

Mono wins partial victory in legal battle over water-skiing

Written By Tom Claridge

The Town of Mono has won a partial victory in a legal battle involving property rights in the Niagara Escarpment Area that has cost the town's taxpayers more than \$250,000.

In a decision approved this week by Ontario's Minister of Natural Resources and Forestry, two hearing officers concluded that Dr. Cliff and Judy Singer should be allowed to host two water-skiing competitions annually for three years, subject to their meeting 16 conditions.

The conditions include that they obtain a Special Events Permit from the Town of Mono, as well as all necessary approvals from the County Building Department and the Orangeville Fire Department. As well, they must provide an annual report to the Niagara Escarpment Commission (NEC) listing the number of participants and spectators and outlining any issues including noise and traffic complaints arising from the competition, and obtain from a qualified person a study of the base-line inventory of the wildlife and wildlife habitat on the property prior to the commencement of the three-year period of the NEC Development Permit.

Dr. Singer told the Citizen it will be four years in June since I asked for permission for a sports gathering and I still have three additional costly hurdles to surmount. It would be interesting to know if the original Recommendation which was written by the hearing officers last May, was subsequently modified by staff at the MNRF prior to its release yesterday.

At issue in the NEC hearings, which took place in 2016 and early 2017, was the impact the competitions might have on the neighbourhood. The 200-acre man-made lake on which the competitions are to take place is in a 204-acre portion of a worked-out gravel pit on Airport Road about one kilometre north of Mono Mills, which the Singers purchased in 2009.

Dr. Singer initially approached the NEC in 2014 in hopes of having the site used in the 2015 Pan Am Games, but it wasn't until January 2016 that the NEC decided to allow up to four competitions annually for three years. Both Dr. Singer, a Caledon orthodontist, and the Town of Mono appealed that decision, the property owner on grounds the three-year limit made no sense and the Town contending no such competitions should be allowed.

The hearing officers sent their findings to the ministry last May, and the ministry gave no explanation for the 12-month delay in adopting them.

Although opposition to the competitions was led by Mark Early, currently Mono's Chief Administrative Officer and at the time the town's Director of Planning, it was joined by several neighbours, including a horse farmer who the hearing officers said complained that his young fillies are not able to remain in their paddock during prolonged periods of water-skiing because the noise generated distresses them and has a negative impact on their ability to grow and thrive.

Other witnesses testified that they couldn't hear the Singers' boat while standing on Mono's Sixth Line EHS in front of the horse farm.

At the end of the day, all but one of the parties told the hearings they didn't object to the Singers themselves water-skiing on the lake. The exception was the Mono-Mulmur Citizens' Coalition, who claimed the activity would be contrary to the property's future rehabilitation.

In explaining their conclusion that a study of wildlife on the site should be conducted before any competitions are held, and updated upon their completion, the hearing officers said the studies should include consideration of whether the water-skiing competitions/events will impede the south pond on the property reverting to a natural state, adding that they were of the view that the expense to the (Singers') Company of such studies should not be too onerous.

The Town is satisfied with the Minister's decision, confident that the conditions detailed in her report addresses the concerns the Town had with Mr. Singer's proposal, said Mayor Laura Ryan.