

ISSUE DATE:

Nov. 6, 2009



PL080798

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Roger LeClair has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 2000-08 of the Township of Bonfield to rezone lands respecting Lots 13 & 14, Concession 7 from Rural (A2) to Special Zone No. 38 (SZ. 38) to allow for a Drag Strip complete with return land and accessory uses such as Chip Stand, Shower and Beer Garden

Municipal Submission No. ZC 4/2007

OMB File No(s). PL080798

APPEARANCES:

Parties

Counsel

Roger Leclair and Clark North

I. Kagan

Township of Bonfield

E. Veldboom

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. P. ATCHESON
ON OCTOBER 27, 2009 AND ORDER OF THE BOARD**

This was a telephone conference of the Board conducted as a result of a decision of Mr. Justice R. Del Frate of the Divisional Court dated Friday June 26, 2009 resulting from a leave to appeal motion brought by the Township of Bonfield seeking leave to appeal the decision of Member J. E. Sniezek dated February 4, 2009 (Board file PL080798).

Mr. Justice R. Del Frate in this decision set aside the decision of the Board dated February 4, 2009 and directed that the matter be referred back to the Board to be heard by a new member.

The purpose of this telephone conference pursuant to Legal Counsel's letter to the Board of September 16, 2009, was to hear comments from the parties regarding further submissions for review by the parties.

Mr. Veldboom indicated that he had not had time to bring forward the material request by the Board's Legal Counsel and was in discussions with his clients.

Mr. Kagan advised the Board that he had just been retained by his Clients today and that they were contemplating bringing an action to have the decision of Mr. Justice R. Del Frate overturned. He requested additional time to meet with his clients in order that they might fully review their legal options.

Counsel for both parties on consent agreed that they both needed more time to adequately consider their respective legal options in the matter.

Accordingly the Board will abridge the time set out to bring a motion for review and will adjourn any further consideration of the matter *sine die* on the understanding that either party may bring the matter back subject to the Board's availability.

This is the Order of the Board.

"J. P. Atcheson"

J. P. ATCHESON
MEMBER