

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



**ISSUE DATE:** April 10, 2015

**CASE NO(S):** PL141006

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Ellen Boyce
Appellant:	Suzanne Boyce
Appellant:	Carefree RV Resorts (Hidden Valley Park)
Appellant:	Gerry Livingston; and others
Subject:	By-law No. 1-Z-2014
Municipality:	Norfolk County
OMB Case No.:	PL141006
OMB File No.:	PL141006

Heard: March 24, 2015 in Simcoe, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

County of Norfolk ("County")

Peter Tice\*

NRV Hidden Valley Acquisition Inc.  
("NRV")

Denise Baker\*

Royal Clover Developments  
Inc. ("Royal Clover")

Sharmini Mahadevan\*

The TDL Group Corp. ("TDL")

Denise Baker\*

Margaret Scruton ("Ms. Scruton")

Did not appear

Livingstone Excavating & Trucking Inc.  
("Livingstone")

Gerry Livingstone

Rowan Bluffs Harbour Inc.

Denise Baker\*

Suzanne and Ellen Boyce

Brain Duxbury\*

Claudia Unterstab	Brian Duxbury*
Paul Murphy	Did not appear
Christine Meyer	John Deans
Tina McLaughlin	Did not appear
Georgia and Kenneth Painter	Self-represented
Kenneth Zurby	Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN STEFANKO  
ON MARCH 24, 2015 AND ORDER OF THE BOARD**

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**INTRODUCTION**

[1] On July 15, 2014, County Council passed Zoning By-law No. 1-Z-2014 (“CZB”) which consolidated the zoning by-laws for the former municipalities of the Township of Norfolk, the Township of Delhi, the Town of Simcoe and the City of Nanticoke.

[2] Subsequent to the passage of the CZB, 14 appeals were filed by various individuals and corporations pursuant to s. 34(19) of the *Planning Act*. This prehearing was conducted to begin dealing with the various appeals which have been lodged.

**SETTLEMENTS**

[3] At the commencement of this proceeding, I was requested to approve five site specific appeals which have been settled with the County. The five appellants are NRV, Royal Clover, Ms. Scruton, TDL and Livingstone.

[4] In relation to the settlements reached, Pamela Duesling, Senior Planner/Manager of Community Planning for the County, filed a detailed affidavit (“Duesling Affidavit”) in support thereof. The agreed upon amendments (“Site Specific Amendments”) are attached to the Duesling Affidavit and marked as Exhibits B to and including Exhibit F.

[5] Specifically, the following Exhibits relate to the following parties:

- (i) NRV...Exhibit B;
- (ii) Royal Clover...Exhibit C;
- (iii) Ms. Scruton...Exhibit D;
- (iv) TDL...Exhibit E; and
- (v) Livingstone...Exhibit F.

[6] In the opinion of Ms. Duesling, the amendments to the CZB reflected by the settlements reached, are consistent with the Provincial Policy Statement, 2014, conform to the County Official Plan, represent good planning and are in the public interest.

[7] Based on the un-contradicted opinion of Ms. Duesling and the submissions of the parties involved, it is ordered that the CZB is amended in accordance with the Site Specific Settlements.

#### **ADDITIONAL / WITHDRAWING PARTIES**

[8] During the course of this proceeding, Mr. Keith Jones indicated that he represented a number of parties who supported the County's position in relation to the appeal filed by Georgia and Kenneth Painter ("Painter Appeal") and that he represented one Robert Hunter who also supports the County's position with respect to the appeal filed by Kenneth Zurby ("Zurby Appeal"). As such, he was seeking party status for his clients in relation to those appeals.

[9] On the basis that there was no opposition to the request of Mr. Jones, it is further ordered that:

- (i) Jack Matthews Marine Service Limited, Meika Matthews, Pete Spencer, Jan and Peter Overend carrying on business in partnership as Port Dover

Boat Works, John and Kathy Fleet, Gord and Vera Ellis, Rob and Brenda Vary, Chuck and SherylLynn Powell and Nadra Marine Services Limited are all made parties to the Painter Appeal: and

- (ii) Robert Hunter is made a party to the Zurby Appeal.

[10] A letter from Thomas Cline, counsel for one Tina McLaughlin, was also filed at this prehearing and marked as Exhibit 3. Mr. Cline indicated that the appeal filed by his client ("McLaughlin Appeal") in relation to the CZB was being withdrawn.

### **OTHER MATTERS**

[11] The County also indicated that, although settlement discussions are ongoing with a number of appellants, two days should be set aside in the near future to hear the Painter Appeal and the Zurby Appeal, to deal with any additional settlements reached, to hear any motion brought and to schedule other hearings as may be required (collectively "Other Matters").

[13] Accordingly, it is further ordered that:

- (i) July 13 and 14 are hereby set aside to address the Other Matters.
- (ii) Proceedings shall commence at **10:30 a.m. on July 13, 2015 at:**

**Council Chambers  
County Administration Building  
50 Colborne Street South  
Simcoe, ON N3Y 4N5**

and the County shall make the necessary room arrangements; and

- (iii) No further notice is required.

[14] I am seized.

*“Steven Stefanko”*

STEVEN STEFANKO  
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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