

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



**ISSUE DATE:** December 04, 2017

**CASE NO(S):** PL160641  
PL161164

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1486563 Ontario Inc.  
Appellant: Empire Communities (St. George) Ltd.  
Appellant: Walton Development and Management LP  
Subject: By-law No. 61-16  
Municipality: County of Brant  
OMB Case No.: PL160641  
OMB File No.: PL160641  
OMB Case Name: Empire Communities (St. George) Ltd. v. Brant (County)

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

Applicant and Appellant: Empire Communities (St. George) Ltd.  
Subject: Request to amend the Official Plan - Failure of the County of Brant to adopt the requested amendment  
Existing Designation: Agricultural (Future Growth Area)  
Proposed Designated: General Commercial and Medium Density Residential  
Purpose: To permit the development of 900 residential units in a variety of housing forms  
Property Address/Description: 205 & 209 Beverly Street W. & 239 & 241 Highway # 2  
Municipality: County of Brant  
Approval Authority File No.: OPA-B08  
OMB Case No.: PL161164  
OMB File No.: PL161164  
OMB Case Name: Empire Communities (St. George) Ltd. v. Brant (County)

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

Applicant and Appellant:	Empire Communities (St. George) Ltd.
Subject:	Application to amend Zoning By-law No. 110-01 - Neglect of the County of Brant to make a decision
Existing Zoning:	Agricultural Restrictive
Proposed Zoning:	Site specific to permit proposed development
Purpose:	To permit the development of 900 residential units in a variety of housing forms
Property Address/Description:	205 & 209 Beverly Street W. & 239 & 241 Highway # 2
Municipality:	County of Brant
Municipality File No.:	ZBA10/08/RA
OMB Case No.:	PL161164
OMB File No.:	PL161165

**Heard:** November 21, 2017 in Paris, Ontario

## **APPEARANCES:**

### **Parties**

County of Brant

Empire Communities (St. George) Ltd.

Losani Homes (1998) Ltd.

Riverview Highlands (St. George) Holdings Ltd.  
Brant Star Developments Ltd.

Parkland Fuel Corporation

2482704 Ontario Inc.

### **Counsel**

N. Smith

A. DeGasparis  
P. DeMelo (in absentia)

M. Connell  
J. Meader (in absentia)

D. Touesnard  
J. Hitchon (in absentia)

M. Kemerer

B. Duxbury

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON NOVEMBER 21, 2017 AND ORDER OF THE BOARD**

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[1] This was a follow-up Pre-Hearing Conference (“PHC”) scheduled by Vice-Chair Zuidema in her decision issued May 9, 2017. In accordance with Vice-Chair Zuidema’s direction in that decision, the Board received one Notice of Motion to request party status for 2482704 Ontario Inc. The Parties advised the Board, at the outset of the hearing, that they consented to this request for party status, and so the Board granted the request.

[2] Peter Pickfield attended the PHC on behalf of his client, Loutia Investments Ltd. (“Loutia”). Mr. Pickfield advised the Board that Loutia may wish to seek party status, as it is possible that Parkland Fuel Corporation’s (“Parkland”) submissions in the hearing may have an impact on Loutia’s nearby lands. He further advised that Loutia is in ongoing discussions with Parkland to attempt to resolve any potential issues. If Loutia is neither able to resolve its issues nor obtain Parkland’s consent to its request for party status, Mr. Pickfield advised that he may bring a motion to request party status on behalf of Loutia.

[3] The Parties advised that they are working toward a draft Procedural Order (“PO”) and Issues List, and that they intend to exchange draft issues by January 8, 2018. The Parties agreed that it would be beneficial to have another PHC, by telephone conference call (“TCC”), in order to finalize the PO and Issues List, and, if necessary, to hear Loutia’s motion for party status.

[4] Based on the discussions at the PHC, the Board orders the next PHC is scheduled on **Friday, January 26, 2018 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. If assistance is required at any time, press ‘0’ for the operator. 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 Leesa Kwong, the Board's Case Coordinator, at 416-326-6785.

[5] No further notice of the PHC is required.

[6] The Parties are directed to submit the draft PO and Issues List to the Board at least three days prior to the PHC. Should the Parties be unable to agree on the Issues List, they may submit alternate versions of the draft list for the Board's adjudication at the PHC.

[7] Should Loutia wish to bring a motion for party status to be heard at the PHC, it shall bring its motion in accordance with the Board's *Rules of Practice and Procedure*.

[8] This Member is not seized.

*"S. Jacobs"*

S. JACOBS  
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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