

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: January 18, 2016

CASE NOS.:

PL080248
PL101408
PL120151
PL130110
PL141189

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Ornstock Developments Ltd
Appellant: Lorwood Holdings Inc.
Appellant: Ivy Manor Estates Inc. and others
Subject: New Official Plan
Municipality: City of Brampton
OMB Case No.: PL080248
OMB File No.: PL080248
OMB Case Name: Crawford v. Brampton (City)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Northwest Brampton Landowners Group Inc.,
Appellant: 840966 Ontario Limited
Appellant: Orlando Corporation and others
Subject: Proposed Official Plan Amendment No. 16
Municipality: Regional Municipality of Peel
OMB Case No.: PL051048
OMB File No.: O050167

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: North West Brampton Landowners Group Inc.
Appellant: 840966 Ontario Limited
Appellant: Orlando Corporation and others

Subject: Zoning By-law 300-2005
 Municipality: City of Brampton
 OMB Case No.: PL051251
 OMB File No.: R050276, R060007 to R060013 and R060043

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Northwest Brampton Landowners Group Inc.,
 Appellant: 840966 Ontario Limited
 Appellant: Orlando Corporation and others
 Subject: Proposed Official Plan Amendment No. 93-255
 Municipality: City of Brampton
 OMB Case No.: PL051251
 OMB File No.: O050198, O060007 to O060012

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Orlando Corporation
 Appellant: 840966 Ontario Limited
 Appellant: Ivy Manor Estates Inc. and others
 Subject: Proposed Official Plan Amendment No. OP92-270
 Municipality: City of Brampton
 OMB Case No.: PL061159
 OMB File No.: O060221

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Orlando Corporation
 Appellant: 840966 Ontario Limited
 Appellant: John Cutruzzola and others
 Subject: Proposed Official Plan Amendment No. OP92-271
 Municipality: City of Brampton
 OMB Case No.: PL061159
 OMB File No.: O060222

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

Applicant and Appellant: 860116 Ontario Limited and 840966 Ontario Limited

Subject: Application to amend Zoning By-law No. 270-2004 – Neglect of application by City of Brampton

Existing Zoning: Agricultural A and A(H) Section 1869

Proposed Zoning: “A –Exception”

Purpose: To permit the development of a golf course

Property Address/Description: East half of Lot 3, Con. 6, W.H.S. and West Half lot 2, Conc. 5, W.H.S. Brampton

Municipality: City of Brampton

OMB Case No.: PL081268

OMB File No.: PL081268

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: AMB Highway BP 1 Canco Inc. Et All

Appellant: City of Mississauga

Appellant: Region of Peel

Appellant: Solmar Development Corporation

Subject: Failure of the Regional Municipality of Peel to announce a decision respecting Proposed Official Plan Amendment No. OPA #24

Municipality: Regional Municipality of Peel

OMB Case No.: PL101408

OMB File No.: PL101408

OMB Case Name: AMB Highway BP 1 Canco Inc. V. Peel (Regional Municipality)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Solmar Development Corporation

Subject: Proposed Official Plan Amendment No. 20

Municipality: Upper Tier of Peel

OMB Case No.: PL101408

OMB File No.: PL091170

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Town of Caledon
 Subject: Failure of The Regional Municipality of Peel to announce a decision respecting Proposed Official Plan Amendment No. OPA #226
 Municipality: Town of Caledon
 OMB Case No.: PL101408
 OMB File No.: PL110195

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Solmar Development Corporation
 Subject: Proposed Official Plan Amendment No. 22
 Municipality: Upper Tier of Peel
 OMB Case No.: PL101408
 OMB File No.: PL101063

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1388688 Ontario Limited
 Appellant: 805062 Ontario Limited
 Appellant: 857529 Ontario Inc.
 Appellant: Brampton Areas 52,53 Landowners Group Inc.; and others
 Subject: Failure of the Regional Municipality of Peel to announce a decision respecting Proposed Official Plan Amendment No. OPA 2006-043
 Municipality: City of Brampton
 OMB Case No.: PL120151
 OMB File No.: PL120151

