

Office of Consolidated Hearings

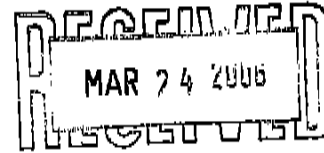
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Case No.: 05-109

NOTICE OF PRELIMINARY HEARING

IN THE MATTER OF the *Consolidated Hearings Act*, R.S.O. 1990, c. C.29, as amended, and

IN THE MATTER OF a proposal by the Proponent, Creekbank Developments Limited

A public Hearing will be held regarding:

- (1) an appeal filed on November 22, 2005 pursuant to section 22(7)(c) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, arising from Council of the Town of Oakville's failure to adopt the requested Official Plan Amendment within 180 days after the request was received;
- (2) an appeal filed on November 22, 2005 pursuant to section 34(11) of the *Planning Act*, as amended, arising from Council of the Town of Oakville's neglect to make a decision within 120 days after receipt by the clerk of the Application for Zoning By-law Amendment;
- (3) a Parkway Belt West Plan Amendment Application filed in accordance with section 6 of the *Ontario Planning and Development Act, 1994*, S.O. 1994, c.23, as amended;
- (4) an application for site plan approval pursuant to section 41(12) of the *Planning Act* that was filed with the Corporation of the Town of Oakville on February 17, 2006; and
- (5) Deferral No. 2 and part of Deferral No. 18 (as it applies to the subject property only) of the Regional Plan (1995) for the Regional Municipality of Halton, filed on November 27, 1995 pursuant to section 17 of the *Planning Act*, R.S.O. 1990, as it then read.

The member of the Board (called a "Joint Board") holding the Hearing will be a member of the Ontario Municipal Board.

The Proponent is proposing to amend the Town of Oakville Official Plan and Zoning By-law to permit the development of a nine storey apartment building consisting of 207 units on the table land portion of three properties municipally known as 2322, 2332 and 2362 Upper Middle Road in the Town of Oakville.

The Official Plan Amendment application proposes to add the table land portions of these lands into the Glen Abbey Community Planning Area and to redesignate the subject lands from "Parkway Belt West" to "Residential – High Density II" to permit an apartment development at a density of 195 units per site hectare. The rezoning application proposes to rezone the 1.06 hectare (2.62 acre) table land portion of the subject lands from "05" (Parkway Belt Public Use) to "R8 – Special Section" to permit the proposed use.

On October 26, 2004, the Proponent submitted an application to the Ministry of Municipal Affairs and Housing to delete a portion of the table lands situated at 2363 Upper Middle Road from the Parkway Belt West Plan to accommodate the proposed apartment development.

The Proponent proposes to redesignate the subject lands in the Regional Plan to "Urban".

The purpose of a Joint Board Hearing is to hear all of the issues related to the undertaking at one time, rather than having separate Hearings.

HOW TO PARTICIPATE

Groups or individuals interested in participating in the Hearing may express either their private concerns or their concerns regarding the public interest. The Joint Board will consider requests for status at the Preliminary Hearing. A request to participate should be made at least seven days before the Preliminary Hearing by filing a Notice of Intent to Participate. A request to participate may also be made at the Hearing provided that the proceeding has not terminated in the interim.

The levels of participation that are available depend upon what Rules of Practice the Joint Board has adopted. Where the Joint Board has adopted the Rules of Practice of the Environmental Review Tribunal, a person or group can request to be added as a Party, Participant or Presenter. Please refer to the Rules of Practice of the Environmental Review Tribunal and the document "A Guide to Hearings under the *Consolidated Hearings Act*" for more information regarding the different levels of participation. These documents are available from the Environmental Review Tribunal website at www.ert.gov.on.ca. Where the Joint Board has adopted the Rules of Practice and Procedure of the Ontario Municipal Board, a person or group can request to be added as either a Party or Participant. Please refer to the Rules of Practice and Procedure of the Ontario Municipal Board and the document "Your Guide to the Ontario Municipal Board" for more information regarding levels of participation. These documents are available from the Ontario Municipal Board website at www.omb.gov.on.ca.

FILING OF NOTICE OF INTENT TO PARTICIPATE

Anyone who wishes to participate in the Hearing should indicate their intent to obtain status by submitting written notice to the Office of Consolidated Hearings by April 24, 2006. The Notice of Intent should contain a clear statement of the person's or group's interest in the Hearing and whether they wish to obtain status at the Hearing as a Party, a Participant, or, where the Joint Board has adopted the Rules of Practice of the Environmental Review Tribunal, a Presenter.

Please note that the names, addresses, telephone and fax numbers of interested persons may be circulated in advance of the Hearing in order to ensure discussion among potential Parties, Participants and Presenters.

PRELIMINARY HEARING

A Preliminary Hearing will be held by the Joint Board appointed to conduct the Hearing on Wednesday, May 3, 2006 at 10:00 a.m. in the Oakville-Trafalgar Room, 1225 Trafalgar Road, Oakville, Ontario. The purpose of the Preliminary Hearing is to hear submissions from those who will be seeking status to participate and rule thereon; identify the issues to be considered at the Hearing; establish the pre-Hearing process (information and document exchange; meetings of Parties and their legal and technical representatives) and deal with any other preliminary matters.

HEARING

The Joint Board will set dates for the Hearing at the Preliminary Hearing.

