ISSUE DATE:

Nov. 18, 2011

Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL101408
PL110195
PL100111
PL110973

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	City of Mississauga
Appellant:	Region of Peel
Appellant:	Solmar Development Corporation
Subject:	Failure of the Minister of the Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 24
Municipality:	Upper Tier of Peel
OMB Case No.:	PL101408
OMB File No.:	PL101408

IN THE MATTER OF 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. 21-OP-9601-020
Municipality:	Regional Municipality of Peel
OMB Case No.:	PL101408
OMB File No.:	PL091170

IN THE MATTER OF 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:	Regional Municipality of Peel
OMB Case No.:	PL101408
OMB File No.:	PL101063

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Azuria Group
Appellant:	Gemini Urban Design (Cliff) Corp.
Appellant:	Orlando Corporation
Subject:	Proposed Official Plan Amendment No 95
Municipality:	City of Mississauga
OMB Case No.:	PL100111
OMB File No.:	PL100111

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

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

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	2188101 Ontario Inc., 1615242 Ontario Inc and 2187308 Ontario Inc
Subject:	Failure of the Regional Municipality of Peel to announce a decision respecting the Mississauga Official Plan
Municipality:	City of Mississauga
OMB Case No.:	PL110973
OMB File No.:	PL110973

APPEARANCES:

Parties	**Counsel*/Agent**
Region of Peel	S. R. Garrod*
Ministry of Municipal Affairs and Housing	B. Boxma*, C. Young*
Town of Caledon	C. Barnett*, L. Bissett*
City of Mississauga	Q. M. Annibale*, M. Joblin*
City of Brampton	M. Rea*
Solmar Development Corporation	J. W. Harbell*
Azuria Group	S. A. Zakem*
Gemini Urban Design (Cliff) Corp.	M. R. Flowers*
Orlando Corporation	S. A. Zakem*, (for L. F. Longo*)

Mayfield West Developers Groups Inc.; Osmington Inc.; Heathwood Homes (Brampton) Ltd.; Kindwin (Mayfield) Development Corporation	M. R. Flowers*
Mayfield Station Developments Inc.; Mayfield McLaughlin Developments Inc.; Caledon Development LP; Ben-Ted Construction Ltd.; Caledon 410 Development Limited; A-Major Homes (Ontario) Inc.; Lormel Joint Venture Inc.; (collectively, the Mayfield West Phase 2 Landowners Group)	S. A. Zakem*
Northwest Brampton Landowners Group Ltd.	S. Snider*
James Dick Construction Ltd.	J. Buhlman*
Hopewell Development (Ontario) Inc.; M-J-J-J Developments Inc.	R. D. Howe*
1096288 Ontario Limited	C. Riepma
Lafarge Canada	M. Wensierski
Participants	
Toronto Region Conservation Authority	L. Lee-Yates
Domenic and Antonetta Scida; POD Lift Equipment Ltd.; Giuseppe Scenna and Marco Scida	C. B. John-Baptiste

MEMORANDUM OF ORAL DECISION DELIVERED OCTOBER 18, 2011 BY JAMES R. McKENZIE AND SYLVIA SUTHERLAND AND ORDER OF THE BOARD

This was a third Pre-Hearing Conference (PHC) to deal with the status of appeals relating to Region of Peel Official Plan Amendment Nos. 20, 22, 24; City of

Mississauga Official Plan Amendment No. 95; and, Town of Caledon Official Plan Amendment No. 226.

Mr. Garrod reported at the outset that a five-party agreement – among the Ministry of Municipal Affairs, the Region of Peel, the City of Mississauga, the City of Brampton, and the Town of Caledon – has been executed and ratified, articulating a number of modifications to Official Plan Amendment No. 24 ("ROPA 24"). Now known as the "Government Settlement," the settlement package has been circulated to the other Parties having an interest in the matters before the Board and has been posted on the Region's website.

There is an understanding that ROPA 24 must be dealt with before any of the other appealed instruments. To that end, Mr. Garrod tabled a schedule for dealing with ROPA 24, which, after some discussion among counsel and the Board, was consensually accepted. For ease of future reference, it is appended to this Decision as Attachment "1".

On consent, the Board orders as follows:

1. A fourth PHC is scheduled for Friday, December 16, 2011, commencing at 10:30 a.m. at the Provincial Offence Court, Court Room B7, 5 Ray Lawson Blvd., Brampton, ON L6Y 5L7. No further formal notice is required. The agenda for this PHC is set out in item no. 5 on Attachment "1".

2. The schedule set out in Attachment "1" establishes deadlines, obligations, and terms – under item nos. 2, 3, and 4 – for the parties to respond to the Government Settlement. Those deadlines, obligations, and terms are fixed as stipulated.

3. Item nos. 6, 7, 8, and 9 in the schedule set out in Attachment "1" are provisionally adopted in order to maintain some cohesion in the schedule and understanding of anticipated next steps. While the Board is alert to the public interest in pursuing certainty with respect to the appealed instruments, the scheduling of future proceedings must always be subject to the demands of the Board's calendar and the availability of resources to deploy in connection therewith.

This Panel is no longer seized on the case management of these matters; however, the Board will make every reasonable effort to achieve continuity with respect to the matter before it and what has been procedurally achieved to date.

This is the Order of the Board.

"James R. McKenzie"

JAMES R. McKENZIE
VICE-CHAIR

"Sylvia Sutherland"

SYLVIA SUTHERLAND
MEMBER

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ATTACHMENT "1"

Schedule for ROPA 24 OMB Process

To Reflect the Oral Disposition of the Board at the PHC on October 18, 2011

Item	Activity	Date
1.	Circulation of Settlement among Peel, MMAH, Mississauga, Brampton and Caledon. ("Government Settlement")	October 11, 2011 (+ Posted on Peel Website on October 12, 2011)
2.1	Deadline for all other parties to serve all parties and file updated issues lists with the OMB in response to the Government Settlement.	No later than November 18, 2011
2.2 and 2.3	Deadline for all other parties to serve all parties with their detailed position on the Government Settlement, including specific modifications to the settlement that would be required for their support, together with a brief rationale for any required modifications. **To be "without prejudice" and not filed with OMB.**	
3.	Deadline for all other parties to serve all parties with a "Statement of Interest or Concern" regarding any modifications proposed by other parties, including specifics of any concerns and potential solutions. **To be "without prejudice" and not filed with OMB.**	No later than December 2, 2011
4.	Deadline for Region to serve all parties with its "assessment of potential for further settlement/mediation" (after consultation with other parties to the Government Settlement). Identification of which, if any, of the proposed modifications to the settlement appear to have reasonable potential for settlement discussions or Board mediation and, if so, proposed groupings of issues/parties for such discussions. **To be "without prejudice" and not filed with OMB.**	No later than December 14, 2011
5.	OMB PHC. Set schedule for settlement discussions or mediation sessions in January and/or hearing date.	December 16, 2011
*6.	Settlement discussions and/or Board Mediation	During January 2012
*7.	Next OMB PHC – set Procedural Order and hearing date, if no revisions to settlement are being recommended to Regional Council.	Date to be determined at December PHC.
*8.	Potential municipal and provincial process for considering any recommended modifications to the Government Settlement (February/March, 2012?)	To be determined
*9.	Potential settlement hearing (May/June?)	Date to be determined

*Note: Items 6 through 9 were "provisionally adopted" by OMB.