

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** March 26, 2019

**CASE NO(S):** PL170878  
PL091167

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**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

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

Appellant: County of Simcoe  
 Appellant: Midhurst Development Doran Road Inc., and Carson Road Development Inc.  
 Appellant: Midhurst Rose Alliance Inc.  
 Appellant: Township of Springwater and others  
 Subject: Failure of to announce a decision respecting the Official Plan for the County of Simcoe  
 Municipality: County of Simcoe  
 OMB Case No.: PL091167  
 OMB File No.: PL091167  
 OMB Case Name: Fellman v. Simcoe (County)

**Heard:** February 15, 2019, in Oro-Medonte, Ontario

**APPEARANCES:**

| <u>Parties</u>                           | <u>Counsel*/Representative</u> |
|--|--------------------------------|
| Burl's Creek Event Grounds Inc.<br>et al | Nicholas Macos*                |
| Township of Oro-Medonte                  | Andrea Skinner*                |
| County of Simcoe                         | Marshall Green*                |
| Save Oro Inc.                            | Wendy McKay                    |
| West Oro Ratepayers<br>Association Inc.  | Wendy McKay                    |

**DECISION DELIVERED BY ANNE MILCHBERG AND ORDER OF THE TRIBUNAL**

[1] This was the fourth pre-hearing conference ("PHC") of the Local Planning Appeal Tribunal ("Tribunal") concerning appeals under s. 17(40), 22(7) and 34(11) of the *Planning Act* ("Act") by Burl's Creek Event Grounds Inc. et al ("Applicant"; "Appellant"; "Burl's Creek") regarding the property located at Part of Lot 21 and 22, Concession 8 et al, Oro-Medonte.

[2] The hearing of this matter is scheduled to commence on April 1, 2019, with a hearing duration of ten days. Currently, three site-specific appeals by Burl's Creek are consolidated for the hearing:

- PL170878

This is a s. 17(40) appeal of the failure of County of Simcoe ("County") to make a decision on a site-specific Official Plan Amendment ("OPA") application within the time limit specified by the Act.

- PL170879

This is a s. 34(11) appeal of the refusal or neglect of the Township of Oro-Medonte (“Township”) to make a decision on Burl’s Creek site-specific Zoning By-law Amendment application within the time limit specified by the Act.

- PL170887

This is a s. 22(7) appeal of the refusal or neglect of the Township to make a decision on Burl’s Creek site-specific OPA application within the time limit specified by the Act.

[3] Burl’s Creek has also maintained a site-specific appeal, under s. 17(40), of the 2008 County Official Plan (“County OP”) which was approved in December of 2016, save for the Burl’s Creek appeal and several other site-specific appeals. The Tribunal’s file number for this appeal is PL091167.

[4] The purpose of this PHC was the hearing of a Motion brought by the Appellant, for the consolidation of PL091167 with the other appeals noted above, so that it may be heard along with the other matters on April 1. Under Rule 16.01 of the Tribunal’s Rules of Practice and Procedure, the Tribunal may order that two or more proceedings be consolidated.

[5] The Tribunal is satisfied with the Appellant’s submission that the issues and witnesses for PL091167 are the same as those for the other three appeals. The subject lands are identical. The other Parties consent to the consolidation. For these reasons, the Tribunal orders the consolidation of PL091167 with PL170878, PL170879 and PL170887.

[6] Proper notice of the Motion for Consolidation was given [Exhibit 1], and no further notice is required.

[7] Beyond the Parties and Participants already identified through earlier PHCs for PL170878, PL170879 and PL170887, no additional individuals or entities appeared at this hearing to request Party or Participant status in the proceedings.

*“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.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
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