

ISSUE DATE:

December 14, 2011



PL110520

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

IN THE MATTER OF subsection 51(39) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: Jean Grandoni
Appellant: Minister of Municipal Affairs and Housing
Appellant: Preservation of Agricultural Lands Society (PALS)
Subject: Proposed Plan of Subdivision
Property Address/Description: West Side of Drummond Road, North Side of Oldfield Road
Municipality: City of Niagara Falls
Municipal File No.: 26T-11-2010-01
OMB Case No.: PL110520
OMB File No.: PL110520

IN THE MATTER OF subsection 17(24) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: Jean Grandoni
Appellant: Minister of Municipal Affairs and Housing
Appellant: Preservation of Agricultural Lands Society (PALS)
Subject: Proposed Official Plan Amendment No. 100
Municipality: City of Niagara Falls
OMB Case No.: PL110520
OMB File No.: PL110657

IN THE MATTER OF subsection 34(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: Jean Grandoni
Appellant: Minister of Municipal Affairs and Housing
Appellant: Preservation of Agricultural Lands Society (PALS)
Subject: By-law No. 2011-68
Municipality: City of Niagara Falls
OMB Case No.: PL110520
OMB File No.: PL110658

APPEARANCES:

Parties

City of Niagara Falls

Thundering Waters Development Corp.

Counsel*/Agent

K.L. Beaman*

E.P. Lustig*

Ministry of Municipal Affairs and Housing

R. Boxma*

C. Young*

J. Grandoni

Preservation of Agricultural Lands
Society ("PALS")

Dr. J. Backer

**DECISION DELIVERED BY C. HEFFERON ON DECEMBER 1, 2011 AND
ORDER OF THE BOARD**

Background

The subject proceeding is the first pre-hearing conference regarding the proposal of Thundering Waters Development Corp to develop a large residential subdivision in the City of Niagara Falls. The proposed subdivision would comprise approximately 260 single detached dwellings, five townhouse blocks, a future condominium townhouse block and lands described as Block 265, which include a 2.5 hectare linear woodland feature. A population of Roundround-leaved Greenbrier, which is identified as a "threatened species" on the Species at Risk in Ontario List inhabits a portion of these development lands."

Matter before the Board

On May 30, 2011, the Council of the City of Niagara Falls ("City") adopted Official Plan Amendment No.100 and enacted Zoning By-law 2011-68. The Ministry of Municipal Affairs and Housing ("MMAH"), the Preservation of Agricultural Lands Society ("PALS") and Ms J. Grandoni have appealed that decision of Council.

Disposition and Order of the Board

The Board Orders that a five week hearing be held commencing **at 11:00a.m. on May 16, 2012 at the City of Niagara Falls Municipal Building, 4310 Queen Street, Niagara Falls, ON, L2E 6X5.**

If the parties require mediation, they are asked to contact the Secretary, Ontario Municipal Board, 1500 – 655 Bay Street, Toronto, ON, M5G 1E5 with their request.

Requests for participant status will be considered by the Member at the commencement of the hearing.

Mr. Lustig is asked to prepare a Procedural Order with draft Issues List for the Board's approval. The Issues List will contain critical dates for the identification of legal counsel (if any) and expert witnesses, as well as the exchange of witness statements.

Ms Grandoni requested, and the Board concurs, that the following be included on the draft Issues List:

Does the proposed new development protect the on-site forest and natural heritage features?"

No further notice is required.

This Member is not seized.

So Orders the Board

"C. Hefferon"

C.HEFFERON
MEMBER