LOOPSTRA NIXON LLP

BARRISTERS AND SOLICITORS

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File No.: 39540-0001

BY E-FILE & EMAIL TO: *clerk@dufferincounty.ca* and *dholmes@melancthontownship.ca*

August 26, 2026

County of Dufferin
55 Zina Street
Orangeville, ON L9W 1E5

Township of Melancthon
157101 Highway 10
Melancthon, ON L9V 2E6

Attn: Michelle Dunne, County Clerk
Denise B. Holmes, Municipal Clerk

Dear Ms. Dunne and Ms. Holmes,

RE: Notice of Appeal
Pursuant to subsections 22(7) and 34(11) of the *Planning Act* (the "Act")
437202 and 437138 4th Line, Township of Melancthon

We are counsel for Duivenvoorden Haulage Ltd. (the "**Owner**"), the registered owner of the lands municipally known as 437202 and 437138 4th Line in the Township of Melancthon (the "**Subject Lands**").

Background

The Subject Lands are located along the west side of 4th Line, approximately 1.2 kilometers north of County Road 17, and approximately 600 metres south of Side Road 15 in the Township of Melancthon (the "**Township**") in Dufferin County (the "**County**").

The Owner currently operates an aggregate pit at 437138 4th Line, licensed as a Class 'A' pit (Category 3 – Above Water Table) under the *Aggregate Resources Act*. The current operations hold an authorized area of 28.35 hectares (70 acres) for extraction and a maximum annual tonnage of 199,550. 437138 4th Line is approximately 39 hectares (96.40 acres) and was licensed in the early 1990's. The life expectancy of that pit is nearing the end of its life.

On August 4, 2021, Innovative Planning Solutions, on behalf of the Owner submitted an Official Plan Amendment Application to redesignate the Subject Lands from 'Agricultural' and 'Environmental Conservation' to 'Extractive Industrial' (the "**OP Application**") and a Zoning By-Law Amendment Application to rezone the Subject Lands from 'General Agriculture (A1)'

zone to the 'Extractive Industrial Exception (M2-XX)' and 'Open Space Conservation (OS2)' zones (the "**Zoning Application**") and herein collectively the "**Applications**".

The Owner has also submitted an Aggregate Resources Act application for a Class 'A' License, Category 3 application, for a pit *above the water table* (the "**ARA Application**"). The ARA Application would permit extraction of 500,000 tonnes annually between the existing and proposed operations.

More specifically, the ARA Application would permit the expansion of the existing aggregate operation north onto a portion of the lands municipally known as 431738 4th Line, as well as onto the lands municipally known as 43702 4th Line which is not currently included within the existing licensed area. The proposed expansion would add approximately 45 hectares (111.1 acres) to the licensed area, including a proposed extraction area of 34.5 hectares (85.2 acres). The existing licensed pit on 437138 4th Line is already designated and utilized for extractive industrial purposes.

The Applications were initially submitted to the Township on August 4, 2021. Following circulation and review by Township staff, agencies and technical peer reviewers, the Applications were deemed complete by the Township on February 3, 2022, with the Township issuing a Notice of Complete Application on February 16, 2022.

Pursuant to the requirements of the *Planning Act*, statutory public meetings were held on March 16, 2023 with a further meeting held on January 15, 2026.

Since that time, the Owner and its consultants have participated in an extensive review process with Township staff, commenting agencies, and technical peer reviewers. In response to comments received, revised application materials and supporting technical studies were submitted on July 4, 2024, November 19, 2024 and July 8, 2025.

On January 15, 2026, Township Council considered Staff Report P2025-01 respecting the Applications. The report recommended that consideration of the Application be deferred.

Following the Council Meeting, the Owner continued to participate in the review process and provide updated materials and technical studies in support of the Applications.

The Applications are supported by numerous technical reports prepared by qualified professionals, including a Planning Justification Report, Agricultural Impact Assessment, Hydrological Assessment, Natural Environment Level 1 and 2 Evaluation, Traffic Review, Noise Impact Study, Archaeological Assessments, and a Stormwater Management Brief. Collectively, these studies conclude that the proposed expansion of the aggregate operation can occur while protecting groundwater resources, natural heritage features, surrounding land uses, and agricultural interests, while providing for progressive and final rehabilitation of the Subject Lands.

