

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

**IN THE MATTER OF** subsection 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: 451082 Ontario Limited  
Appellant: 861945 Ontario Ltd. et al  
Appellant: County of Simcoe  
Appellant: Estate of Mary Louise Francom; and others  
Subject: Failure to announce a decision respecting Proposed Official Plan Amendment 43-OP-2008  
Municipality: Upper Tier of Simcoe  
OMB Case No.: PL091167  
OMB File No.: PL091167

**MOTION RECORD**  
**(Addition to Procedural Order)**

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Lawyers for the Corporation of the  
County of Simcoe

**TO: ALL APPELLANTS/PARTIES LISTED IN ATTACHMENTS "A" AND "B"**

**AND TO: ONTARIO MUNICIPAL BOARD**  
655 Bay Street, 15th Floor  
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Attention: Kimberly Livingstone, Planner  
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**ATTACHMENT "A"**  
**LIST OF APPELLANT PARTIES- COUNTY OF SIMCOE OFFICIAL PLAN**  
**OMB File PL091167**

Nov 27, 2014

No.	Appellant	Lawyer/Agent*	E-mail Address
1	County of Simcoe	Roger Beaman	<a href="mailto:rbeaman@thomsonrogers.com">rbeaman@thomsonrogers.com</a>
2	2a Carson Road Development Inc. 2b Midhurst Development Doran Road Inc.	Susan Rosenthal David White	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a> <a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a>
3[M]	Craighurst Land Corp.	Susan Rosenthal	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
4	Huntingwood Trails (Collingwood) Ltd. [Appeal Resolved]	Susan Rosenthal Meaghan McDermid	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a> <a href="mailto:meaghanm@davieshowe.com">meaghanm@davieshowe.com</a>
5	Midhurst Rose Alliance Inc.	Ira Kagan Paul DeMelo	<a href="mailto:ikagan@ksllp.ca">ikagan@ksllp.ca</a> <a href="mailto:pdemelo@ksllp.ca">pdemelo@ksllp.ca</a>
6	Township of Springwater	Barnet Kussner	<a href="mailto:bkussner@weirfoulds.ca">bkussner@weirfoulds.ca</a>
7	451082 Ontario Limited	James Feehely	<a href="mailto:jfeehely@fglawyers.ca">jfeehely@fglawyers.ca</a>
8	8a 861945 Ontario Ltd. 8b Golfview Estates Limited [W/D] 8c Mark Rich Homes Limited 8d Silver Spring View Estates Limited 8e Simcoe Estates Limited 8f Royal Heights Estates Limited 8g OMC Development Corp. [W/D]	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
9	Innisfil Aleona Limited <i>[Appeal Withdrawn]</i>	Lynda Townsend Jennifer Meader	<a href="mailto:ltownsend@weirfoulds.com">ltownsend@weirfoulds.com</a> <a href="mailto:jmeader@weirfoulds.com">jmeader@weirfoulds.com</a>
10	Tesmar Holdings Inc.	Michael Melling Meaghan McDermid	<a href="mailto:michaelm@davieshowe.com">michaelm@davieshowe.com</a> <a href="mailto:meaghanm@davieshowe.com">meaghanm@davieshowe.com</a>
11	Janice & David Wright	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
12	12a Snow Valley Planning Corporation 12b 453211 Ontario Limited	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
13	McMahan Woods Developments Ltd.	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
14	Innisfil Beach Farms Inc.	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
15	Estate of Marie Louise Frankcom	James Feehely	<a href="mailto:jfeehely@fglawyers.ca">jfeehely@fglawyers.ca</a>
16	Midhurst Ratepayers' Association <i>[Appeal Dismissed]</i>	David Strachan* Margaret Hutchison*	<a href="mailto:davidstrachan@yahoo.com">davidstrachan@yahoo.com</a> <a href="mailto:mhutchis1000@gmail.com">mhutchis1000@gmail.com</a>
17	Narinder Mann	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
18[M]	Yorkwood Group of Companies <i>[Resolved]</i>	Patricia Foran	<a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a>
19	19a Rama Resorts International Inc. 19b Fernbrook Homes (Rama) Limited <i>[Appeal Resolved]</i>	Brian Goodreid*	<a href="mailto:briangoodreid@hotmail.com">briangoodreid@hotmail.com</a>
20	1091402 Ontario Ltd. <i>[Appeal Withdrawn]</i>	David White Cory Estrela	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> <a href="mailto:cory.estrela@devrylaw.ca">cory.estrela@devrylaw.ca</a>
21	Nicole and Brent Fellman	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca

