

Ontario Municipal Board
 Commission des affaires municipales
 de l'Ontario



ISSUE DATE: February 9, 2015

CASE NO(S): PL141318

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Bronte Green Corporation
Subject:	Proposed Plan of Subdivision - Failure of Town of Oakville to make a decision
Purpose:	To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description:	1401 Bronte Road
Municipality:	Town of Oakville
Municipal File No.:	24T-14004/1530
OMB Case No.:	PL141318
OMB File No.:	PL141320

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Bronte Green Corporation
Subject:	Proposed Plan of Condominium - Failure of Town of Oakville to make a decision
Purpose:	To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description:	1401 Bronte Road
Municipality:	Town of Oakville
Municipal File No.:	24CDM-14003/1530
OMB Case No.:	PL141318
OMB File No.:	PL141319

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

Applicant and Appellant;	Bronte Green Corporation
Subject:	Application to amend Zoning By-law No. 1984-63 - Neglect or Refusal of application by Town of Oakville
Existing Zoning:	05 Zone

Proposed Zoning:	Site specific
Purpose:	To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description:	1401 Bronte Road
Municipality:	Town of Oakville
Municipal File No.:	Z.1530.07
OMB Case No.:	PL141318
OMB File No.:	PL141318
Heard:	February 3, 2015 in Oakville, Ontario

APPEARANCES:**Parties****Counsel**

Bronte Green Corporation

Patricia Foran and Patrick Harrington

Town of Oakville

Catherine Lyons, Jennifer Huctwith and Max Laskin (student-at-law)

Halton Region Conservation Authority

Harold Watson

Regional Municipality of Halton

Isaac Tang

Halton District School Board

Brad Teichman

Infrastructure Ontario

John Doherty

Victor Enns, Joyce Enns, 1442839 Ontario Ltd.

Jennifer Meader for Nancy Smith

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON
FEBRUARY 3, 2015 AND ORDER OF THE BOARD**

[1] Bronte Green Corporation ("Applicant") has filed applications to amend the Town of Oakville ("Town") zoning by-law and a proposed plan of subdivision to permit an integrated mixed use, mixed density community at 1401 Bronte Road. In addition, an application has been made to amend the Town's Official Plan ("OP"). An affidavit of service was filed (Exhibit 1) and while the notice referred to the private OP, further notice will be given by the Applicant providing the date of the next pre-hearing

conference, as set out below. The appeals will thereafter be consolidated and heard together.

[2] Several parties and participants were identified at the pre-hearing. The parties include the Applicant, the Town, the Regional Municipality of Halton ("Region"), the Halton Region Conservation Authority ("Conservation Authority"), the Halton District School Board ("School Board"), Infrastructure Ontario and Victor Enns, Joyce Enns and 1442839 Ontario Ltd. The participants include John Fleming and Anthony Partington, both of whom appeared as representatives of the Halton Standard Condominium Corporation #420 ("HSCC 420") Mr. Partington indicated he would be the main contact for HSCC 420. Shaniah Leduc appeared as a representative of the 14 Mile Creek Residents Association ("Residents Association"). Ms. Leduc was not sure if the Residents Association is an incorporated body and therefore she will be listed as the participant. Alan Elgar, a Regional Councillor, appeared and indicated he wished to be added to the mailing list as several of his constituents have an interest in the appeals and may wish to testify at the hearing. The timing of the evidence of the participants will be determined later in the pre-hearing process and in accordance with the requirements of the Board's Procedural Order, to be issued following the next pre-hearing conference.

[3] Ms. Foran requested that the Board set a second pre-hearing conference and a ten-day hearing to commence in April or May, 2015. Ms. Lyons indicated that the Town had no objection to a second pre-hearing however in her submission it would be premature to set a hearing date as the issues are not yet formulated and further work is required prior to finalizing the matters to be addressed at a hearing. Ms. Foran explained the background leading up to her client's appeals, filed a document book (Exhibit 2) and indicated that an early hearing date was required to focus the parties on the issues for the hearing. A concern was expressed that if the date for the hearing was not set today, her client would be prejudiced and may not obtain a hearing date from the Board until late 2015 or early 2016. In her submission, the Town has had ample time to formulate its position given the extensive process undertaken to formulate policies for the Applicant's site and surrounding lands. Ms. Lyons requested a pre-hearing

sometime after Town Council's April 2015 meeting so that she could obtain instructions on several matters. The Region, the Conservation Authority and Infrastructure Ontario had no objection to a second pre-hearing however Counsel indicated that setting a hearing date would be pre-mature. The School Board took no position on the timing of a hearing. However, Mr. Teichman indicated that his client's issue was discrete and relates to the provision for a school site, which, in his submission is not open for debate as the School Board has identified a need. This issue will be on the School Board's issue for the hearing. Ms. Meader supported Ms. Foran's request for an early hearing date as Ms. Smith's clients are affected landowners, with independent applications.

[4] A second pre-hearing conference is required to settle the terms of a Procedural Order which will delineate the issues for the hearing as well as the timing for the exchange of evidence. With the consent of the parties, the next pre-hearing is scheduled for **10 a.m. on Friday, May 1, 2015 at:**

**Municipal Building (Oakville)
1225 Trafalgar Road
Oakville, ON**

Further notice will be given by the Applicant in respect of its private application. Otherwise, notice is provided to the parties and participants by way of this disposition. The parties shall exchange their issues lists no later than April 1, 2015. That list may be refined at the next pre-hearing given Town Council will meet in mid-April, 2015. The Applicant will circulate a draft Procedural Order prior to the next pre-hearing conference. Motions, if any, shall be brought on notice in accordance with the *Board's Rules of Practice and Procedure*.

[5] With respect to setting a date for the hearing, I accept the submissions of Ms. Lyons (supported by others) that a spring 2015 hearing is premature. The issues are not yet finalized and the parties require some additional time to formulate their respective positions. However, mindful of the Board's calendar, to wait and set a hearing date at the May 1, 2015 pre-hearing may be prejudicial to the Applicant

receiving a timely date. Accordingly, a two week hearing is scheduled to commence at **10 a.m. on Tuesday, October 13, 2015, concluding on October 23, 2015 at:**

**Municipal Building (Oakville)
1225 Trafalgar Road
Oakville, ON**

The draft Procedural Order should set out appropriate exchanges dates leading up to the October 2015 hearing. Once the issues are addressed at the next pre-hearing, some adjustment may be required to the hearing schedule. Further notice of the hearing shall be given as part of the Procedural Order. In addition, if the parties believe that mediation could be of assistance, a mediation assessment may be requested at any time.

[6] I am seized of the next pre-hearing. I am not seized of the hearing.

"J. de P. Seaborn"

J. de P. SEABORN
VICE CHAIR

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
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