

Ontario Land Tribunal dismisses appeal of Caledon's Interim Control Bylaw against new pits and quarries

Town implemented bylaw to give itself time to strengthen its aggregate policies

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A temporary bylaw put in place so Caledon could update its aggregate policies has been ruled to be justified.

On March 14, the Ontario Land Tribunal (OLT) issued a ruling that upheld Caledon's Interim Control Bylaw (ICBL) against new pits and quarries.

CBM Aggregates, a company proposing a roughly 800-acre blasting quarry south of Alton, appealed the ICBL in November of 2023.

The OLT heard the case in September and October of 2024 before releasing its decision this March.

If it had not upheld the ICBL, any new pit or quarry applications filed during the bylaw's duration would have had to be assessed under Caledon's old aggregate policies ? which were some of Ontario's weakest among top aggregate-producing municipalities.

Caledon's aggregate ICBL was put in place on October 18, 2022 and remained in effect until Oct. 18, 2024. ICBLs have a duration of one year and can be renewed for one additional year.

During that time, Caledon reviewed, strengthened, and passed new aggregate policies. The new, stronger policies are awaiting approval from the Province.

The OLT ruled in favour of Caledon for a number of reasons.

?The Appellant argued that the ICBL limits the economic well-being of the province and the GTA, because, as the Appellant's planner testified, aggregate reserves that are ?close to market' are critically low,? reads the OLT's ruling. ?However, the Tribunal was not persuaded by this. Rather, the Tribunal was persuaded by Forks' submissions and evidence, including data provided, that there appears to be an ample supply of aggregate resources, with at least 13.44 million tonnes available annually, contradicting the Appellant's concerns about economic harm and aggregate shortages.?

Forks, as mentioned in the ruling excerpt above, refers to the Forks of the Credit Preservation Group (FCPG). They are a non-profit group of residents that have been fighting against the proposed blasting quarry since the beginning.

?The Tribunal was also persuaded by (FCPG's) Counsel's [David Donnelly] submissions that the ICBL supports the Town's goal, as outlined in the Town's (Official Plan), to preserve its unique character while managing aggregate resources responsibly,? reads the OLT ruling.

Donnelly said the OLT decision is a big win for rural Ontario municipalities.

?A lightbulb will go off in the office of every Mayor and Councillor in rural Ontario who is dealing with the messy dust, traffic, noise, and pollution that the over-abundance of pits and quarries creates,? said Donnelly. ?This OLT decision is a major step in reforming the gravel mining industry and forcing the provincial government to finally regulate aggregates as it does other natural resources like forestry, and oil and gas.?

David Sylvester, president of the FCPG, said he wanted to congratulate Mayor Annette Groves and Caledon Councillors for championing better aggregate policies and fighting CBM's appeal.

?The OLT's clear decision shows that CBM's appeal of the ICBL was without merit, wasting taxpayer dollars that could have been better spent,? said Sylvester.

FCPG board member Debra Wilson gave a big thanks to the group's supporters and donors who have been supporting the fight.