The Subject Lands are located within an area identified by both the County Official Plan and the Township Official Plan as a Sand and Gravel Resource Area. The existing licensed pit and the proposed expansion lands form part of a contiguous aggregate resource area identified for long-term protection and extraction.

The Subject Lands are further identified within Aggregate Resource Inventory Paper 163, published by the Ontario Geological Survey, a branch of the Ministry of Energy and Mines, as a Selected Sand and Gravel Resource Area of Primary Significance, reflecting the importance of the aggregate resource located on the Subject Lands.

Despite nearly four years elapsing since the Applications were initially submitted, Council of Dufferin County and the Council of the Township of Melancthon has not made a decision on the proposed Applications.

This letter, together with its constituent enclosures serve as our client's Notice of Appeal of the Applications to the Ontario Land Tribunal pursuant to ss. 22(7) and 34(11) of the *Planning Act.*

Reasons

The Owner hereby appeals the failure of the Council of Dufferin County and the Council of the Township of Melancthon to make a decision in respect of the Applications within the requisite timeframe to the Ontario Land Tribunal pursuant to subsections 22(7) and 34(11) of the *Planning Act*.

The reasons for the appeal include, but are not limited to, the following:

1. The County failed to adopt the Official Plan Amendment Application within 120 days of the day the complete official Plan Amendment Application was submitted;

2. The Township failed to make a decision regarding the complete Zoning By-Law Amendment Application within 90 days of the date it was submitted;

3. The Applications are consistent with the policies of the *Provincial Planning Statement, 2024*;

4. The Applications conform to the applicable policies of the County Official Plan;

5. The Applications conform to the applicable policies of the Township's Official Plan, including but not limited to, those policies pertaining to mineral aggregate resources, the protection and conservation of identified sand and gravel resource areas, extractive industrial uses, rehabilitation, environmental protection, the management of potential impacts on surrounding land uses, and the long-term availability of aggregate resources;

6. The Applications are supported by comprehensive technical studies prepared by qualified professionals and facilitate the protection and long-term use of a significant mineral aggregate resource in a manner that is consistent with and conforms to the applicable planning framework.

7. The Applications represent good land use planning, are appropriate for the Subject Lands and are in the public interest;

8. Such further and other reasons as counsel may provide and the Tribunal permit.

Enclosed with the delivered copy of this Notice of Appeal, please find the following:

- The appeal fees of $1,100 each, representing the filing fee, shall be paid online through e-file; and
- One (1) completed Tribunal Appellant Form (A1).

At this time, it is our client's intention to schedule a hearing of the herein described appeals at the *first Case Management Conference* to be scheduled for said appeals. Prior to that Case Management Conference, we expect to circulate the draft Procedural Order for the Township's review. In addition, we are putting the County and Township on notice that it should be prepared to deliver any draft Issues for insertion in that Procedural Order at least one (1) week prior to the Case Management Conference.

We would appreciate confirmation of receipt of this Notice of Appeal. Should you have any questions, do not hesitate to contact us.

Yours truly,
LOOPSTRA NIXON LLP



Per: Aaron I. Platt
AIP

Encls.: as above

CC: Darren Vella, *Innovative Planning Solutions*
Client

Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

Municipal/Approval Authority Date Stamp	Receipt Number (OLT Office Use Only) OLT Case Number (OLT Office Use Only)	Date Stamp – Appeal Received by OLT

You may be able to submit your appeal online using our new e-file service if:

- *the approval authority you are submitting your appeal to is registered on e-file; or*
- *you are appealing directly to the Ontario Land Tribunal*

Please visit our e-file page to learn more.

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's website for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information	
Last Name:	First Name:
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):	
Duivenvoorden Haulage Ltd.	
Email Address:	

Daytime Telephone Number:			Alternative Telephone Number:	
	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
City/Town:	Province:	Country:	Postal Code:	

Representative Information

X I hereby authorize the named company and/or individual(s) to represent me

Last Name:	First Name:
Platt	Aaron

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):

Loopstra Nixon LLP

Email Address:

aplatt@LN.Law

Daytime Telephone Number:			Alternative Telephone Number:
289-904-2370	ext.		

