

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 27, 2017

CASE NO(S):

PL160012

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

Existing Zoning: 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)

Proposed Zoning: Residential First Density with a special exception (R1-___), Residential Multiple First Density (R4), Residential Multiple Second Density (R5), and Open Space (OS)

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.: ZBA47-13-MD
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: September 19, 2017 in Paris, Ontario

APPEARANCES:

Parties

Counsel

Paris Grand Estates Inc.

M. Melling
I. Banach

County of Brant

N. Smith

CRH Canada Group (Dufferin
Aggregates)

Q. Annibale
S. Ferri

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON
SEPTEMBER 19, 2017 AND ORDER OF THE BOARD**

[1] This was the third Pre-Hearing Conference (“PHC”) concerning appeals to the Ontario Municipal Board (the “Board”) by Paris Grand Estates Inc. (“Paris Grand”) of the failure of the County of Brant (the “County”) to make decisions regarding its applications for a Zoning By-law Amendment and Draft Plan of Subdivision.

[2] Mr. Melling advised the Board at the start of the hearing that Paris Grand has revised its original proposal of 400 dwelling units to now include 800 dwelling units. Ms. Smith indicated that the County has not had sufficient time to review the revised proposal, and that, upon completing its review, the County may wish to bring a motion to the Board pursuant to s. 34(25.1.1) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the “Act”). Mr. Melling suggested that the Board schedule two days to hear

motions, as, if the County brings a motion under s. 34(25.1.1) of the Act, Paris Grand would first bring a motion arguing that the Board does not have jurisdiction to hear the County's motion. The Board agreed with Ms. Smith that, depending on the complexity of the jurisdictional motion, the panel hearing the motion may not be in a position to make a decision on that motion in order to hear the County's motion the next day.

[3] After some discussion with counsel, it was apparent to the Board that it would be premature to schedule motion dates at this time, given that the County has not had an opportunity to review the revised proposal and has not determined whether it will indeed bring a motion. The Board agreed with the parties that it would be prudent to move this matter efficiently toward its scheduled hearing commencing in May, 2018. To that end, the Board agreed it would be appropriate to schedule a telephone conference call ("TCC") to discuss the status of this matter. The Board also determined that it is appropriate, in the circumstances, to schedule an additional PHC, which may serve as a motion date, if necessary.

[4] Based on the discussions at the PHC, the Board orders that a TCC is scheduled for **Friday, October 27, 2017 at 9 a.m.** to discuss the status of this matter. Individuals may dial in at the appointed time to **416-212-8012 or 1-866-633-0848 (toll-free) and at the prompt enter code 4779874#.**

[5] The Board further orders that the next PHC shall be commence at **10:30 a.m. on Tuesday, January 23, 2018 at:**

**Council Chambers
Municipal Building
7 Broadway Street West
Paris, Ontario**

No further notice is required.

[6] Should the parties find that the in-person PHC for January 23, 2018 is not required, or that it is appropriate to convert the appearance to a TCC, they shall advise the Board of same no later than January 16, 2018.

[7] This Member is not seized with respect to the PHC or hearing of this matter, however will continue to be available for case management.

“S. Jacobs”

S. JACOBS
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

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248