

1 of 1 DOCUMENT

*Case Name:*

**Colville-Reeves v. Gravenhurst (Town)**

**IN THE MATTER OF subsection 34(19) of  
the Planning Act, R.S.O. 1990, c.**

**P.13, as amended**

**Appellant: Neil Colville-Reeves**

**Subject: By-law No. 2011-022**

**Municipality: Town of Gravenhurst**

**IN THE MATTER OF subsection 34(19) of  
the Planning Act, R.S.O. 1990, c.**

**P.13, as amended**

**Appellant: Neil Colville-Reeves**

**Subject: By-law No. 2011-023**

**Municipality: Town of Gravenhurst**

[2011] O.M.B.D. No. 649

OMB Case No.: PL110310, OMB File No.:

PL110310, OMB File No.: PL110311

Ontario Municipal Board

**Panel: C. Hefferon, Member**

Oral decision: July 27, 2011.

Filed: August 25, 2011.

(10 paras.)

**Appearances:**

Cam & Sheila Jobin: H. Elston, counsel.

N. Colville-Reeves: J. Bradbury, counsel.

Town of Gravenhurst: J. Cruickshank, counsel.

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**MEMORANDUM OF ORAL DECISION DELIVERED  
BY C. HEFFERON ON JULY 27, 2011 AND ORDER OF THE  
BOARD**

1 The Board heard a Motion requesting that a hearing scheduled to begin August 3, 2011, be adjourned to allow the Moving Party (Mr. N. Colville-Reeves) sufficient time to measure certain elements along the shoreline of the Respondent's (Applicant) lakefront property. These include the dimensions of an existing boathouse and the depth of the lake close to the shoreline. To take these measurements, the Moving Party requested an Ontario Municipal Board Order allowing the Moving Party access to the property of the Respondent (Mr. and Ms. C. Jobin).

**Background**

2 This matter involves an appeal by Mr. Colville-Reeves of the February 24, 2011, of a decision of the Town of Gravenhurst to amend Zoning By-law 95-54 ("By-law") to permit Mr. and Ms Jobin to construct a dock from their shoreline 12.5 metres into Muldrew Lake. Mr. and Ms Jobin contend that a 12.5 metre dock is required because of shallow water near the shoreline.

3 Mr. Colville-Reeves appealed this decision because he contends that a 12.5 metre dock would constitute a safety hazard to boaters in what is labeled in the By-law a "Narrow Waterway" of Muldrew Lake. In a "Narrow Waterway", a maximum 6.5 metre dock is permitted.

**The Moving Party's Position**

4 The Moving Party contends that his case will be prejudiced if the hearing goes ahead on August 3, 2011, as scheduled. In order to adequately prepare for a Board hearing, he argued that he needs to satisfy himself as to the exact dimensions of the existing boathouse and the exact depth of the lake in front of the boathouse -- particularly the depth within 6.5 metres of the shoreline. He also complained that he has not yet received certain documents from the Municipality.

**The Respondent's Position**

5 The Respondent opposed this motion because they maintain that officials of the concerned Municipality had already satisfied themselves as to the accuracy of the measurements that they had received with the application for a building permit for the boathouse. The Board was told that the building permit has been issued and the subject boathouse built.

**The Board's Determination**

**6** After consideration of the affidavits of both the Moving Party and the Respondent as well as the submissions of all three Legal Counsel, the Board finds that the Moving Party will not be prejudiced if the hearing goes ahead on August 3, 2011, as scheduled.

**7** On consent, the Parties agreed that if required by the presiding Member at the hearing, the hearing may stand down while the Parties proceed together to the subject property to take another set of measurements under the supervision of the presiding Member.

**8** In his affidavit, Mr. Colville-Reeves indicated that he had not received certain required documents from the Town. Legal Counsel for the Town of Gravenhurst has undertaken to ensure that Mr. Colville-Reeves receives in a timely manner any documents requested of Town Counsel pertaining to this case that he has not already received.

**Disposition & Order of the Board**

**9 THE BOARD ORDERS** the Motion is dismissed. The hearing is scheduled for one day only. It will commence on August 3, 2011, at 9:30 a.m. at the Municipal Offices, Town of Gravenhurst, 5 Pineridge Gate, Gravenhurst, ON. Telephone: (705) 687-3412.

**10** So Orders the Board.

C. HEFFERON  
MEMBER

qp/e/qlspi