

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** November 04, 2016

**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: Township 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 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: Township of Middlesex Centre  
OMB Case No.: PL160523  
OMB File No.: PL160544

**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.

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.

**Heard:** October 24, 2016 in Ilderton, Ontario

**APPEARANCES:****Parties****Counsel**

Tridon Group Ltd. as agents for Don Black Investments Limited

S. Snider and K. Kaufman

Municipality of Middlesex Centre and Corporation of the County of Middlesex

W. Meagher

South Winds Development Co. Inc.

E. Cormier

Darren Micallef

E. Davis

**MEMORANDUM OF ORAL DECISION DELIVERED BY H. JACKSON ON OCTOBER 24, 2016 AND ORDER OF THE BOARD**

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[1] Tridon Group Ltd., acting as agents for Don Black Investments Limited (the “Applicant”), applied for a Zoning By-law Amendment (“ZBLA”) and a plan of subdivision to create residential, commercial, institutional and open space lots and blocks for future development on the subject lands municipally known as 10293 Glendon Drive. The subject lands are approximately 55.55 hectares in size. The ZBLA is to rezone the lands from existing uses to various urban residential, urban residential third density, village commercial, institutional and open space zones.

[2] The Applicant appealed the non-decision of the ZBLA application within the statutory time frames pursuant to s. 34(11) of the *Planning Act* (“Act”) and the non-

decision of the plan of subdivision application within the statutory time frame pursuant to s. 51(34) of the Act. This was the first prehearing conference (“PHC”) in this matter.

[3] South Winds Development Co. Inc. (“South Winds”), the developer of a proposed subdivision located immediately to the south of the Applicant’s lands, requested party status in this matter. South Winds is concerned there may be impacts of the proposed development on their lands. A nearby resident, Darren Micallef, requested party status on behalf of the Kilworth Komoka Ratepayers Association, an unincorporated body. There were no objections to either request for party status. The Board is satisfied that South Winds and Mr. Micallef each have a legitimate interest in the matter and both were granted party status.

[4] The Board heard that the issues in this matter relate to planning, storm water management, and traffic. Both South Winds and Mr. Micallef consented to providing a list of their issues to the Applicant by the end of the week, being October 28, 2016.

[5] The Board was also advised that there is an Official Plan Amendment (“OPA”) that relates to the proposed development that was refused by the Municipality of Middlesex Centre (the “Municipality”) subsequent to the appeals launched as described above. The OPA relates to policies respecting the separation distance of garages and the front of houses.

[6] Pursuant to s. 22(7) of the Act the Applicant also appealed that OPA on a site-specific basis related to this property. The appeal for that matter is Ontario Municipal Board (“OMB”) file PL160930. The Applicant requested that the appeal of the OPA be consolidated with this matter. After hearing submissions on the request, and upon consent of the other parties, the Board finds that it is appropriate that the OPA appeal as it relates to these properties be heard together with this matter.

[7] The Applicant, with the consent of the parties, requested a second PHC in March 2017. The Applicant indicated that the parties would continue in their discussions

regarding the scoping of the issues prior to the second PHC, and would provide a finalized issues list and draft Procedural Order at the second PHC. A one to two week hearing date was requested for the spring of 2017.

## **ORDER**

[8] The Board orders that a second PHC is scheduled for **Tuesday, March 21, 2017 at 10:30 a.m.** The hearing is scheduled to commence **Monday, June 12, 2017 at 11 a.m.** and continue for seven days. The PHC and the hearing will be held at:

**Municipality of Middlesex Centre  
Council Chambers  
10227 Ilderton Rd., RR2, Ilderton  
Middlesex Centre, ON N0M 2A0**

[9] The Board orders that the OPA appeal (“OPA Appeal”) under OMB file PL160930 as it relates to the subject lands be heard together with this matter and accordingly Rule 59 of the Board’s Rules of Practice and Procedure shall apply. In that regard, the first prehearing conference for the OPA Appeal shall also be held on the date, at the time and at the location set out in paragraph [8] above and the requisite notice thereof shall be given by the Applicant. The Applicant is directed to consult with the case coordinator in this regard.

[10] This Member is not seized.

*“H. Jackson”*

**H. JACKSON  
MEMBER**

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

## **Ontario Municipal Board**

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