22	Travel-Rite Property Corp.	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
23	Aqua-Gem Investments Ltd.	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
24	442023 Ontario Limited	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
25	1045901 Ontario Limited	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
26	Kellwatt Limited	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
27	27a Ontario Potato Distributing Inc. 27b 1567219 Ontario Limited	Chris Barnett	<a href="mailto:cbarnett@davis.ca">cbarnett@davis.ca</a>
28[M]	Black Marlin Management Inc. [Resolved]	Caterina Facciolo	<a href="mailto:cfacciolo@bratty.com">cfacciolo@bratty.com</a>
29	Ahmadiyya Muslim Jama'at Canada Inc. (AMJC)	Barry Horosko	<a href="mailto:bhorosko@horoskoplanninglaw.com">bhorosko@horoskoplanninglaw.com</a>
30[M]	D.G. Pratt Construction Limited	Jane Pepino Andrea Skinner	<a href="mailto:jpepino@airdberlis.com">jpepino@airdberlis.com</a> <a href="mailto:askinner@airdberlis.com">askinner@airdberlis.com</a>
31[M]	Hanson Development Group [Resolved]	Patricia Foran	<a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a>
32	Town of New Tecumseth	James Feehely	<a href="mailto:jfeehely@fglawyers.ca">jfeehely@fglawyers.ca</a>
33	Township of Adjala-Tosorontio	Stephen Waqué Isaac Tang	<a href="mailto:swaque@blg.com">swaque@blg.com</a> <a href="mailto:itang@blg.com">itang@blg.com</a>
34	Robert Schickedanz in Trust	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
35	2115441 Ontario Inc.	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
36	Carson Trail Estates Inc.	David White Anthony-George D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
37	Succession Financial Group Inc.	David White Anthony-George D'Andrea(student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
38	Bond Head Properties Inc.	Susan Rosenthal Meghan McDermid	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a> <a href="mailto:meaghanm@davieshowe.com">meaghanm@davieshowe.com</a>
39	39a 2000463 Ontario Limited 39b Angelo & Yvette Santorelli	David White Anthony-George D'Andrea(student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
40	Rayville Developments (Alliston) Inc.	David White Anthony-George D'Andrea(student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
41	Copperglen Estates Inc.	David White Anthony-George D'Andrea(student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca

## ATTACHMENT "B"

### LIST OF PARTIES– COUNTY OF SIMCOE OFFICIAL PLAN PL091167

Nov 27, 2014

No.	Party	Lawyer/Agent*	E-mail Address
<b>A</b>	Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic Arthur Ho(student-at-law)	<a href="mailto:ken.hare@ontario.ca">ken.hare@ontario.ca</a> <a href="mailto:Ugo.Popadic@ontario.ca">Ugo.Popadic@ontario.ca</a> <a href="mailto:Arthur.Ho2@ontario.ca">Arthur.Ho2@ontario.ca</a>
<b>B</b>	Town of Collingwood	Leo Longo	<a href="mailto:llongo@airdberlis.com">llongo@airdberlis.com</a>
<b>C</b>	<b>C1</b> Town of Penetanguishene <b>C2</b> Township of Ramara	Edward Veldboom	<a href="mailto:eveldboom@russellchristie.com">eveldboom@russellchristie.com</a>
<b>D</b>	Town of Innisfil	Quinto Annibale/ Mark Joblin	<a href="mailto:qannibale@loonix.com">qannibale@loonix.com</a> <a href="mailto:mjoblin@loonix.com">mjoblin@loonix.com</a>
<b>E</b>	Town of Bradford W-G	Tom Halinski	<a href="mailto:thalinski@airdberlis.com">thalinski@airdberlis.com</a>
<b>F</b>	Town of Midland	Paul Peterson	<a href="mailto:ppeterson@hgrgp.ca">ppeterson@hgrgp.ca</a>
<b>G</b>	<b>G1</b> Township of Clearview <b>G2</b> Township of Tiny <b>G3</b> Town of Wasaga Beach	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
<b>H</b>	<i>[Now Appellant 32]</i>		
<b>I</b>	<i>[Now Appellant 33]</i>		
<b>J</b>	<b>J1</b> Ontario Stone, Sand and Gravel Association <b>J2</b> CBM Aggregates, a division of St. Marys Cement (Canada) Inc <b>J3</b> Lafarge Canada Inc. <b>J4</b> Holcim (Canada) Inc. <b>J5</b> James Dick Construction Limited <b>J6</b> Walker Aggregates Inc.	Mary Bull	<a href="mailto:mbull@woodbull.ca">mbull@woodbull.ca</a>
<b>K[M]</b>	<del>Georgian International Land Corp. [Resolved]</del>	Mary Bull	<a href="mailto:mbull@woodbull.ca">mbull@woodbull.ca</a>
<b>L</b>	San Marco in Lamis Ltd.	Michael Vaughan	<a href="mailto:michaelbvaughan@yahoo.ca">michaelbvaughan@yahoo.ca</a>
<b>M</b>	<del>White Water Holdings Ltd. [Resolved]</del>	<del>Barry Horosko Caterina Facciolo</del>	<del><a href="mailto:bhoroske@bratty.com">bhoroske@bratty.com</a> <a href="mailto:efacciolo@bratty.com">efacciolo@bratty.com</a></del>
<b>N</b>	<i>[Now Appellant 28]</i>		
<b>O</b>	No Jet Construction Inc. Remington Homes (Manhattan) Inc. <i>[Withdrawn]</i>	Caterina Facciolo Barry Horosko	<a href="mailto:efacciolo@bratty.com">efacciolo@bratty.com</a> <a href="mailto:bhoroske@bratty.com">bhoroske@bratty.com</a>
<b>P</b>	Sleeping Lion Development Corporation	John Dawson	<a href="mailto:jdawson@mccarthy.ca">jdawson@mccarthy.ca</a>
<b>Q</b>	John Barzo Limited	John Barzo	<a href="mailto:jbarzo@barzolaw.com">jbarzo@barzolaw.com</a>
<b>R[M]</b>	Innisfil Mapleview Developments Limited	Susan Rogers	<a href="mailto:susan.rogers@sdrogerslaw.ca">susan.rogers@sdrogerslaw.ca</a>
<b>S</b>	2133952 Ontario Inc.	Harold Elston Aynsley Anderson	<a href="mailto:helston@elstons.ca">helston@elstons.ca</a> <a href="mailto:aanderson@elstons.ca">aanderson@elstons.ca</a>
<b>T</b>	Talisker Corporation	Harold Elston Aynsley Anderson	<a href="mailto:helston@elstons.ca">helston@elstons.ca</a> <a href="mailto:aanderson@elstons.ca">aanderson@elstons.ca</a>
<b>U</b>	<del>U1&amp;U2 [Now Appellant 27 a &amp; b]</del>		
<b>V</b>	<del>1651012 Ontario Ltd. now V1 Sandycove Acres Limited V2 Parkbridge Lifestyle Communities Inc. V3 Belmac Estate Properties Inc.</del>	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
<b>W</b>	Township of Oro-Medonte	Chris Williams	<a href="mailto:cwilliams@airdberlis.com">cwilliams@airdberlis.com</a>
<b>X</b>	998991 Ontario Inc.	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
<b>Y</b>	Tsam Investments Ltd.	Raivo Uukkivi Signe Leisk	<a href="mailto:ruukkivi@casselsbrock.com">ruukkivi@casselsbrock.com</a> <a href="mailto:sleisk@casselsbrock.com">sleisk@casselsbrock.com</a>

