

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



**ISSUE DATE:** February 22, 2018

**CASE NO(S):** PL170878

**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Burls Creek Event Grounds Inc. Et Al  
Subject: Failure of Township of Oro-Medonte to announce a decision respecting Proposed Official Plan Amendment No. 2015-OPA-02

Municipality: Township of Oro-Medonte  
OMB Case No.: PL170878  
OMB File No.: PL170878  
OMB Case Name: Burls Creek Event Grounds Inc. v. Oro-Medonte (Township)

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

Applicant and Appellant: Burls Creek Event Grounds Inc. Et Al  
Subject: Application to amend Zoning By-law No. 97-95 - Refusal or neglect of Township of Oro-Medonte to make a decision

Existing Zoning: General Commercial (GC), Agricultural/Rural (A/RU), Agricultural/Rural Exception 32 (A/RU\*32), Rural Residential 2 (RUR2), Private Recreation Exception 30 (PR\*30), Private Recreation 31 (PR\*31) and Environmental Protection (EP)

Proposed Zoning: Private Recreation Exception XX (PR\*XX), Agricultural/Rural Exception YY (A/RU\*YY), Agricultural/Rural Exception ZZ (A/RU\*ZZ) and Environmental Protection (EP)

Purpose: To permit camping, parking, concession booths and minor soccer as an accessory use

Property Address/Description: Part of Lot 21 & 22, Concession 8 Et Al  
Municipality: Township of Oro-Medonte  
Municipality File No.: 2015-ZBA-15

OMB Case No.: PL170878  
 OMB File No.: PL170879

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

Applicant and Appellant: Burls Creek Event Grounds Inc. Et Al  
 Subject: Request to amend the Official Plan - Failure of County of Simcoe to adopt the requested amendment

Existing Designation: Rural and Agricultural  
 Proposed Designated: Rural and Agricultural – Subject to Exception 3.6.13 and Agricultural Special Exception Section 3.6.13

Purpose: To permit camping, parking, concession booths and minor soccer as an accessory use

Property Address/Description: Part of Lot 21 & 22, Concession 8 Et Al  
 Municipality: Township of Oro-Medonte  
 Approval Authority File No.: SC-OPA-1601  
 OMB Case No.: PL170878  
 OMB File No.: PL170887

**Heard:** February 8, 2018 in Oro-Medonte, Ontario

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

Burls Creek Event Grounds Inc. Et Al	Nicholas Macos
Township of Oro-Medonte	Christopher Williams Andrea Skinner
County of Simcoe	Sarah Hahn (on behalf of Marshall Green)
Lake Simcoe Region Conservation Authority	Sarah Hahn
Save Oro Inc.	Bruce Wiggins* David Donnelly

**MEMORANDUM OF ORAL DECISION DELIVERED BY ANNE MILCHBERG ON  
FEBRUARY 8, 2018 AND ORDER OF THE BOARD**

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[1] This was the first Pre-hearing Conference (“PHC”) on appeals under s. 17(40), 22(7) and 34(11) of the *Planning Act* by Burls Creek Event Grounds Inc. Et Al (“Applicant” and “Appellant”) respecting the property described as Part of Lot 21 and 22, Concession 8 et al (“the subject property”), in Oro-Medonte. The Township of Oro-Medonte (“Township”) had failed to make decisions on an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) application within the statutory time limit.

[2] The proposed OPA and ZBA would permit, on a permanent basis, a number of specific uses on the subject property, including: special event grounds for various events; accessory camping, parking and concession booths in association with a special event; and minor soccer. Also proposed are site specific definitions and restrictions including the location, duration and number of permitted uses.

[3] The Affidavit of Service of the notice for this PHC has been filed as Exhibit 1.

[4] The PHC was attended by a number of area residents, property owners and interest groups. The following individuals and groups were granted Participant status on consent of the Parties:

- Josephine Martensson-Hemsted
- Ann Honeywood
- Al Sinclair
- West Oro Ratepayers Association Inc.
- Friends of Burls Creek Inc.

[5] In addition, counsel for the Appellant provided copies of request letters from four individuals (Exhibits 2 and 3) who could not attend this PHC but wanted to become

Participants. On consent of all the Parties, the Board granted Participant status to the following requestors:

- Michael Rumble
- Michelle Rumble
- W. Roy Watson
- Sharon Watson

[6] Save Oro Inc., a local ratepayers' group represented by Bruce Wiggins, an officer of the organization, requested Party status. His group had as-of-yet unspecified planning issues with the proposal. It wanted to have the ability to call its own witnesses, provide expert planning evidence on the matter, and cross-examine other witnesses.

[7] Notwithstanding, the Board will allow Save Oro Inc. to become a Party to this matter because Mr. Wiggins warranted that his group had a firm stake in it. They have planning issues; they are geographically proximate to the subject property and they want to be able to have expert witnesses testify on their behalf, all legitimate reasons to become a Party.

[8] Counsel for the Appellant and the Township expressed concern about Save Oro Inc.'s request for Party status. Based on counsels' observations from an earlier hearing event dealing with the same subject lands, they were concerned that Save Oro Inc. might not conduct itself in an efficient manner.

[9] These are not reasons to exclude interested entities from becoming Parties, and the Board cannot and will not prejudge the behavior of Parties. At the same time, the Board expects all Parties to be fully aware of their responsibilities to contribute toward the efficiency of the proceedings, and of potential cost liabilities should they not act accordingly.

[10] The Board directs that the second PHC be scheduled for **Thursday, March 29, 2018 at 9 a.m.**, via Telephone Conference Call ("TCC"). Individuals are directed to call

**416-212-8012** or Toll Free **1-866-633-0848** on the assigned date at the correct time. When prompted, enter the code **4779874#** to be connected to the call. If assistance is required at any time, press '0' for the operator. Cellular telephones are not permitted to be used for the call. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to Ryan Co, the Board's Case Coordinator, at 416-326-8946. This TCC is for Parties only, with these exceptions:

- If there are new Participant requests, requestors are to attend the start of the TCC. Requests will be dealt with by the Board at the start of the TCC, after which the requestors will exit the TCC.
- If the West Oro Ratepayers Association Inc., currently a Participant, intends to request a conversion of its status from Participant to Party, they or their representative or counsel are to attend the TCC. The request would be the second matter dealt with at the TCC.

[11] The purpose of the second PHC will be to review the elements of a Draft Procedural Order ("DPO") including: issues list(s); lists of parties and participants; witness lists; length of hearing; order of evidence; timing of the submission and exchange of expert witness statements; and timing of submission and exchange of participant statements. If the Board deems the DPO ready to issue, a hearing date may then be set.

[12] The Parties are directed to work cooperatively on the DPO and to file it with the Board no later than March 22, 2018.

[13] The Appellant's counsel provided the Board with a current iteration of the DPO that does not yet incorporate Save Oro Inc.'s issues (Exhibit 4). The Board directs Save Oro Inc. to provide the other Parties with a list of issues for incorporation into the DPO by March 8, 2018 at latest, using Exhibit 4 as a starting point, and avoiding the

duplication of issues. If disagreements arise regarding the issues, the Board may be spoken to in advance of the TCC.

[14] No further notice is required for the second PHC.

[15] The Member is not seized of the matter, but will case manage the PHC file.

*“Anne Milchberg”*

ANNE MILCHBERG  
MEMBER

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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