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: AMB Highway BP 1 Canco Inc. Et All
 Appellant: Brampton Brick Limited
 Appellant: G.C. Jain Investments Ltd.
 Appellant: Mayfield West Developers Group Inc.; and others
 Subject: Proposed Official Plan Amendment No. 26

Municipality: Regional Municipality of Peel
 OMB Case No.: PL130110
 OMB File No.: PL130110

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Region of Peel
 Appellant: Ministry of Municipal Affairs and Housing
 Appellant: Caveze Investments Limited
 Appellant: Adriano Lori; and others
 Subject: Proposed Official Plan Amendment No. OP 2006-105

Municipality: City of Brampton
 OMB Case No.: PL141189
 OMB File No.: PL141189
 OMB Case Name: Bottos v. Brampton (City)

Heard: October 16, 2015 in Brampton, Ontario

APPEARANCES:

Parties

Counsel*/Representative

The Regional Municipality of Peel	S. Garrod* and R. MacIver*
City of Brampton	B. Kussner* and J. Meader*
Town of Caledon	L. Bisset*
The Regional Municipality of Halton and the Town of Halton Hills	J. Wilker*
Ministry of Municipal Affairs and Housing	U. Popadic*
Toronto and Region Conservation Authority	A. Miller
840966 Ontario Ltd. and 860116 Ontario Ltd.	G. Swinkin*
Cavese Investments Limited	D. Artenosi*

Gabriella Buffa, Ceolin and Bottos Group/Lori Group and Sartor Group; and, 2262428 Ontario Inc.	P. Bottos*
Solmar Development Corporation, Osmington Inc., and Heathwood Homes (Brampton) Inc.	M. McDermid*
Hydro One Networks Inc.	E. Finn*
Orlando Corporation	L. Longo*
Mayfield West Phase 2 Landowners Group, (incl. Mayfield Station Developments Inc., Mayfield McLaughlin Developments Inc., Caledon Development LP, Ben-Ted Construction Ltd., A-Major Homes (Ontario) Inc., and Lormel Joint Venture Inc.)	L. Longo * for S. Zakem* (absent)
Brampton Brick Limited	R. Godley*
Lorwood Holdings Inc., Ivy Manor Estates Inc., and 1212949 Ontario Inc.	J. Park*
Brampton Areas 52, 53 Landowners Group Inc.; and, AMB Highway BP 1 Canco Inc., AMB Highway BP 2 Canco Inc., and AMB Highway BP 3 Canco Inc.	A. Pilkington*
Northwest Brampton Landowners Group Inc.	S. Kaufman*
Block 47-1 Landowners Group and Block 47-2 Landowners Group	C. Facciolo*
Maple Lodge Farms Ltd.	R. E. Folkes*
Green Acres Farm	D. Lent*

[1] This decision deals with several matters under appeal—some related, some not—considered in a joint prehearing conference.

Transportation and Corridor Protection-related Matters

[2] Through two case management streams, the Board is dealing with appeals to numerous planning instruments adopted, respectively, by the Regional Municipality of Peel (“Peel”), the City of Brampton (“Brampton”), and the Town of Caledon (“Caledon”). Common to the instruments in each stream are respective policies adopted to protect for the GTA West Transportation Corridor (“Corridor”). The Corridor is identified in the Growth Plan for the Greater Golden Horseshoe and is the subject of a planning and environmental assessment study. Peel, Brampton, and Caledon are obligated to protect for the Corridor while it is being studied—hence the adoption of policies now under appeal. To date, policies relating to the Corridor have been identified as transportation and corridor protection policies (“TCPPs”), and they have been held in abeyance as the Board has dealt with the balance of the appealed instruments.

[3] The Corridor planning and environmental assessment process has advanced to a point where it is both prudent and logical to administratively consolidate the TCPPs under appeal. This, on consent, is what the parties are requesting of the Board. Stephen Garrod reported that nothing more is being sought at present as it would be premature to schedule anything beyond a further prehearing conference for June 2016.

