

ISSUE DATE:

June 14, 2012



PL110080

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

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

Appellant: 1541179 Ontario Ltd. and Lea Silvestri Investments Ltd. (jointly)
Appellant: 1589805 Ontario Inc.
Appellant: 2140065 Ontario Inc.
Appellant: 2163846 Ontario Inc. and others
Subject: Proposed Official Plan
Municipality: Regional Municipality of Waterloo
OMB Case No.: PL110080
OMB File No.: PL110080

APPEARANCES:

Parties

Counsel*/Agent

Regional Municipality of Waterloo

B. Duxbury*

Activa Holdings Inc.
2140065 Ontario Inc.
Stonefield Properties Corp.
Northgate Land Corp.
Hallman Construction Ltd.
Gatestone Development Corp.

R. Howe* and I. Andres*

1541179 Ontario Ltd. and Lea Silvestri Investments Ltd.

R. Aburto* for P. Pickfield*

Brenda and Rusty Brissette

B. Brissette

Springbank Investments Inc.
Kirtoff Holdings Inc.
Edmund Patrick and Linda Margaret Taylor
Mary Alma Corbett
John Kostas
Alfred and Rita Kutajar
Lisa and Willi Kelner
Breslau Properties Ltd.

R. Aburto* for J. Doherty*

Madison Homes Inc.

R. Aburto* for B. Horosko*

Mattamy Development Corporation

L. Townsend*, J. Meader* and D. Baker*

2163846 Ontario Inc.

R. Norris*, G. Tuck Kutarna*

Participants

County of Wellington

D. Thomson*, T. Piurko*

RARE

S. Whelan

Hunder Development Ltd.

P. Pickfield*

Empire Communities – Riverland Ltd.

P. DeMelo*

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN
STEFANKO AND CHRIS CONTI ON MAY 22, 2012 AND ORDER
OF THE BOARD**

At this prehearing, the parties advised that a Procedural Order has been agreed upon for the Phase I hearing which commences July 16, 2012. That Procedural Order (Exhibit 1) is annexed hereto as Attachment “1” and it is hereby issued.

In order to accommodate any last minute issues prior to the commencement of the Phase I hearing, a teleconference has been scheduled for **June 7, 2012 at 4:30 p.m.** **The call-in numbers are 416-212-8012 or 1-866-633-0848 and the code is 4779874#.**

It is so ordered and we are not seized.

“Steven Stefanko”

S. STEFANKO
VICE CHAIR

“Chris Conti”

CHRIS CONTI
MEMBER

ATTACHMENT #1

ONTARIO MUNICIPAL BOARD

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

Appellant:	1541179 Ontario Ltd. and Lea Silvestri Investments Ltd. (jointly)
Appellant:	1589805 Ontario Inc.
Appellant:	2115881 Ontario Limited
Appellant:	2140065 Ontario Inc. and others
Subject:	Proposed Official Plan
Municipality:	Regional Municipality of Waterloo Region
OMB Case No.:	PL110080
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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.

Organization of the Hearing

2. The Hearing will begin on July 16, 2012 at 10:00 a.m. at the Council Chambers, Regional Municipality of Waterloo, 150 Frederick Street, Kitchener, Ontario.
 3. The length of the Hearing will be about 5 weeks.
 4. The parties and participants identified at the prehearing conference are listed in Attachment 1 to this Order.
 5. The issues are set out in the Issues List attached as Attachment 2. 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. The order of evidence shall be in accordance with Attachment 3 or as directed by the Board.
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Requirements Before the Hearing

7. Expert witnesses in the same field shall have a meeting before the hearing to try to resolve or reduce the issues for the hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all of the parties and the Municipal Clerk.
 8. 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 the witnesses and the order in which they will be called. This list must be delivered by May 18, 2012.
 9. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 12. 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.
 10. A witness and participant must provide to the Board and the parties a witness or participant statement on or before June 15, 2012, or the witness or participant may not give oral evidence at the hearing.
 11. 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 12.
 12. On or before June 15, 2012 the parties shall provide copies of their witness or expert witness statements to the other parties and to the Clerk of the Regional Municipality of Waterloo.
 13. On or before July 10, 2012 the parties shall make available the viewing of their visual evidence to all other parties; the venue shall be determined by the parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
 14. Parties may provide to all other parties and file with the Clerk a written response to any written evidence by July 4, 2012.
 15. A person wishing to change written evidence, including witness statements, must make a written motion to the Board.
 16. A party who provides a witness' written evidence to the other parties must have the witness attend 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.
 17. Documents may be delivered by personal delivery, facsimile, electronic mail 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 [26-31] on this subject.
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Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification. Participants must ensure that sufficient extra copies of materials are made available at the time of the Hearing.