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

**IN THE MATTER OF** subsection 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: 451082 Ontario Limited  
Appellant: 861945 Ontario Ltd. et al  
Appellant: County of Simcoe  
Appellant: Estate of Mary Louise Francom; and others  
Subject: Failure to announce a decision respecting Proposed Official Plan Amendment 43-OP-2008  
Municipality: Upper Tier of Simcoe  
OMB Case No.: PL091167  
OMB File No.: PL091167

**NOTICE OF MOTION  
(Addition to Procedural Order)**

**THE CORPORATION OF THE COUNTY OF SIMCOE** will make a motion to the Ontario Municipal Board on **Monday, the 8<sup>th</sup> day of December, 2014, at 10:00 am**, or as soon after that time as the motion can be heard at the Nottawasaga Inn Resort & Conference Centre, 6015 Highway 89, Alliston, Ontario.

THE MOTION IS FOR AN ORDER:

- (a) To abridge the time for serving of this Notice of Motion;
- (b) to include a further provision in the Procedural Order Template being used in these proceedings. The new provision is in keeping with the sample procedural order recently endorsed by the Board.
- (c) for such further and other relief as may seem just and appropriate.

THE GROUNDS FOR THE MOTION ARE:

- (a) A form of procedural order has been approved by the Board in principle for use in these proceedings by Order issued August 25, 2014.

- (b) A new sample procedural order was issued by the Board effective October 20, 2014 containing additional provisions.
- (c) The County seeks to add the following amended paragraph taken from the new sample procedural order to the procedural order template in this proceeding:

“After hearing brief submissions from the Parties, the Board may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Board.”

- (d) The new provision may serve to speed proceedings.
- (e) Such further and other grounds as counsel may advise and this Board may deem necessary.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) the attached e-mail of November 28, 2014 that was sent to all Appellant Parties and Parties;
- (b) the pleadings, proceedings and exhibits filed herein;
- (c) Rules 4 and 90 of the OMB's *Rules of Practice and Procedure*;
- (d) An extract from the new Sample Procedural Order of the Board;
- (e) such further and other material as counsel may advise and this Board may permit.

December 5, 2014

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Fax No. 416-868-3134

Lawyers for the Corporation of the  
County of Simcoe



### Simcoe Cty OP - Procedural Order - Added Language

Anthony-George.D'Andrea, askinner,  
bkussner, cbarnett, cfacciolo, David.white,  
ikagan, irowe, itang, jfeehely, jpepino,  
meaghanm, michaelm, pdemelo, pforan,  
rbeaman, susanr, swaque, Arthur.Ho2,

**Roger Beaman** to: aanderson, cfacciolo, cwilliams,  
eveldboom, helston, irowe, jdawson,  
jfeehely, Jbarzo, ken.hare, llongo, mbull,  
michaelbvaughan, mjoblin, ppeterson,  
qannibale, ruukkivi, sleisk, susan.rogers,  
thalinski, Popadic, Ugljesa (MAH)

28/11/2014 03:00 PM

Sent by: **Angie P. Hatzipantelis**

From: Roger Beaman/Thomson Rogers  
To: Anthony-George.D'Andrea@devrylaw.ca, askinner@airdberlis.com,  
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As you know, the Board added language in October to its standard Procedural Order Template. The language seeks to provide a mechanism to limit examinations, cross-examinations, argument, etc. We're aware that the provision is already being used by some members in any event.

There is merit to having such a provision and I'd like to add it to our Template with the hope that it might speed matters along (if we ever actually get to a hearing). I've added a caveat that we could make brief submissions before it is imposed. See the draft N/M attached.

I'm prepared to bring this matter forward on Dec 8 if we have general consensus to do so.