[4] In the interest of facilitating future hearing efficiencies, both procedurally in the immediate term and substantively over time, the Board accedes to the request and approves the administrative consolidation of the TCPPs under appeal. In connection therewith, it directs Mr. Garrod, Barnet Kussner and Laura Bisset to prepare a schedule articulating the TCPPs under appeal that are the subject of the administrative consolidation. That schedule shall identify the municipal planning instrument, the appealed TCPPs thereunder, and the respective OMB file number assigned to that instrument’s appealed TCPPs. Once in-hand, the Board will issue a further order

appending that schedule so as to serve as a single-source repository and identifier of the administratively consolidated TCPP appeals.

[5] A further prehearing conference is scheduled for **Monday, June 6, 2016, commencing at 10 a.m. at:**

**Court Room B7
Provincial Offence Court (Peel)
5 Ray Lawson Blvd., Brampton
Brampton, ON L6Y 5L7**

Brampton-specific Matter: Official Plan Amendment No. 105

[6] At a prehearing conference convened in June 2015, the Board directed a refinement and finalisation of issues—save for those relating to TCPPs appealed by Peel and the Ministry of Municipal Affairs and Housing—for August 31, 2015. Mr. Kussner tabled a Consolidated Issues List (Exhibit 3) and requested an order of the Board approving that List.

[7] As this request is advanced on consent, the Board accedes and orders the List approved, recognizing that future revisions may be required provided that they do not seek to introduce new issues heretofore not identified. The Board adds that the approved List is to be read in conjunction with a Matrix of Appeals (Exhibit 4). For convenience, both the List and the Matrix are appended to this decision as Attachment 1 and Attachment 2, respectively.

[8] Regarding the status of policies in Official Plan Amendment No. 105 no longer under appeal as a result of the refinement exercise, this panel will leave it to counsel to confer with a view to determining how they wish to have that status recognised.

[9] A further prehearing conference is scheduled for **Friday, March 4, 2016, commencing at 10 a.m. at:**

**Court Room B7
Provincial Offence Court (Peel)
5 Ray Lawson Blvd., Brampton
Brampton, ON L6Y 5L7**

Miscellaneous Matters

[10] The Board acknowledges Peel's reservation of its right to challenge the status of the appeals filed by AMB Highway BP 1 Canco Inc., AMB Highway BP 2 Canco Inc., and AMB Highway BP 3 Canco Inc. relating to the Regional planning instruments otherwise under appeal.

[11] Finally, a request for party status submitted by Jain Investments Inc. relating to Official Plan Amendment No. 105 is held in abeyance and will be revisited at the prehearing conference scheduled for March 4, 2016.

"James R. McKenzie"

JAMES R. McKENZIE
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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ATTACHMENT 1

Exhibit: 3

File #: PL141189

Consolidated Issues List¹

No.	Issue	Parties with an Interest
Minister of Municipal Affairs and Housing (MAH)		
1	Do the policies and schedules under appeal by MAH (MAH-Appealed Policies and Schedules) prematurely grant planning approvals and allow development within the GTA-West Corridor Preliminary Route Planning Study Area (Study Area) in advance of a determination of the GTA-West Corridor Preliminary Route?	Block 47-1 Landowners Group and Block 47-2 Landowners Group (Landowners' Groups) AMB Highway BP 1 Canco, Inc., AMB Highway BP 2 Canco, Inc., & AMB Highway BP 3 Canco, Inc. (AMB) Clarkway-Mayfield Orlando Corporation
2	Do the MAH-Appealed Policies and Schedules hinder the protection of future transportation corridors and linkages for the Greater Toronto Area?	Landowners' Groups AMB Clarkway-Mayfield Orlando Corporation
3	Did Council's decision to approve the MAH-Appealed Policies and Schedules have sufficient regard for subsections 2(f), (m), and (p) of the <i>Planning Act</i> ?	Landowners' Groups AMB Clarkway-Mayfield Orlando Corporation

¹ The specific policies and schedules under appeal by each appellant are set out on the attached Matrix of City of Brampton Appeals Against OPA 105 (Highway 427 Industrial Secondary Plan).

