

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** June 10, 2025

**CASE NO(S):** OLT-22-003789

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant:	Jackson Harvest Farms Ltd.
Subject:	Application to amend the Zoning By-law – Refusal of application
Description:	A Zoning By-law Amendment application that proposes to rezone approximately 52 ha of the subject property to Zone 14 (Extractive Industrial) to permit a gravel pit operation.
Reference Number:	ZCA-11-19
Property Address:	1894-1922 Witmer Road
Municipality/UT:	Wilmot/Waterloo
OLT Case No.:	OLT-22-003789
OLT Lead Case No:	OLT-22-003789
OLT Case Name:	Jackson Harvest Farms Ltd. v. Wilmot (Township)

**PROCEEDING COMMENCED UNDER** subsection 11(5) of the *Aggregate Resources Act*, R.S.O. 1990, c. A.10

Applicant:	Jackson Harvest Farms Ltd.
Objector:	Alexandre Falagitis and Susan Kneller- Falagitis
Objector:	Alyssa, Anne and Kevin Gosse
Objector:	Angela Baden and others
Reference Number:	ARA #626443
Property Address:	Part Lot 10, Concession South of Bleams Road
Municipality/UT:	Wilmot/Waterloo
OLT Case No.:	OLT-22-004379
OLT Lead Case No:	OLT-22-003789

BEFORE:

ERIC S. CROWE	)	Tuesday, the 10 <sup>th</sup>
MEMBER	)	day of June, 2025

**THE TRIBUNAL** issued an Interim Order on February 21, 2024 allowing the appeals in part, and withholding its Final Order subject to the Township advising that the Witmer Road Reconstruction Agreement has been entered into with the Applicant;

**AND THE TRIBUNAL** having received the Township’s advice on May 1, 2025 that Witmer Road Reconstruction Agreement has been entered into with the Applicant;

**NOW THEREFORE**

**THE TRIBUNAL ORDERS** that the appeals are allowed in part;

**AND THE TRIBUNAL ORDERS** that the Township is directed to amend By-law 83-88 as set out in attachment 1 to this Order. The Tribunal authorizes the municipal clerk of the Township to assign a number to the by-law for record keeping purposes;

**AND THE TRIBUNAL ORDERS** that the Minister of Natural Resources and Forestry is hereby directed to issue a Class A Licence, Category 3 with an annual maximum extraction tonnage of 750,000 tonnes to the Applicant under s. 11(8)1 of the *Aggregate Resources Act*.

*“Euken Lui”*

EUKEN LUI  
ACTING REGISTRAR

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

**ATTACHMENT 1**

**THE CORPORATION OF THE TOWNSHIP OF WILMOT**

**BY-LAW NO. 2024-12**

**BEING A BY-LAW TO FURTHER AMEND BY-LAW NO. 83-38 OF THE TOWNSHIP OF WILMOT BEING A ZONING BY-LAW FOR THE SAID TOWNSHIP OF WILMOT.**

**WHEREAS** The Corporation of the Township of Wilmot deems it desirable to further amend By-law No. 83-38, being a Zoning By-law for the said Township of Wilmot.

**NOW THEREFORE** the Council of the Corporation of the Township of Wilmot hereby enacts as follows:

1. Notwithstanding the provisions of By-law 83-38, as amended, the lands described on Schedule “A” and illustrated on Schedule “B” attached to and forming part of this By-law, are hereby removed from Zone 1 (Agricultural) and placed within Zone 1 (Agricultural), Zone 11 (Open Space) and Zone 14 (Extractive Industrial).
2. Notwithstanding the provisions of By-law 83-38, as amended, on the lands described on Schedule “A” and identified as Zone 14 on Schedule “B” attached to and forming part of this By-law, the following additional uses shall be permitted:
  - a) The importation of broken concrete and asphalt for recycling, subject to the following:
    - i) Keeping of materials associated with this use shall be limited to an area contained on the pit floor
3. Notwithstanding the provisions of By-law 83-38, as amended, the lands described on Schedule “A” and identified as Zone 11 on Schedule “B” attached to and forming part of this By-law, may be used only for an Arboretum, Wildlife Sanctuary, and accessory uses.
4. Notwithstanding the provisions of By-law 83-38, as amended, on the lands described on Schedule “A” and identified as Zone 1 and Zone 14 on Schedule “B” attached to and forming part of this By-law, the following shall apply:
  - a) use of any portion of the land following progressive rehabilitation of a licensed aggregate operation shall comply with the terms of Risk Management Plan 00051 as approved and/or amended by the Region of Waterloo
5. Notwithstanding the provisions of By-law 83-38, as amended, for the lands described on Schedule “A” and illustrated on Schedule “B” attached to and forming part of this By-law, the following shall be added as Section 22.310:

## ATTACHMENT 1

Notwithstanding any other provisions of this By-law, the lands described as Part Lot 10, Concession South of Bleam's Road, being Part 1, Plan 58R-199816, and identified on the map forming paragraph 22.310, shall be subject to the following regulations:

- a) Use of the lands zoned Zone 14 shall include the following additional uses:
    - i) The importation of broken concrete and asphalt for recycling, subject to the following:
      - a. Keeping of materials associated with this use shall be limited to an area contained on the pit floor.
  - b) Use of lands zoned Zone 11 shall be restricted to an Arboretum, Wildlife Sanctuary, and accessory uses.
  - c) Use of lands zoned Zone 1 and Zone 14 following progressive rehabilitation of a licensed aggregate operation shall comply with the terms of Risk Management Plan 00051 as approved and/or amended by the Region of Waterloo.
6. Notwithstanding the provisions of By-law 83-38, as amended, a new map forming paragraph 22.310 shall be added to By-law 83-38 to identify the lands described on Schedule 'A' and zoning boundaries illustrated on Schedule "B" attached to and forming part of this By-law.
7. Except as amended by the preceding regulations, the lands described on Schedule "A" attached to and forming part of this by-law and shown on Schedule "B" attached to and forming part of this by-law, shall be subject to all other applicable regulations as set down in By-law No. 83-38, as amended.
8. This by-law shall come into effect on the final passing thereof by the Council of The Corporation of the Township of Wilmot subject to compliance with the provisions of The Planning Act, R.S.O., 1990 and amendments thereto.

