

ISSUE DATE:

**Sept. 21, 2011**



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: 2115881 Ontario Limited  
Appellant: 2140065 Ontario Inc. and others  
Subject: Proposed Official Plan  
Municipality: Regional Municipality of Waterloo  
OMB Case No.: PL110080  
OMB File No.: PL110080

**APPEARANCES:**

**Parties ("Parties")**

**Counsel/Agent\***

Region of Waterloo ("Region")

Mr. Brian Duxbury

Lea Silvestri Investments Ltd. and 1541179 Ontario Ltd.

Mr. Peter Pickfield and Ms Vanessa Bacher

Activa Holdings Inc., 2140065 Ontario Inc., 1589805 Ontario Inc., Stonefield Properties Corp., Northgate Land Corp., Hallman Construction Ltd., and Gatestone Development Corp.

Mr. Robert Howe and Mr. Ian Andres

Brenda and Rusty Brisette

Ms Brenda Brisette\*

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

Mr. John Doherty

Madison Homes Inc.

Mr. Barry Horosko

Ontario Stone, Sand and Gravel Association

Ms Sharmini Mahadevan

Connie and Robert Bogusat	
County of Wellington	Mr. Brian Duxbury
Ministry of Municipal Affairs and Housing	Mr. Irvin Shachter
Plains Westmount Farms Limited	Mr. Patrick Kraemer
Hardy Bromberg	
Mattamy Development Corporation	Ms Jennifer Meader and Ms Lynda Townsend
Elaine Fratton and Howard Lemieux	Mr. Mark McMackin
2163846 Ontario Inc.	Ms Robin Lee Norris
West Side Property Owners Group, Select Sand and Gravel, Robert Kieswetter in Trust, B & B Kieswetter Escavating, Kiewsetter Holdings Limited STAMM Investments, and the INCC Corp.	Mr. C. J. Tzekas and Ms Constance Lanteigne
2115881 Ontario Limited	Ms Jennifer Passy
William Gies	Ms Susan Rogers
The Township of Woolwich	Ms Eileen Costello and Mr. Dan Kennaley*

**Participants**

Big Spring Farms Ltd. and Becker Estates	Mr. John Alati and Ms Amber Stewart
Gord Doehn and Karen Doehn	
Ian Cook Construction Ltd.	Ms Jennifer Passy
City of Kitchener	Mr. Steven Ross and Ms Lesley MacDonald
RioCan	Mr. Barnet Kussner
RARE	Ms Susan Whalen

Hunder Development Ltd.

Mr. Peter Pickfield

Wonderland Farms Ltd.

Mr. Patrick Kraemer

**MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN STEFANKO  
ON SEPTEMBER 9, 2011 AND ORDER OF THE BOARD**

[1] At this third pre-hearing, the Region brought a motion (“Region’s Motion”) seeking, *inter alia*, a determination as to what specific matters would be addressed at the various hearing phases of this proceeding.

[2] Varied motion responses were filed by five other Parties. Two responses disagreed with the phasing suggested by the Region; two responses agreed with it; and one response suggested a minor alteration. All Parties agree that phasing of the hearing should occur.

[3] In my view, the appropriate way to deal with the Region’s Motion is to direct, pursuant to s.65 of the *Planning Act* and the authority conferred on me by s.38 of the *Ontario Municipal Board Act*, that a mediation assessment be conducted at 655 Bay Street, Toronto.

[4] The lawyers to be contacted for this process are as follows:

Mr. Brian Duxbury	Mr. Robert Howe
Mr. Barry Horosko	Ms Eileen Costello
Ms Lynda Townsend	Ms Robin Lee Norris
Mr. John Doherty	Mr. C. J. Tzekas
Ms Sharmini Mahadevan	Mr. Patrick Kraemer
Mr. Irvin Shachter	Mr. Peter Pickfield

[5] During this pre-hearing, I suggested that if a lawyer above-mentioned did not file a response to the Region’s Motion, he or she should consider simply sending the Board an e-mail outlining their position. This, in my estimation, would obviate the necessity of that lawyer attending the mediation assessment. However, each lawyer can make his or her own decision as to attendance.

[6] The date and time of the mediation assessment shall be determined by the Board and the Parties named will be advised accordingly.

[7] During this pre-hearing as well, Mr. Paul De Melo indicated that he represented Empire Communities Riverland Ltd. He will contact all other parties in this matter in relation to his client's request for party status and that request will be dealt with at the next pre-hearing to be held at 150 Frederick Street, Kitchener, on November 4, 2011 beginning at 10:30 a.m. No further notice is required and the Region shall confirm room arrangements with the Board.

[8] Lastly, Mr. Kraemer's client, Wonderland Farms Ltd., has been made a participant. If this company wishes party status, Mr. Kraemer shall proceed in the same fashion as Mr. De Melo noted above.

[9] I am seized of the November 4, 2011 pre-hearing but not otherwise.

[10] It is so Ordered.

"Steven Stefanko"

STEVEN STEFANKO  
VICE-CHAIR