4	Do the MAH-Appealed Policies and Schedules conform to the Growth Plan for the Greater Golden Horseshoe, particularly sections 3.2.2.3 and 3.2.4.6?	Landowners' Groups AMB Clarkway-Mayfield Orlando Corporation
5	Are the MAH-Appealed Policies and Schedules consistent with the Provincial Policy Statement, 2014, particularly policies 1.1.1 g), 1.6.8.1, and 1.6.8.3?	Landowners' Groups AMB Clarkway-Mayfield Orlando Corporation
Regional Municipality of Peel		
6	Are the policies and schedules under appeal by the Region (Region-Appealed Policies and Schedules) consistent with the intent of the Regional Official Plan?	Landowners' Groups AMB Clarkway-Mayfield Orlando Corporation
7	Do the Region-Appealed Policies and Schedules properly coincide with the Study Area?	Landowners' Groups AMB Clarkway-Mayfield Orlando Corporation
Sartor, Pedron, Pellarin, Lus, et. al; 2167942 Ontario Inc.; Bottos, Buffa, Cedin; Iori (Clarkway-Mayfield)		
8	<p>a. Do the policies and schedules under appeal by the Clarkway-Mayfield appellants preclude alterations or adjustments to the limits of the Natural Heritage System, including the Valleylands and Watercourse designation limits, in advance of the completion of the Master Environmental Servicing Plan?</p> <p>b. Are the policies and schedules in respect of the Natural Heritage System, including Valleylands and Watercourse designations appropriate and/or consistent with the City Official Plan and Regional</p>	TRCA Landowners' Groups

	<p>Official Plan?</p> <p>c. Are the limits of the Natural Heritage System, including the Valleylands and Watercourse designation limits, including the 15 metre top of bank buffer limit appropriate and capable of being adjusted during this hearing?</p>	
<p>9</p>	<p>In relation to section 5.1.5, which sets out policies respecting Peel Living, affordable housing, and similar non-profit social housing agencies:</p> <p>a. Do these policies lack appropriate specificity?</p> <p>b. Has the rationale for inclusion of these policies in OPA 105 been specifically outlined and established?</p> <p>c. Should these policies specify how much land, how many sites, and the location of sites required to address the objectives of these policies?</p> <p>d. Are these policies appropriate and consistent with the City Official Plan and/or the Region of Peel Official Plan and the Provincial Policy Statements?</p>	<p>Landowners' Groups</p>
<p>10</p>	<p>In relation to section 5.5.2, which indicates that no approval of draft plans, site plans or rezoning shall be permitted until such time as the City of Brampton acquires the Community Park or has entered into an Agreement to ensure the conveyance of the Community Park or has entered into an Agreement to ensure the conveyance of the Community Park to the City:</p> <p>a. Are these policies unduly onerous?</p> <p>b. Do these policies result in landowners having no control over the location of Community Parks?</p> <p>c. Are these policies appropriate and/or consistent with the City Official Plan and/or Regional Official Plan?</p>	<p>Landowners' Groups</p>

Caveze Investments Limited (Caveze)		
11	Do the policies and schedules under appeal by Caveze ("Caveze-Appealed Policies and Schedules") provide appropriate recognition for properties that are already developed, such as the lands owned by Caveze ("Caveze Lands")?	TRCA Landowners' Groups
12	Do the Caveze-Appealed Policies and Schedules: <ul style="list-style-type: none"> a. Inappropriately undermine the ability for the Caveze Lands to facilitate existing uses and the current buildings? b. Inappropriately undermine the ability to expand operations and building areas? c. Impose financial or other obligations on the Caveze Lands that are required for other lands in the area to develop? Are these policies reasonable, fair and equitable? d. Fail to account for the existing and planned function of the Caveze Lands and to constitute good planning? 	TRCA Landowners' Groups
13	Does the introduction of a "new" Collector Road between Coleraine Drive and Regional Road 50, as shown on Schedules D, E and L (SP47(a)), as currently proposed to run through the Caveze Lands: <ul style="list-style-type: none"> a. Negatively impact on the ability for the existing uses and building areas on the Caveze Lands to operate and expand and undermine Provincial policy? 	Landowners' Groups Orlando Corporation
14	Is the "new" Collector Road between Coleraine Drive and Regional Road 50, as shown on Schedules D, E, and L (SP47(a)), required and/or appropriately sited?	Landowners' Groups Orlando Corporation
15	Are the Active Transportation policies under appeal by Caveze vague and therefore inappropriate? Are the potential road widenings, as contemplated by and described in these policies, appropriate? Do these policies have the effect of giving non-Official Plan policies the force and/or effect of Official Plan policy?	Landowners' Groups