If you have concerns, let us all know. If you have no concerns, no need to do anything.

Thanks for your consideration of this request.

Roger Beaman  
Thomson, Rogers  
Direct Line 416-868-3157



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PL091167

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

**IN THE MATTER OF** subsection 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended

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 Appellant: 861945 Ontario Ltd. et al  
 Appellant: County of Simcoe  
 Appellant: Estate of Mary Louise Francom; and others  
 Subject: Failure to announce a decision respecting Proposed Official Plan Amendment 43-OP-2008  
 Municipality: Upper Tier of Simcoe  
 OMB Case No.: PL091167  
 OMB File No.: PL091167

**NOTICE OF MOTION**  
 (Addition to Procedural Order)

**DRAFT**

**THE CORPORATION OF THE COUNTY OF SIMCOE** will make a motion to the Ontario Municipal Board on **Monday, the 8<sup>th</sup> day of December, 2014, at 10:00 am**, or as soon after that time as the motion can be heard at the Nottawasaga Inn Resort & Conference Centre, 6015 Highway 89, Alliston, Ontario.

**THE MOTION IS FOR AN ORDER:**

- (a) to include a further provision in the Procedural Order Template being used in these proceedings. The new provision is in keeping with the sample procedural order recently endorsed by the Board.
- (b) for such further and other relief as may seem just and appropriate.

**THE GROUNDS FOR THE MOTION ARE:**

- (a) A form of procedural order has been approved by the Board in principle for use in these proceedings by Order issued August 25, 2014.



- (b) A new sample procedural order was issued by the Board effective October 20, 2014 containing additional provisions.
- (c) The County seeks to add the following amended paragraph taken from the new sample procedural order to the procedural order template in this proceeding:

“After hearing brief submissions from the Parties, the Board may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Board.”

- (d) The new provision may serve to speed proceedings.
- (e) Such further and other grounds as counsel may advise and this Board may deem necessary.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) the pleadings, proceedings and exhibits filed herein;
- (b) Rule 4 of the Ontario Municipal Board's *Rules of Practice and Procedure*;
- (c) The new Sample Procedural Order of the Board;
- (d) such further and other material as counsel may advise and this Board may permit.

November 28, 2014

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Lawyers for the Corporation of the  
County of Simcoe

# Extract From Board Sample Procedural Order

## SAMPLE PROCEDURAL ORDER

*This is a sample of the procedural order that the Board issues for most matters (except expropriation applications) after holding a prehearing conference. An explanation of the terms used is found in the attachment to this sample order. The Board expects that the terms of the procedural order when issued will be met. If a party has not complied with a requirement of a procedural order, the Board will decide whether or not any part of or step in the proceeding, or any written or visual evidence or order is not valid as a result.*

ONTARIO MUNICIPAL BOARD

PLXXXXX

### PROCEDURAL ORDER

[Insert title of proceeding when procedural order is not attached to a Board Decision]

The Board orders that:

[1] The Board may vary or add to this Order at any time either on request or as it sees fit. It may amend this Order by an oral ruling or by another written Order.

#### Organization of the Hearing

[2] The hearing will begin on [day] [month] [year]... at ... a.m./p.m. at .....in the municipality of .....[Optional:...All parties and participants shall attend the first day of the hearing]

[3] The length of the hearing will be .....days. The length of the hearing may be shortened as issues are resolved or settlement is achieved.

[4] The parties and participants identified at the prehearing conference are:  
[Optional:...listed in Attachment 1 to this Order.]

[5] The Issues are: [Optional:... set out in the Issues List attached as Attachment 2.] There will be no changes to this list unless the Board permits it. A party who asks for changes may have costs awarded against it.

[6] [Optional] The order of evidence shall be: [Optional:...listed in Attachment 3 to this Order]. The Board may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Board.

**ONTARIO MUNICIPAL BOARD**

**MOTION RECORD**  
**(Addition to Procedural Order)**

THOMSON, ROGERS  
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