

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 07, 2017

CASE NO(S):

PL160523

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

Applicant and Appellant: Don Black Investments Limited
Subject: Proposed Plan of Subdivision - Failure of Middlesex County to make a decision
Purpose: To permit a draft plan of subdivision consisting of residential, commercial, institutional, parks and open space uses
Property Address/Description: 10293 Glendon Drive
Municipality: Municipality of Middlesex Centre
Municipality File No.: 39T-MC1301
OMB Case No.: PL160523
OMB File No.: PL160523
OMB Case Name: Don Black Investments Limited v. Middlesex (County)

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

Applicant and Appellant: Don Black Investments Limited
Subject: Application to amend Zoning By-law No. 2005-005 - Refusal or neglect of the Municipality of Middlesex Centre to make a decision
Existing Zoning: Existing Use (EU) zone
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit of residential, commercial, institutional, parks and open space uses
Property Address/Description: 10293 Glendon Drive
Municipality: Municipality of Middlesex Centre
OMB Case No.: PL160523
OMB File No.: PL160544

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

Applicant and Appellant: Don Black Investments Limited

Subject: Request to amend the Official Plan - Failure of the Municipality of Middlesex Centre to adopt the requested amendment

Existing Designation: Village Centre, Medium Density Residential, Residential, Parks and Recreation

Proposed Designated: Site Specific (To be determined)

Purpose: Alter the land use schedule of Komoka-Kilworth and the introduce a special policy for the property at 10293 Glendon Drive that would allow attached garages to protrude into front yards of residences

Property Address/Description: 10293 Glendon Drive

Municipality: Municipality of Middlesex Centre

Approval Authority File No.: OPA 36

OMB Case No.: PL160930 (PL160523)

OMB File No.: PL160930

Heard: March 21, 2017 in Ilderton, Ontario

APPEARANCES:

Parties

Tridon Group Ltd. as agents for
Don Black Investments Limited

Municipality of Middlesex Centre and
Corporation of the County of
Middlesex

South Winds Development Co. Inc.

Darren Micalief

Counsel

Scott Snider
Shelly Kaufman

Wayne Meagher

Elizabeth Cormier

Eric Davis

MEMORANDUM OF ORAL DECISION DELIVERED BY SHARYN VINCENT ON MARCH 21, 2017 AND ORDER OF THE BOARD

INTRODUCTION

[1] This is the second Pre Hearing Conference (“PHC”) in the case management of the appeals by Tridon Group Ltd. of the non-decisions of the Zoning By-law Amendment (“ZBLA”) and plan of subdivision applications to create a mixed use

development of residential, commercial, institutional and open space uses on lands known municipally as 10293 Glendon Drive.

[2] An application for a site specific amendment to the Official Plan, OMB File No. PL160930 has now been consolidated with the zoning and plan of subdivision appeals on the consent of all parties. This is the first PHC of the consolidated matters.

[3] South Wind Development Co. Inc. and Darren Micalief on behalf of the Kilworth Komoka Ratepayers Association, an unincorporated body, were previously granted party status. No new interested parties appeared in connection to the revised notice setting out the Official Plan Amendment (“OPA”) referral now consolidated with the matters already before the Board.

[4] Counsel for Don Black Investments Limited (“Applicant/Appellant”) provided the Board with an update on discussions with both the Municipality of Middlesex Centre and the County of Middlesex which were described as constructive and it was anticipated that a revised list of draft conditions and the associated revised schedules to all of the instruments before the Board will be finalized for circulation to all of the parties in one week. Outstanding issues are to be highlighted and the draft issues list revised.

[5] Counsel for both South Wind Development Co. Inc. and Darren Micalief expressed concern that the discussions over the past five months since the undertakings given at the October PHC had been to the exclusion of their respective clients and advised that they would require a week to review and respond to the revised materials to be received from the Applicant/Appellant.

[6] The Board was then made aware of a scheduling conflict with respect to the venue for the hearing which all parties agreed was too small in any event.

ORDER

[7] The **seven day hearing** will therefore commence on **Wednesday, June 14, 2017 at 11 a.m. at:**

**Council Chambers
County of Middlesex
399 Ridout Street North
London ON N6A 2P1**

[8] The Applicant/Appellant is to circulate the revised draft plan conditions, the revised Zoning By-law Amendment and the Official Plan Amendment to all parties no later than Tuesday, March 28, 2017, and the revised draft procedural order, including the revised issues and witness lists are to be submitted to the Board no later than Friday, April 7, 2017.

[9] This member is not seized.

“Sharyn Vincent”

SHARYN VINCENT
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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