Mailing Address

Unit Number:	Street Number:	Street Name:	P.O. Box:
2800	130	Adelaide Street West	

City/Town:	Province:	Country:	Postal Code:
Toronto	ON	Canada	M5H 3P5

Note: If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the OLT *Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.

☐ I certify that I understand that my representative is not licensed under the *Law Society Act* and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.

Location Information

Are you the current owner of the subject property? X Yes ☐ No

Address and/or Legal Description of property subject to the appeal:

437202 and 437138 4th Line

Municipality:

Township of Melancthon

Upper Tier (Example: county, district, region):

Dufferin County

Language Requirements		
Do you require services in French?	☐ Yes	X No

To file an appeal, please complete the section below. Complete one line for each appeal type			
Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	*Planning Act*	45(12)
1	Official Plan Amendment	*Planning Act*	22(7)
2	Zoning By-Law Amendment	*Planning Act*	34(11)
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
X	Appeal of *Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
☐	Appeal of *Development Charges*, *Education Act*, *Aggregate Resources Act*, *Municipal Act* matters	3A
☐	Appeal of or objection to *Ontario Heritage Act* matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
☐	Appeal of *Planning Act* (subsections 33(4), 33(10), 33(15), 36(3)), *Municipal Act* (subsection 223(4)), *City of Toronto Act* (subsection 129(4)) and *Ontario Heritage Act* (subsections 34.1(1), 42(6)) matters	3A & 3B
☐	Appeal of *Clean Water Act*, *Environmental Protection Act*, *Nutrient Management Act*, *Ontario Water Resources Act*, *Pesticides Act*, *Resource Recovery and Circular Economy Act*, *Safe Drinking Water Act*, *Toxics Reduction Act*, and *Waste Diversion Transition Act* matters	4A
☐	Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*	4B
☐	Appeal under the *Niagara Escarpment Planning and Development Act* (*NEPDA*)	5

☐	Appeal of *Conservation Authorities Act*, *Mining Act*, *Lakes and Rivers Improvement Act*, *Assessment Act*, and *Oil, Gas and Salt Resources Act* matters	6
☐	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information
Number of new residential units proposed:
N/A
Municipal Reference Number(s):
N/A
List the reasons for your appeal:
Please see enclosed letter.
Has a public meeting been held by the municipality? X Yes ☐ No
For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:
A: A decision of a Council or Approval Authority is:
☐ Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act* ☐ Fails to conform with or conflicts with a provincial plan ☐ Fails to conform with an applicable Official Plan
And B: For a non-decision or decision to refuse by council:
X Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*

X Conformity with a provincial plan

X Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see enclosed letter.

Oral/Written Submissions to Council

Did you make your opinions regarding this matter known to council?

☐ Oral submissions at a public meeting of council

☐ Written submissions to council

X Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes X No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

☐ Yes X No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information
Outline the grounds for the appeal and the relief requested:
Reference Number of the decision under appeal:
Portions of the decision in dispute:
Date of receipt of Decision or Director's Order (yyyy/mm/dd):
Applying for Stay? ☐ Yes ☐ No
If Yes, outline the reasons for requesting a stay:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4A Checklist(s) located here and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993?*	☐ Yes ☐ No
Identify the portions of the instrument you are seeking to appeal:	
Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:	
Outline the relief requested:	
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4B Checklist(s) located here and submit all documents listed on the checklist.	

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information
Development Permit Application File No:
Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information
List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)
List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):
Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:
Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information
Conservation Authority:

Contact Person:			
Email Address:			
Daytime Telephone Number:			Alternative Telephone Number:
	ext.		

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the OLT Fee Chart.

Total Fee Submitted: $2,200

Payment Method	☐	Certified Cheque	☐	Money Order	☐	Lawyer's general or trust account cheque
	X	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form.

☐ Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Aaron Platt		2026/08/26

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the *Ontario Heritage Act*, including under **s. 34.1(1),** please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal **in addition** to the Municipality or Approval Authority.

Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 | 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	**For the Areas of:** Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton **File with:** NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca	**For the Areas of:** Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) **File with:** NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca

NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.