

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 12, 2016

CASE NO(S):

PL141321

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2203256 Ontario Ltd.
Subject: Request to amend the Official Plan - Refusal of request by Town of Orangeville
Existing Designation: Neighbourhood Commercial
Proposed Designated: Neighbourhood Mixed Use
Purpose: To permit the site to be developed for a mixed use medium density townhouse and neighbourhood retail plaza.
Property Address/Description: Part Of Lot 3, Conc. C
Municipality: Town of Orangeville
Approval Authority File No.: OPZ 3/14
OMB Case No.: PL141321
OMB File No.: PL141321
OMB Case Name: 2203256 Ontario Ltd. v. Orangeville (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2203256 Ontario Ltd.
Subject: Application amend Zoning By-law No. 22-90 - Refusal of Application by Town of Orangeville
Existing Zoning: Neighbourhood Commercial (C2)
Proposed Zoning: Neighbourhood Mixed Use (NMU)
Purpose: To permit the site to be developed for a mixed use medium density townhouse and neighbourhood retail plaza.
Property Address/Description: Part Of Lot 3, Conc. C
Municipality: Town of Orangeville
Municipality File No.: OPZ 3/14
OMB Case No.: PL141321
OMB File No.: PL141322

Heard: August 24, 2016 in Orangeville, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
2203256 Ontario Ltd.	Marc Kemerer
Town of Orangeville	Efstathia Lidakis
Pinehurst Group Inc.	Ian Andres

**MEMORANDUM OF ORAL DECISION DELIVERED BY JUSTIN DUNCAN ON
AUGUST 24, 2016 AND ORDER OF THE BOARD**

[1] This was a pre-hearing conference (“PHC”) in the matter of an appeal by 2203256 Ontario Ltd. (“Appellant”) from the refusal of the Town of Orangeville (“Town”) of applications made by the Appellant for an Official Plan amendment and Zoning By-law amendments to permit the development of fifty seven townhouse residences and neighbourhood retail space and associated parking at a property known municipally as Part of Lot 3, Concession C.

[2] To begin, the Board added Pinehurst Group Inc. as a party to the appeal. No other persons sought status on the appeal.

[3] The Appellant requested that another PHC be scheduled in three to four months in order to allow for settlement discussions amongst the parties, which the Appellant hopes will lead to a revised application that may satisfy the concerns of all parties. The Appellant requested that the Board not set hearing dates at this time.

[4] On the other hand, the Town and Pinehurst Group Inc. requested that dates for a five-day hearing be set now so as to avoid any further delay and that a further PHC be scheduled in order to finalize a procedural order and issues list. It was pointed out that settlement discussions could occur concurrently with any preparation for hearing.

[5] Upon hearing submissions of counsel for the parties in relation to any prejudice arising from not setting hearing dates at this time, the Board found that prejudice

appeared to rest predominately on the shoulders of the Appellant rather than the other parties. The Board decided not to set hearing dates at this time but rather, scheduled another PHC to take place by teleconference call at **9 a.m. on Friday, December 9, 2016** at the following: **416-212-8012** or **1-866-633-0848**, using code: **4779874**.

[6] The Board also directed that should the parties be unable to settle the appeal that they file a procedural order and issues list with the Board prior to the next PHC. The purpose of the PHC will be to settle the procedural order and issues list and to canvass the parties for hearing dates.

[7] No additional notice shall be required.

[8] I am not seized.

[9] So orders the Board.

[10] Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

[11] Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

“Justin Duncan”

JUSTIN DUNCAN
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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