

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** July 27, 2020

**CASE NO(S):** PL160012

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	Golf North Properties Inc.
Subject:	Application to amend Zoning By-law No. 110-01 - Neglect of the County of Brant to make a decision Holding provision Residential Type One A with a special exception (h-R1A-3), Open Space with a special exception (OS-3), Environmental Protection (EP), and Environmental Protection with a special exception (EP-1)
Existing Zoning:	Residential First Density with a special exception (R1-___), Residential Multiple First Density (R4), Residential Multiple Second Density (R5), and Open Space (OS)
Proposed Zoning:	To permit a development of 400 residential units comprising of 300 single detached dwellings and 100 multi-unit dwellings
Purpose:	Concession 1 & 2, Part Lots 27, 28 & 29
Property Address/Description:	County of Brant
Municipality:	ZBA47-13-MD
Municipality File No.:	PL160012
OMB Case No.:	PL160012
OMB File No.:	PL160012
OMB Case Name:	Golf North Properties Inc. v. Brant (County)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Golf North Properties Inc.
Subject:	Proposed Plan of Subdivision - Failure of the County of Brant to make a decision

Purpose: To permit a development of 400 residential units comprising of 300 single detached dwellings and 100 multi-unit dwellings

Property Address/Description: Concession 1 & 2, Part Lots 27, 28 & 29

Municipality: County of Brant

Municipality File No.: PS4/13/MD

OMB Case No.: PL160012

OMB File No.: PL160013

**Heard:** July 16, 2020 by Telephone Conference Call

### **APPEARANCES:**

#### **Parties**

#### **Counsel**

County of Brant

Jyoti Zuidema

Paris Grand Estates Inc.  
(formerly Golf North Properties Inc.)

Michael Melling

CRH Canada Group Inc.

S. Ferri

### **DECISION DELIVERED BY M. ARPINO AND ORDER OF THE TRIBUNAL**

[1] This was the eighth Pre-hearing Conference (“PHC”) concerning appeals to the Tribunal by Paris Grand Estates Inc. (“Applicant”). The Applicant submitted applications to amend the County of Brant (“County”) Zoning By-law No. 110-01 and for a Draft Plan of Subdivision to facilitate a proposed residential development consisting of 300 single detached dwellings and 100 multi-unit dwellings (“Development”). County Council failed to make a decision regarding the applications within the requisite time.

[2] This matter had been set down for a four-week hearing in June of 2018. In the lead-up to that hearing, there were a series of settlements. The Tribunal approved the Zoning By-law Amendment (“ZBA”) in part and the Draft Plan of Subdivision in part. The Tribunal also made provision for the Development to proceed in three stages: short-term, medium-term and long-term. The Tribunal dealt with the short-term stage of the Development and retained jurisdiction over the ZBA and Draft Plan of Subdivision, and

the conditions of Draft Plan approval for the medium- and long-term stages. CRH Canada Group Inc. (“CRH”) has a gravel pit and a mineral aggregate operation northeast of the Development site. The Tribunal granted Party status to CRH.

[3] The outstanding matters were to be addressed at a 10-day hearing commencing March 23, 2020, and Covid-19, the Emergency Orders of the Province of Ontario intervened. At the request of the Parties, this eighth PHC was convened to facilitate finalization of the Procedural Order for the hearing.

[4] During this proceeding, counsel for the County provided an update on the *Environmental Assessment Act* process: i.e. that the Environmental Assessment report associated with the Development is targeted to be presented to County Council on August 11, 2020.

[5] Counsel for the Applicant, Michael Melling, informed the Tribunal that the County and the Applicant have been actively engaged in settlement discussions and have a tentative agreement, which would resolve some of the remaining issues (“Settlement”), The Settlement is scheduled to be presented to County Council on August 11, 2020.

[6] Mr. Melling informed the Tribunal that if the Settlement is approved by County Council, public consultation regarding the Settlement will occur in August 2020 and the Participants will be notified.

[7] The Parties jointly requested the Tribunal set a date for a Case Management Conference (“CMC”), if the Settlement is approved by County Council, the Parties propose to request that the CMC be converted to a Settlement Hearing. In the event the Settlement is not finalized before the scheduled date, the CMC will proceed.

[8] Mr. Melling informed the Tribunal that if the Settlement is approved by County Council on August 11, 2020, he will deliver an affidavit from a land use planner with supporting documents regarding the details of the Settlement to the Participants.

[9] Regarding the format for the hearing, the Tribunal noted that at the present time, as the Tribunal is not conducting any “in person” hearings due to Covid-19, that the parties should be prepared to have the CMC or Settlement Hearing, proceed via Telephone Conference Call or Video Hearing.

[10] David Clement, Joan Faux, Christopher Tracey and Jim Graber are Participants, they joined this proceeding, which was convened to address the Procedural Order. The Member adjudicating the merit hearing has the authority to determine the role and involvement of the Participants.

[11] Numerous Participants joined this proceeding, which was convened to address the Procedural Order, the Member adjudicating the merit hearing has the authority to determine the role and involvement of the Participants.

## **DECISION AND ORDER**

[12] Considering that the Parties intend to present the Settlement and the Environmental Assessment Report to County Council for approval, it is reasonable to schedule a CMC to determine the details for the hearing of the merits of the appeals.

[13] The Tribunal orders that a CMC is scheduled for, **Tuesday, September 29, 2020**, beginning at **9 a.m.** Individuals are directed to call **416-212-8012** or Toll Free **1-866-633-0848** on the assigned date at the correct time. When prompted, enter the code **4779874#** to be connected to the call. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to the Tribunal’s Case Coordinator having carriage of this case.

[14] If the Settlement is approved by County Council on August 11, 2020, the Applicant will deliver an affidavit of a land use planner with supporting documentation outlining the details of the Settlement to the Participants on or before August 25, 2020.

[15] If the Participants wish to respond to the Settlement, they must deliver written statements to the Tribunal and the Parties on or before September 15, 2020.

[16] There will be no further notice.

[17] This Member is not seized.

*"M. Arpino"*

M. ARPINO  
MEMBER

If there is an attachment referred to in this document,  
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**Local Planning Appeal Tribunal**  
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