

Grey Bruce This Week

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## Grey Highlands pursues Talisman lands sale, group files challenge

GREG COWAN

Grey Highlands and a GTA-based group of investors have entered the closing period on a \$2.5 million deal for the municipally-owned portion of the former Talisman resort lands.

Meanwhile, a community organization dedicated to the protection and environmental sustainability of the lands at the former resort is taking the municipality to court over the sale.

On Feb. 2, Grey Highlands council unanimously approved a bylaw authorizing the sale of the properties near Kimberley in the Beaver Valley to Westway Capital.

Westway Capital has agreed to pay \$1 million for a 59-acre parcel of land overlooking the former ski hill called "Upper Talisman" in the agreement of purchase and sale and \$1.5 million for the resort's former golf course referred to as Lower Talisman.

The third parcel of land at the resort property known as the Talisman Springs Inn includes the former resort buildings and is owned by Brian Ellis and partners of the numbered company 2420124 Ontario Limited. The municipality and Ellis entered a joint-venture agreement in 2020 to market the lands to prospective buyers.

That agreement remains in effect until early March 2022, Grey Highlands CAO Karen Govan said, and consulting firm thinkCOM-PASS is still engaged with the parties involved.

However, Westway Capital

waived a condition in the agreement of purchase and sale with the municipality stating a deal between Westway and the numbered company needed to be reached before closing on the parcels owned by the municipality, Govan said.

During a special council meeting in May of last year, representatives from Westway Capital proposed to build a "world-class resort that will promote health, wellness and follow the principles of sustainable development, that will integrate the beauty of the area and the natural heritage of the Beaver Valley."

Paul Mondell, who has worked as a vice-president with Skyline Investments, the resort company with Blue Mountain Village in its portfolio, is working as a consultant with the group.

Since the special meeting of Grey Highlands council in May little has been disclosed about what Westway Capital is planning to do at the former Talisman resort.

Conditions included in the original agreement of purchase and sale pertaining to a preliminary draft plan review and public engagement strategy were removed, as were conditions holding Westway Capital to a development timeline.

Govan said any development at the site will need to follow Ontario's Planning Act including public notice and consultation requirements.

The Niagara Escarpment Commission and Grey Sauble Conservation Authority are also responsible for oversight at the property.

"To put restrictions on, to say we need to have this by X date, is per-



haps a little bit presumptuous they could meet those timelines with so many unknowns," Govan said. "It's a very complex piece of property."

Govan said the group is motivated to build quickly, and the municipality was satisfied Westway is the right partner to "spearhead" the area's revitalization.

"They have investors who want a return on their investment and have a clearly aggressive approach to getting shovels in the ground," Govan said.

Antonio Piazza is a consultant for Westway Capital. He said on Feb. 3 the group is excited about the opportunity and working with the municipality and the community in the coming weeks and months.

He said more information about development plans will be made available as Westway moves towards closing.

Two community groups who seek to preserve the Beaver Valley lands have opposed the sale of the municipally-owned portion of the property to Westway Capital.

The Protecting Talisman Lands Association filed a notice of application in the Ontario Superior Court of Justice in Owen Sound on Nov. 1 seeking to "quash" the municipality's decisions regarding the sale of the land.

The application alleges the municipality failed to comply with certain provisions of the Municipal Act and its policy concerning the sale of surplus lands in entering into the conditional sale agreement with Westway Capital. Those claims have not yet been tested in court.

Jane Pyper is the chair of Protecting Talisman. She said the group and municipality had a court date set for Feb. 9.

"Many people are suspicious there was only one offer. The development pressures around Grey and Bruce counties are incredible, and it's hard to believe that wasn't attractive to anybody

else," Pyper said.

Pyper also took issue with the municipality waiving several conditions in the original agreement of purchase and sale, and instead "trusting" Westway Capital will deliver an agreeable development plan.

"There are no protections from the municipality's side. No demands. It's all best intentions. There are a lot of hopes and dreams here," Pyper said. "We trust this will happen, but we have no guarantees and nothing in writing."

Govan said the municipality will "wholeheartedly" defend itself in court and followed the Municipal Act when going into closed session to discuss the sale.

"The reason for that is to protect the negotiating power of the municipality, and that's right on the ombudsman website," Govan said. "The simple fact they're aware of the sale says not everything was done in closed session. The (joint venture) came out into open session, the (joint venture) was clear that thinkCOMPASS was hired to market the properties. The properties have been available for sale on the website for the past couple of years."

Govan also said the municipality followed its policy and had a third party appraise the land's value. The appraisal came in at \$1.27 million, and was less than the \$2.5 million Westway Capital agreed to pay, Govan said.

Another community group, Friends of the Beaver Valley, and the Escarpment Biosphere Conservancy (EBC) were working together to purchase the municipally-owned lands at the Talisman Resort.

The EBC offered \$2.775 million in July, the Friends group said, and Govan confirmed. However, Govan said the deal was "late to the table" and had conditions based on fundraising.

"This is not something that can

be done cheaply," Govan said.

The Talisman Resort opened in 1963 and operated as a ski hill, golf course and vacation spot until ceasing operations in 2009. The municipality took over the property in 2013 after it developed more than \$2 million in tax arrears and sat abandoned and deteriorating.

At that point, the municipality severed the Upper Talisman portion and sold the rest to Ellis and partners. The municipality once again took possession of the former golf course lands when the numbered company ran into financial trouble.

High taxes and expensive water bills have stalled previous efforts to redevelop the resort property. Approximately \$450,000 in taxes and fees are owed to the municipality on the parcel still owned by 2420124 Ontario Limited.

"That's why the Talisman has in the past found itself in trouble. We needed to be able to attract somebody who had the investment to backup something of this magnitude," Govan said.

Linda Reader, who is involved with both Friends of the Beaver Valley and the EBC, said land conservation remains the goal for both parties even if Westway Capital is "the new player."

Pyper said the Protecting Talisman Lands Association will continue to advocate on behalf of the Beaver Valley lands at upcoming public consultations and planning approvals.

Govan said the public will continue to be able to have their say in how the area is developed throughout the process.

"This is a very sensitive area with NEC and conservation oversight and it's important we all work together to do something that's complementary to the area that's sustainable and keeps the area intact," she said.

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