IMPORTANT

There will be no court reporting services provided by the Office of Consolidated Hearings for the Hearing. If the Parties, Participants and Presenters consider that they require a transcript of the proceedings they may obtain such service at their own expense.

If you require the assistance of a French language interpreter, or if you have special needs that must be accommodated, please advise the Hearings Registrar as soon as you receive this notice. Collect calls are accepted.

Pour des renseignements en français, veuillez appeler le Tribunal de l'environnement au (416) 314-4600. Les appels à frais virés sont acceptés.

TAKE NOTICE that this Preliminary Hearing date is **peremptory** to all Parties. If you do not attend at this Preliminary Hearing and identify yourself, the Joint Board may proceed in your absence and you may not receive any further notice in these proceedings.

FOR FURTHER INFORMATION

Copies of the Notice and documentation submitted by the Proponent pertaining to this undertaking are available for inspection during normal business hours at:

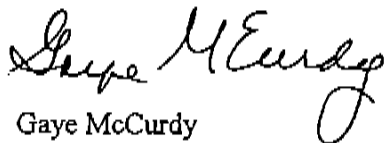
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Contact: Cathie Best
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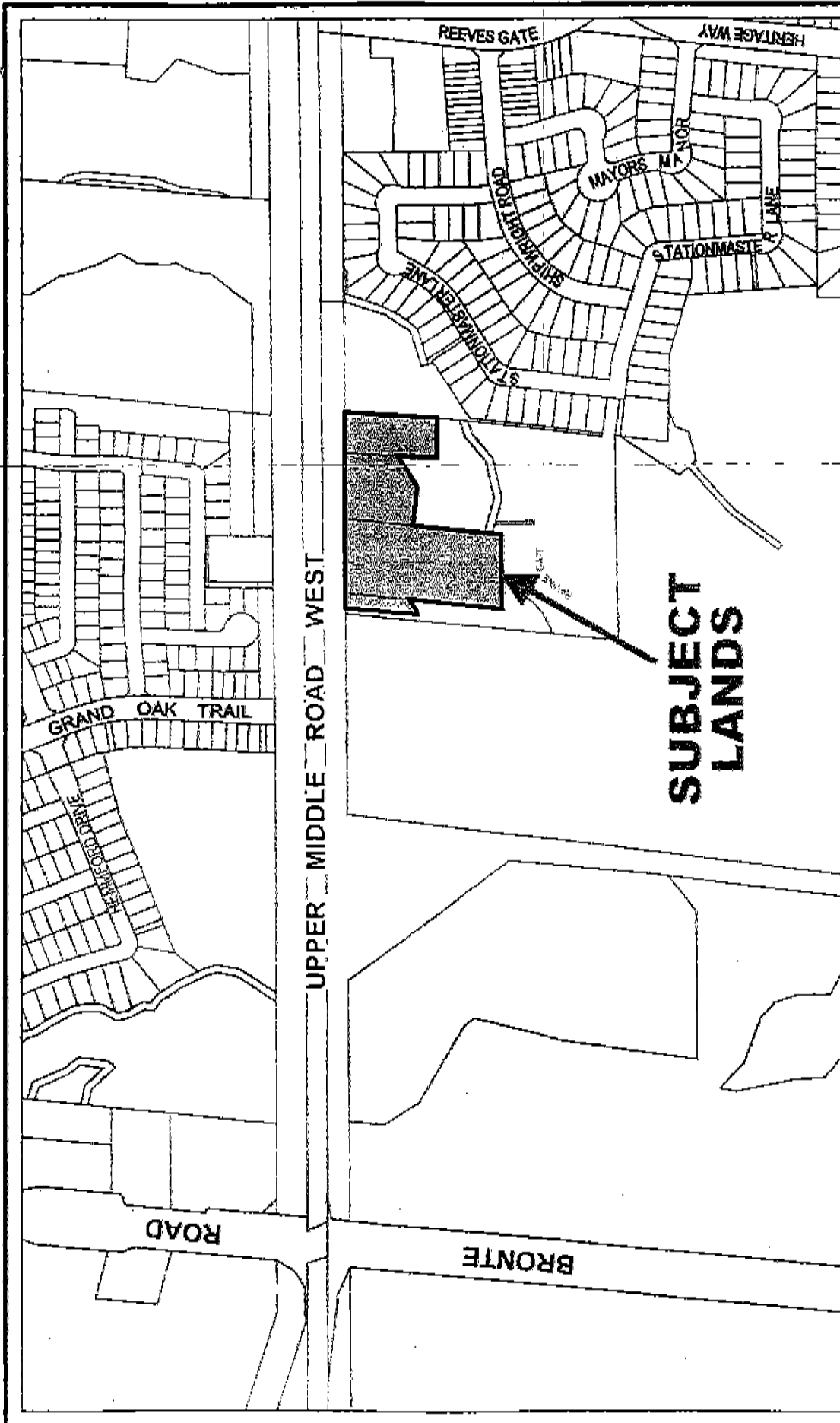
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Contact: Gaye McCurdy
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E-mail: gaye.mccurdy@ert.gov.on.ca

DATED at TORONTO, this 10th day of March, 2006.



Gaye McCurdy
Hearings Registrar



**CREEKBANK
DEVELOPMENTS LIMITED
Z.1529.02**

Corporate Drafting & Design Office

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