ATTACHMENT 2

City of Brampton Appeals Against OPA 105 (Highway 427 Industrial Secondary Plan)
PL141189:

10/15/2015

NOTE: Notwithstanding that certain policies are indicated with an 's' as remaining under appeal on a site-specific or area-specific basis, the City acknowledges that these Appellants remain at liberty to seek modifications, additions or deletions to the text of those policies which may be of general application to some or all of the lands across the City. The City will not use the 's' as a reason to oppose the changes on jurisdictional or other grounds but is, of course, at liberty to oppose the changes on their planning merits.

Appellant Names are Provided for Convenience and Reference Purpose Only

Appealed Policies	Sartor, Pedron, Pellarin, Lus, et. al. ¹	2167942 Ontario Inc. ¹	Bottos, Buffa, Cedin ¹	Ion ¹	Ministry of Municipal Affairs & Housing ²	Region of Peel	Caveze Investments	Orlando (Non-Appellant Party)
1.0							w	
3.0							s	
4.1(xi)							w	
4.2	s	s	s	s				
4.2.2	s	s	s	s				
4.2.3	s	s	s	s				
4.2.14							w	
4.2.17							w	
4.2.19							w	
4.2.28							w	
4.2.32							w	
4.2.32 (ii)	w	w	w	w				
5.1.5	w	w	w	w				
5.1.1.6	w	w	w	w				
5.3.1.2							w	
5.3.9.1							s	
5.3.9.3							s	
5.3.9.6							w	
5.4 (Natural Heritage)	s	s	s	s				
5.4.1.1	s	s	s	s				
5.4.1.2	s	s	s	s				
5.4.1.3	s	s	s	s				
5.4.1.4	s	s	s	s				
5.4.1.7	s	s	s	s				
5.4.1.10	s	s	s	s				
5.4.2	s	s	s	s				
5.4.2.1	s	s	s	s				
5.4.2.2	s	s	s	s				
5.5.2	w	w	w	w				
6.3	s	s	s	s	s			
6.4	s	s	s	s	s			
6.5	s	s	s	s	s			
6.6.1							w	
7.1	w	w	w	w		s		
7.1.1							w	
7.1.2							w	
7.1.5							w	
7.1.6							w	
7.1.7							w	
7.1.8							w	
7.1.9							w	
7.1.10							w	
7.1.11							w	
7.2	w	w	w	w	s	s		
7.2.1 (ii)								s
7.2.1 (iv)								s
7.2.2							w	
7.3.2							w	
7.3.6							w	
7.3.7							w	
7.4.2							w	
7.4.7							w	
7.4.8							w	
8.1.3							w	
10 (Community Block Plan)	s	s	s	s				
10.1.2							w	
10.1.3	w	w	w	w				
10.5.1	w	w	w	w				
10.5.2	w	w	w	w				
10.6.1							w	
10.10.2							w	
12 (General Provisions)	s	s	s	s				
12.1.2	s	s	s	s			w	
12.1.3	s	s	s	s				
12.1.4							w	
12.3.2							s	
12.4.1							w	
13.1							w	
Appealed Schedules								
Schedule A	s	s	s	s				
Schedule B	s	s	s	s	s	s		
Schedule D					s	s	w	
Schedule E					s	s	w	
Schedule G	s	s	s	s				
Schedule K							w	
Schedule L	s	s	s	s	s	s	w	
Schedule M					s		w	

How to read this chart:

S	Site Specific or Area-Specific Appeal
W	Policy has been appealed as it applies to the whole Secondary Plan Area

Note 1: In respect of sections 6.3, 6.4 and 6.5, the appeal has been scoped to the extent of the corresponding Special Policy Area
 Note 2: Area-Specific - GTA West Corridor and certain Special Policy Areas

Exhibit: 4
 File #: PL141189