

ISSUE DATE:

December 04, 2013



PL130853

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

2304750 Ontario Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the Town of Orangeville to redesignate land at the west side of Riddell Road across from Centennial Road from Low Density Multiple and Open Space Conservation to High Density Residential, Medium Density Residential, Neighbourhood Commercial and Service Commercial to permit mid-rise apartment and townhouse developments and various commercial uses (Town of Orangeville File No. OPZ 3/12)
OMB File No. PL130853

2304750 Ontario Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 22-90, as amended, of the Town of Orangeville to rezone lands respecting the west side of Riddell Road across from Centennial Road from Development (D) to Multiple Residential High Density (RM2), Residential Seventh Density (R7), Neighbourhood Commercial (C2), Service Commercial (C3), and Open Space – Conservation (OS2), to permit mid-rise apartment and townhouse developments and various commercial uses
OMB File No. PL130854

2304750 Ontario Inc. has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the Town of Orangeville to make a decision respecting a proposed plan of subdivision on lands composed of Part of Lot 2, Concession C, Parts 1 and 2, Plan 7R-4744, Part of Lot 3, Concession C, Part 2, Plan 7R-4592 in the former Township of East Garafraxa (Town of Orangeville File No. S 2/12)
OMB File No. PL130855

APPEARANCES:

Parties

2304750 Ontario Inc.

The Town of Orangeville

Counsel

Ronald K. Webb

R.A. Biggart

Participants

Mark Potter

Michael MacDonald

Craig Campbell

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. P. ATCHESON ON
NOVEMBER 26, 2013 AND ORDER OF THE BOARD**

[1] This is a prehearing in the matter of appeals by 2304750 Ontario Inc. (“Appellant”) from the failure or neglect of the Council for the Town of Orangeville to enact an Official Plan Amendment for land known as Part of Lot 2 Concession C, Parts 1 and 2 Plan 7R-4744, Part of Lot 3 Concession C. Part 2 Plan 7R-4592 (“subject lands”) on the west side of Riddell Road across from Centennial Road from Low Density Multiple and Open Space Conservation to High density Residential, Medium Density Residential, Neighbourhood Commercial and Service Commercial to permit a mid-rise apartment development and townhouse development and various commercial uses.

[2] The Appellant has also appealed the failure or neglect of the Council for the Town of Orangeville to enact a proposed Zoning By-law Amendment to By-law No. 22-90 of the Town of Orangeville to rezone the subject lands from Development (D) Zone to Multiple Residential High Density (RM2), Residential Seventh Density (R7), Neighbourhood Commercial (C2), Service Commercial (C3) and Open Space-Conservation (OS2) zone to permit the proposed development.

[3] The Appellant has also appealed the failure the Council for the Town of Orangeville to make a decision with respect to the proposed Draft Plan of Subdivision File 22T- 400002-R5.

[4] The Board with the consent of the Parties granted participant status to:

1. Mr. Mark Potter
2. Mr. Michael Macdonald
3. Mr. Craig Campbell

[5] The Board was advised by counsel that the Appellant and the Town had reached an agreement in principal to settle the matter as set out in a resolution of Town Council

dated November 25, 2013, Exhibit 2. The parties indicated to the Board that they needed additional time to execute the Minutes of Settlement and to prepare the revised Official Plan Amendment (“OPA”), Zoning By-law Amendment, (“ZBA”) and to finalize the conditions of Draft Plan approval.

[6] The substance of the proposed settlement is a reduction in the height and density of the three multiple blocks north of the extension of Spencer Avenue as set out in a series of plans found at, Exhibits 4a, 4b, and 4c. The Board was also advised that a hotel site south of Spencer Avenue was being reduced in height from six to five storeys and that this would find effect in the proposed ZBA. The Board was also provided with an Official Plan Amendment Schedule, Exhibit 5 and a proposed Zoning By-law Schedule, Exhibit 6. No text to these schedules was available at this time.

[7] Counsel for the parties requested that the Board stand the matter down and convene a settlement hearing early in the New Year once the planning documents had been finalized and executed by the parties.

[8] The Board after considering the submissions of Counsel present and the statements of the participants finds that no prejudice would result to any party or the participants by the requested adjournment and the setting of a new hearing date to consider the final settlement.

[9] The Board adjourned the matter and scheduled a one day hearing to be held on **Thursday, March 20, 2014 at 10:30 a.m. at:**

**Municipal Building
Town of Orangeville
87 Broadway
Orangeville, ON
L9W 1K1**

[10] The Board directs that Counsel for the Municipality confirm the venue with the Board office.

[11] The Board further directs that the Parties share with the Participants the final settlement documents.

[12] The Board advised the participants that they should maintain contact with the Town to confirm further hearing dates and the status and substances of the settlement. The Board advised that it is its practice to require a brief participant statement outlining what the participant intends to say to the Board if the settlement is to go to a full settlement hearing. This statement would be exchanged with the other parties prior to any hearing of the settlement.

[13] In the event the parties and the participants are in agreement with the settlement reached, the parties may request that the hearing dated be converted to a Telephone Conference Call ("TCC") to be conducted at an earlier date subject to the Board's availability and the filing with Board's Case Coordinator the appropriate final settlement documents, and an affidavit from a qualified land use planner regarding the consistency of these documents with Provincial policy and the planning documents of the municipality.

[14] No further notice is required.

[15] The member is not seized but will remain available for case management purposes.

"J. P. Atcheson"

J. P. ATCHESON
MEMBER