**READ** a first and second time on the      day of      , 2025.

**READ** a third time and finally passed in Open Council on the      day of      , 2025.

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**Mayor**

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**Clerk**

**ATTACHMENT 1**

**SCHEDULE "A"**

**ALL AND SINGULAR** that certain parcel or tract of land and premises situate, lying and being in the Township of Wilmot, in the Regional Municipality of Waterloo and Province of Ontario being composed of Part Lot 10, Concession South of Bleam's Road, being Part 1, Plan 58R-19981, in the said Township of Wilmot.

This is Schedule “A” to By-law No. **2024-12**

**PASSED** this            day of            , 2025.

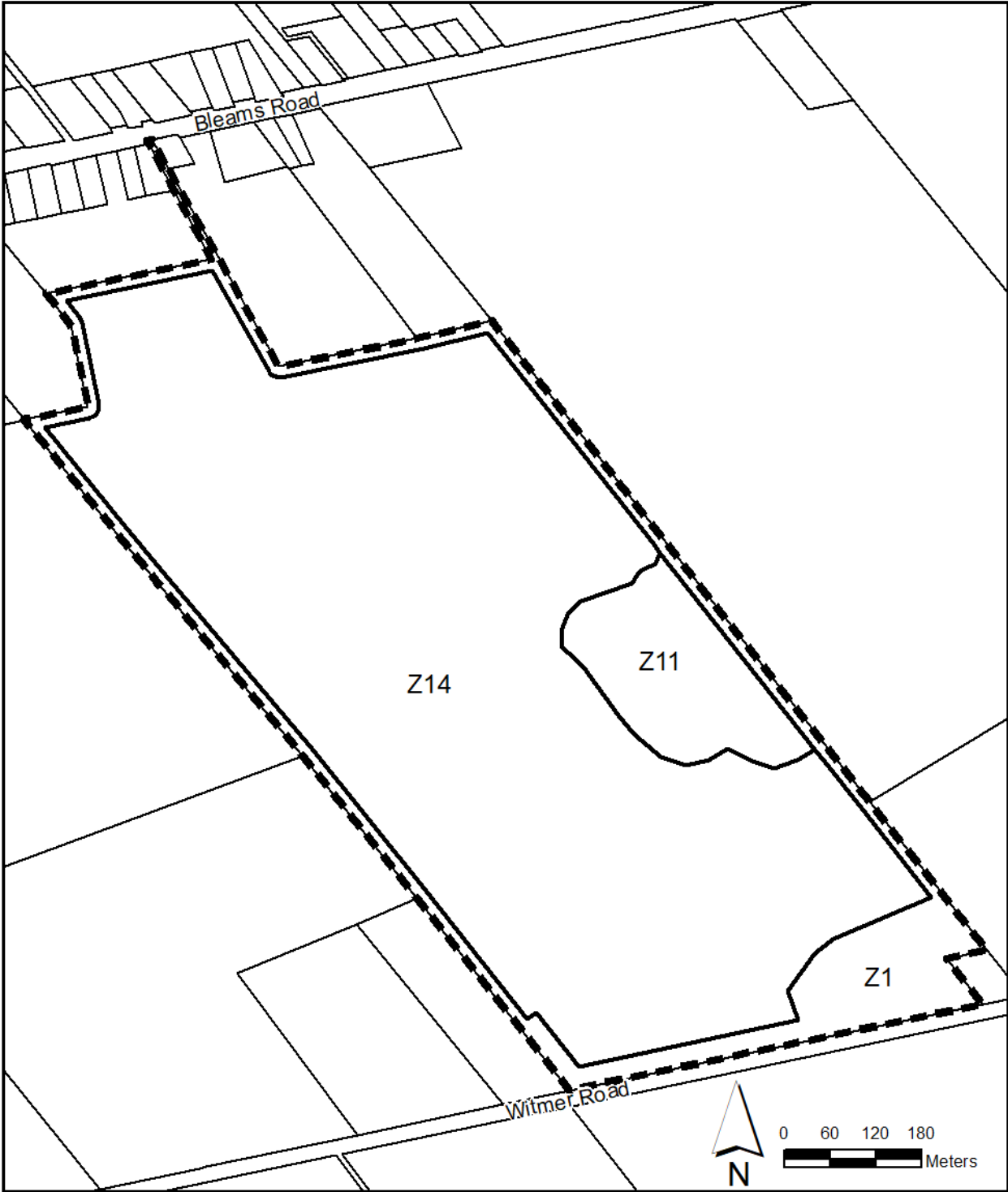
\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Clerk**

ATTACHMENT 1

SCHEDULE "B"  
PART OF LOT 10, CONCESSION SOUTH OF BLEAM'S ROAD  
PART 1, PLAN 58R-19981  
TOWNSHIP OF WILMOT

SUBJECT LANDS OUTLINED THUS: - - - - -



This is Schedule "B" to By-law No. 2024-12

**PASSED** this            day of            , 2025.

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**Mayor**

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**Clerk**