

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 30, 2017

CASE NO(S): PL170462

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

Applicant and Appellant: 1463291 Ontario Inc. (Dunpar Development Inc.)
Subject: Request to amend the Official Plan - Refusal of request by Town of Oakville
Existing Designation: Low Density Residential with Special Policy Area, Natural Area
Proposed Designated: Medium Density Residential, Private Open Space
Purpose: To permit the development of 81 townhouse units
Property Address/Description: 1020, 1024, 1028, 1032 and 1042 Sixth Line
Municipality: Town of Oakville
Approval Authority File No.: Z.1516.02
OMB Case No.: PL170462
OMB File No.: PL170462
OMB Case Name: 1463291 Ontario Inc. (Dunpar Development Inc.) v. Oakville (Town)

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

Applicant and Appellant: 1463291 Ontario Inc. (Dunpar Development Inc.)
Subject: Application amend Zoning By-law No. 2014-014 - Refusal of Application by Town of Oakville
Existing Zoning: RL1-0, N
Proposed Zoning: RM1, RM2, O2
Purpose: To permit the development of 81 townhouse units
Property Address/Description: 1020, 1024, 1028, 1032 and 1042 Sixth Line
Municipality: Town of Oakville
Municipality File No.: Z.1516.02
OMB Case No.: PL170462
OMB File No.: PL170463

Heard: November 14, 2017 in Oakville, Ontario

APPEARANCES:

Parties

Counsel

1463291 Ontario Inc.

R. Cheeseman

Town of Oakville

J. Huctwith

Region of Halton

G. Sills

Halton Region Conservation Authority H. Watson and S. Fung

**MEMORANDUM OF ORAL DECISION DELIVERED BY ANNE MILCHBERG ON
NOVEMBER 14, 2017 AND ORDER OF THE BOARD**

[1] This was the first Pre-Hearing Conference (“PHC”) on appeals under s. 22(7) and s. 34(11) of the *Planning Act* (“Act”) by 1463291 Ontario Inc. (“Applicant” and “Appellant”) respecting the property at 1020, 1024, 1028, 1032 and 1042 Sixth Line in Oakville (“the subject lands”). In April 2017, the Town of Oakville (“Town”) refused the Applicant’s Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications to permit an 81 unit townhouse development.

[2] The OPA would amend the Town’s Official Plan (“OP”) to re-designate the subject lands from Low Density Residential with Special Policy Area and Natural Area to Medium Density Residential and Private Open Space.

[3] The ZBA would amend the Town’s Zoning By-law No. 2014-014, as amended, by rezoning the subject lands from Residential Low (RL1-0) and Natural Area (N) to Residential Medium (RM1 and RM2) and Private Open Space (O2).

[4] On consent, party status was granted to Halton Region (“Region”) and to the Halton Region Conservation Authority (“HRCA”).

[5] The following individuals requested and were granted Participant status on consent of the Parties:

- Earl R. Cranfield
- Bob Mordaunt
- Irene Mordaunt
- Barry Moore
- Bob Urquhart
- Ali Thompson
- David Long
- Jess Gill

[6] The Board explained to the participants that they would not be setting issues in the hearing, but would be able to give evidence to the Board on how the proposal impacted them.

[7] Counsel for the Town and the Halton Region Conservation Authority (“HRCA”) advised that issues cannot be set and finalized by the Parties until certain technical studies are completed to the satisfaction of the HRCA.

[8] The Board directs that the second PHC be scheduled for **Monday, January 29, 2018 at 10 a.m.** at the following location:

**Oakville Room
Municipal Building
1225 Trafalgar Road
Oakville, ON L6H 0H3**

[9] No further notice is required for the second PHC.

[10] Further, the Board directs that a Draft Procedural Order (“DPO”) be prepared by the Parties, and be filed with the Board and circulated to all the Parties no later than Monday, January 22, 2018. The DPO is to include, among other things: an Issues List that has been agreed upon by the Parties; the current list of Parties and Participants; witness lists; date(s) for the submission and exchange of witness statements; and date(s) for the submission and exchange of participant statements.

[11] The Board will put a placeholder in its calendar for a fifteen day hearing commencing Monday, November 5, 2018 in Oakville. Note that the fifteen days will not be continuous, as November 12 and 19, 2018 will not be hearing days. Counsel for the City is requested to contact the Board's Case Coordinator to confirm the hearing room location for the entire hearing duration.

[12] The placeholder is not set in stone, and the Board will consider whether to finalize the date or adjust the number of days depending on the progress made on the DPO at the next PHC.

[13] The member is not seized.

"Anne Milchberg"

ANNE MILCHBERG
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
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