18. 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

PARTIES & PARTICIPANTS

Parties

Ministry of Municipal Affairs and Housing

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Attention: Irvin Shachter, Ken Hare and Soojin Lee

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Gord Doehn – via email

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Attention: Susan Whelan

Karen Doehn – via email

Attachment 2

ISSUES LIST

The identification of an issue does not mean that all parties agree that such issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Board at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Board at the hearing will be a matter of evidence and argument at the hearing.

<p>A. LAND BUDGET METHODOLOGY</p>	<p>A-1 Has the Region used a methodology in the preparation of the Land Budget methodology that appropriately assesses land needs to accommodate the 2031 population and employment forecasts contained in Schedule 3 of the Growth Plan?</p> <p>A-2 Does the Land Budget conform with the policies of the Growth Plan?</p> <p>A-3 Are there policies of the Provincial Policy Statement (PPS) that are relevant to the Land Budget, and, if so, are the Land Budget methodology and conclusions consistent with any applicable policies of the PPS?</p> <p>A-4 Does the Land Budget comply with the requirements of the Planning Act including Sections 2, 3 and 26.</p> <p>A-5 Are the assumptions, data and calculations used in the Land Budget accurate and appropriate?</p> <p>A-6 Does the Land Budget appropriately account for housing needs? Should the Land Budget assess demand for housing in respect of unit type, and, if so, was it appropriately addressed through the Land Budget?</p> <p>A-7 Do the policies of the Growth Plan and PPS and/or principles of good planning require consideration of the provision of an</p>
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	<p>appropriate range and mix of housing types as part of undertaking a land needs analysis, and, if so, are these factors appropriately addressed through the Land Budget?</p> <p>A-8 Does the Land Budget appropriately address the need to maintain an adequate supply of employment lands providing locations for a variety of appropriate employment uses?</p> <p>A-9 Does the Land Budget accurately and appropriately calculate the overall land area of the Region's Designated Greenfield Areas, as well as the land area within each identified land use category?</p> <p>A-10 Is the definition of "provincially constrained environmental areas" appropriate and in conformity with the policies of the Growth Plan and consistent with the applicable provisions of the PPS?</p> <p>A-11 Does the Land Budget accurately and appropriately calculate the permitted land area exclusions for the purposes of determining conformity with the minimum density target requirements of the Growth Plan?</p> <p>A-12 Does the analysis in the Land Budget demonstrate that the Region is planning to achieve the minimum density target requirements for the Growth Plan?</p> <p>A-13 Is there a preferred alternative land budget methodology that is in conformity with Places to Grow, and is consistent with the PPS and principles of good planning, that should be used to determine the need for settlement area expansions to accommodate the 2031 population and employment forecasts contained in Schedule 3 of the Growth Plan, and related issues? What is the applicability of Section 2.1 of the Planning Act?</p>
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	<p>F-2 Does the Proposed Plan plan for development that conforms to the minimum density target requirements of the Growth Plan?</p>
<p>G. SETTLEMENT AREA EXPANSIONS</p>	<p>G-1 Are the settlement area expansions shown within the Proposed Plan (e.g. Hwy 401/97 lands, Prime Industrial/Strategic Reserve lands, etc.) justified and appropriate, and in conformity with the policies of the Growth Plan?</p> <p>G-2 Are additional expansions to the Urban Area, Township Urban Area and/or highway 401/Regional Road 97 Employment Area boundaries necessary to accommodate the residential and employment growth forecasts contained in Schedule 3 of the Growth Plan?</p> <p>G-3 If so, how much additional land is required?</p>

Attachment 3

ORDER OF EVIDENCE FOR PHASE 1

1. Regional Municipality of Waterloo;
2. Parties of like interest;
3. Participants of like interest;
4. Parties and participants adverse to the position of the Region (this list is still to be defined).

* The time when participant statements shall be heard will be determined by the Board at the commencement of the Hearing.
