmed as received and deemed complete by the County of Simcoe on February 18th, 2016. The County of Simcoe has failed to adopt or make a decision on the the application (SC-OPA-1601) within 180 days of the application being deemed complete. Accordingly, the Appellant brings this Appeal pursuant to s. 22(7) of the Planning Act.

#### Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting       Written submissions to council

#### Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes       No

### 6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes       No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes       No      ▼

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s)

Township Official Plan Amendment (File No 2015-OPA-02) and Township of Oro Medonte Zoning Bylaw Amendment (File No 2015-ZBA-15). Appeals submitted simultaneously for failure to adopt or make decision on applications within 180 and 120 days respectively.

### 7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

1 day       2 days       3 days       4 days       1 week

More than 1 week ► Please specify number of days 7

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

8

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)  
Planning, Noise, Agriculture, Archaeology, Environmental, Engineering, Economic Impact, Traffic.

Do you believe this matter would benefit from mediation?

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes  No


### 8. Required Fee

Total Fee Submitted \* \$ 300

Payment Method \*  Certified cheque  Money Order  Solicitor's general or trust account cheque

### 9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Nicholas Macos		2017/07/25

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.



DOCUMENT IS PRINTED ON A WATERMARK PAPER THAT CHANGES FROM LIGHT TO DARK IN REFLECTED TO TRANSMITTED LIGHT

**BLACK, SUTHERLAND LLP**  
BARRISTERS & SOLICITORS  
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TORONTO, ONTARIO M5H 3P5

TD CANADA TRUST  
1470 DON MILLS ROAD  
DON MILLS, ONTARIO M3B 2X9

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PAY \*\*\*\*\*Three Hundred and 00/100 \*\*\*\*\*300.00

TO THE ORDER OF Minister of Finance

OMB Appeal Fee (County)



FOR AND ON BEHALF OF  
BLACK, SUTHERLAND LLP (GENERAL ACCOUNT)  
PER *J. L. [Signature]*

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