

ISSUE DATE:

May 09, 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.

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.

J. Doherty*

Madison Homes Inc.	B. Horosko*
Mattamy Development Corporation	L. Townsend* J. Meader* D. Baker*
2163846 Ontario Inc.	R. Norris*, G. Tuck Kutarna*

Participants

County of Wellington	D. Thomson*, T. Piorco*
RARE	S. Whelan
Hunder Development Ltd.	P. Pickfield*
Empire Communities – Riverland Ltd.	P. DeMelo*

DECISION DELIVERED BY K. J. HUSSEY ON A PRE-HEARING CONFERENCE, HELD ON MARCH 27, 2012, AND ON A TELEPHONE CONFERENCE CALL HELD ON APRIL 24, 2012, AND ORDER OF THE BOARD

The pre-hearing conference, held on March 27, 2012, was convened to deal with procedural matters for the first phase of the Regional Official Plan appeals.

This phase of the hearing will be on the Region’s land budget analysis and related issues. The parties and participants in this phase of the proceedings are listed in the appearance list above.

Pursuant to the Board’s decision issued on February 3, 2012, the Region updated and revised its land budget to recognize the year 2031 as the appropriate planning horizon in conformity with the Growth Plan; the Region had previously adopted a planning horizon of 2029. The updated document has been circulated.

Counsel for Activa Holdings Inc. et al, told the Board that the new information is based on new concepts and different assumptions, and therefore time is needed to assess the implications of the new land budget. The hearing date that was fixed for May 22, 2012 would not leave sufficient time for understanding the revision, exchanging information, and for meetings with experts to try to narrow the issues. All parties were in agreement.

Counsel for the Region advised the Board that because there is a fundamental difference in approach regarding the methodology used for the land budget exercise, requests for information do not always produce a response, and while the Region is attempting to provide clarification, the parties may need to seek the Board's assistance in eliciting necessary information.

The Board has set aside **May 22, 2012** for a pre-hearing conference for hearing motions arising from these matters. This pre-hearing is scheduled to start at **10:30 a.m.** and will be held at the Regional Council Chambers, **150 Frederick Street, Kitchener, Ontario, N2G 4J3.**

At that time the Region will also seek to dispose of appeals by Appellants who have not attended the pre-hearing conferences.

The Region prepared and circulated a draft Procedural Order.

Telephone conference call held on April 24, 2012

The hearing date that was fixed at the pre-hearing conference on March 27th was problematic and this prompted the parties to request a telephone conference call to discuss alternatives.

The alternative of Board assisted mediation was raised. Counsel for the Region assured the Board that expert meetings have been producing good results and the parties will continue with that process to narrow the issues.

The Board has reserved five (5) weeks for these appeals, scheduled to begin on Monday, **July 16, 2012 at 10:30 a.m.** in the Regional Council Chambers, **150 Frederick Street, Kitchener, Ontario N2G 4J3.**

The Board so Orders.

"K.J. Hussey"

K.J. HUSSEY
VICE-CHAIR