

ISSUE DATE:

Aug. 13, 2010



PL100081

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Goldman 105106 Ontario Ltd. has appealed to the Ontario Municipal Board under subsection 22(7) 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 the Official Plan for the Town of Orangeville to redesignate Block 110, Plan 43M-1120 from "Site Specific Policy" to "Low Density Residential" to permit 14 semi-detached dwellings and 1 single detached dwelling on a common element private driveway

Approval Authority File No. : OPZ 1/09

OMB File No. PL100081

Goldman 105106 Ontario Ltd. 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 22-90, as amended, of the Town of Orangeville to rezone lands respecting Block 110, Plan 43M-1120 from Residential Sixth Density (R6) and special provision 24.84 to permit the development of 14 semi-detached dwellings and 1 single detached dwelling on a common element private driveway

OMB File No. PL100082

Goldman 105106 Ontario Ltd. has appealed to the Ontario Municipal Board under subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Town of Orangeville to refuse approval of a proposed plan of subdivision on lands composed of part of Lot 30, Concession 1, Registered Plan 43M1120, Block 110,

Approval Authority File No. CD-1/09

OMB File No. PL100083

APPEARANCES:

Parties

Town of Orangeville

Goldman 105106 Ontario Ltd.

Counsel

J. Self

R. K. Webb

Participants

Thomas Neild

Janice and Joel Genoe

Kathleen Burnell

Terry Ribeca

**MEMORANDUM OF ORAL DECISION DELIVERED BY K. J. HUSSEY
ON JUNE 17, 2010 AND PROCEDURAL ORDER OF THE BOARD**

This is the Pre-hearing Conference for the hearing of the appeals brought by Goldman 105106 Ontario Ltd. ("Applicant") from Council's refusal to approve applications for Official Plan and Zoning By-law Amendments, and a Plan of Subdivision. The Applications are with respect to property described as part of Lot 30 Concession 1, Block 110 Plan 43 M-1120, located east of the existing easterly limits of McCannell Avenue, south of Marshall Crescent, in the Town of Orangeville.

The Board is satisfied that adequate notice of this Pre-hearing Conference was given.

Parties and Participants:

The parties and participants have been identified and are as noted above.

The Issues:

The Issues have been determined by the parties and are as listed in Attachment "1" to this Order. There will be no change to this list unless permitted by the Board. The party who asks for changes may have costs awarded against it.

The Witnesses:

The Town intends to call two witnesses: a Land Use Planner and a Traffic Engineer. The Applicant intends to call a Traffic Engineer, a Land Use Planner and a representative of Goldman 105106 Ontario Ltd.

On full consent, and at the request of the parties, the Board directs the following:

1. The hearing will commence on **November 1, 2010**, at **11:00 a.m.** at the **Council Chambers, Municipal Building, 87 Broadway, in the Town of Orangeville**. The dates scheduled for the hearing are November 1, 2, 3, 4, 8, 9 and 10.

2. Witness Statements of experts, and evidence to be relied upon at the hearing, will be filed by the Parties with each other and with the Board a minimum of **60 days** prior to the hearing date. Any reply will be provided to the other Party a minimum of **30** days before the hearing.
3. Participants must provide a written statement to the Board and to each Party at least **30** days prior to the hearing or the participant may not give oral evidence at the hearing.

There will be no further notice.

The Board encourages the parties and their experts to engage in efforts to further focus and/or settle matters in dispute.

This Member is not seized.

The Board so Orders.

"K. J. Hussey"

K. J. HUSSEY
MEMBER

ATTACHMENT “1”

ONTARIO MUNICIPAL BOARD Commission des affaires municipales de l’Ontario

PROCEDURAL ORDER

1. The Board may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.
2. The hearing will begin on the 1st day of November, 2010 at 11:00 a.m. in the Council Chambers in the Municipal Building at 87 Broadway in the Town of Orangeville in the County of Dufferin.
3. The length of the hearing will be about 7 hearing days, with the Board not sitting on Friday, November 5, 2010.
4. The parties and participants identified at the prehearing conference are listed on Attachment 1 to this Order.
5. The issues list is as shown on Attachment 2 to this Order. There will be no changes to this list unless the Board permits, and a party who asks for changes may have costs awarded against it.
6. Any person intending to participate in the hearing should provide a telephone number to the Board as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Board of the representative’s name, address and phone number as soon as possible.
7. A party who intends to call witnesses, whether by summons or not, shall provide to the Board, the other parties and to the Clerk a list of witnesses and the order in which they will be called. This list must be delivered on or before the 1st day of September, 2010.
8. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documentation to be relied on at the hearing. Copies of this must be provided as in section 11. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert’s testimony.

9. A participant must provide to the Board and the parties a participant's statement on or before the 1st day of October, 2010, or the participant may not give oral evidence at the hearing.
10. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement, but the party calling them must file a brief outline of the expert's evidence, as in section 11.
11. On or before the 1st day of September, 2010, the parties shall provide copies of their expert witness statements to the other parties and to the Clerk of the Town of Orangeville.
12. On or before the 1st day of October, 2010 the parties shall provide copies of their visual evidence to all of the parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
13. Parties may provide to all other parties and file with the Clerk a written response to any written evidence on or before the 1st day of October, 2010.
14. A person wishing to change written evidence, including witness statements, must make a written motion to the Board.
15. A party who provides a witness' written evidence to the other parties must have the witness attend at the hearing to give oral evidence, unless the party notifies the Board at least 7 days before the hearing that the written evidence is not part of their record.
16. Documents may be delivered by personal delivery, e-mail, facsimile or registered or certified mail, or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's Rules 26 to 31 on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
17. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

This Member is not seized.

So orders the Board.

**ATTACHMENT 1
(to procedural order)**

Parties

Goldman 105106 Holdings Ltd.
Town of Orangeville

Participants

List in Board's file

**ATTACHMENT 2
(to procedural order)**

Issues List

1. Should the Official Plan Amendment be refused so that the lands may be preserved for the purpose of a future road extension/alignment connecting County Road 109 with Provincial Highway 9, or for any other future road alignment?
2. If the answer to issue number 1 is “no” and the lands may be developed, then does the applicant’s proposal represent good planning and appropriate development?
 - a. Is the proposed development consistent with the Provincial Policy Statement and any other applicable Provincial plan?
 - b. Does the proposed development have a negative impact on the community? Is the proposed development of a character and appearance that integrates well with the surrounding community, and is that an appropriate test?
 - c. Do the specific zoning provisions set forth in the application provide for a development that represents good planning?
 - d. Can the proposed 15-unit development be accommodated by the existing and planned transportation infrastructure?