

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: December 03, 2019

CASE NO(S): PL170674
PL170675
PL170678 PL170676
PL170865 PL170677

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Northwest Brampton Landowners Group Inc.
Subject: Proposed Official Plan Amendment No. OPA 126
Municipality: City of Brampton
OMB Case No.: PL170674
OMB File No.: PL170674
OMB Case Name: Brampton Areas 52, 53 Landowners Group Inc. v. Brampton (City)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Brampton Areas 52, 53 Landowners Group Inc.
Appellant: Northwest Brampton Landowners Group Inc.
Subject: Proposed Official Plan Amendment No. OPA 127
Municipality: City of Brampton
OMB Case No.: PL170675
OMB File No.: PL170675
OMB Case Name: Brampton Areas 52, 53 Landowners Group Inc. v. Brampton (City)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Northwest Brampton Landowners Group Inc.
 Subject: Proposed Official Plan Amendment No. OPA 128
 Municipality: City of Brampton
 OMB Case No.: PL170676
 OMB File No.: PL170676
 OMB Case Name: Brampton Areas 52, 53 Landowners Group Inc. v. Brampton (City)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Northwest Brampton Landowners Group Inc.
 Subject: Proposed Official Plan Amendment No. OPA 129
 Municipality: City of Brampton
 OMB Case No.: PL170677
 OMB File No.: PL170677
 OMB Case Name: Brampton Areas 52, 53 Landowners Group Inc. v. Brampton (City)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Northwest Brampton Landowners Group Inc.
 Appellant: TACC Holborn Corp.
 Subject: Proposed Official Plan Amendment No. OPA 130
 Municipality: City of Brampton
 OMB Case No.: PL170678
 OMB File No.: PL170678
 OMB Case Name: Brampton Areas 52, 53 Landowners Group Inc. v. Brampton (City)

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Northwest Brampton Landowners Group Inc.
 Subject: Proposed Official Plan Amendment No. OP2006-133
 Municipality: City of Brampton
 OMB Case No.: PL170865

OMB File No.: PL170865
 OMB Case Name: Brampton Areas 52, 53 Landowners Group Inc. v. Brampton (City)

Heard: November 26, 2019 in Brampton, Ontario

APPEARANCES:

Parties

Counsel

City of Brampton (“City”)	B. Kussner
Region of Peel (“Region”)	R. Godley / R.A. Sanichara
TACC Holborn Corporation	K. Jennings / I. Kagan
Northwest Brampton Landowners Group Inc. (“Appellant”)	S. Snider / S. Kaufman
Forestside Estates Inc. (“Royal Pine”)	A. Lusty
Alpha Stone Inc.	C. Tanzola / N. Ast
69 Bramalea Holdings Limited	J. Shapira
Ouray Developments Inc.	A. Lusty

MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR AND DOUGLAS A. JOYNER AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] Pursuant to the decision of the Tribunal dated August 28, 2019, it was directed that the matters before the Tribunal would deal with two motions for party status with regard to the six Official Plan Amendments (“OPA”) under appeal, and further that a

draft work programme, a draft issues list, a draft witness list and a draft procedural order would all have been prepared for the Tribunal's consideration.

[2] The two motions for party status did not materialize, and there was a significant impasse among the parties with regard to the City's proposed phasing of the hearing.

[3] The Tribunal heard from all parties with regard to two scenarios: first, the City's phased hearing approach and secondly, a full hearing on the merits as sought by the Appellant.

[4] During the course of the hearing, the parties were able to resolve the procedural impasse through a hybrid approach, and the Tribunal was requested to set a further hearing by Telephone Conference Call ("TCC") to enable the parties to finalize their proposed resolution and prepare draft documents.

[5] The Tribunal agreed and set a TCC for **Wednesday, December 11, 2019** commencing at **9 a.m.** for the reasons as set out below.

DECISION

[6] Following the August 22, 2019 TCC hearing, counsel for the Appellant had prepared and circulated a draft issues list for consideration by the other parties.

[7] The only objection was with regard to one issue, which the Appellant deleted.

[8] However, the City with the support of the Region and others proposed that the draft procedural order be revised to require a "phased" hearing and the City provided the wording of the proposed issue for phase 1 of the hearing.

[9] Counsel for the Appellant strenuously disagreed: pointing out that it was his client's appeal, that it was his client's issues that were being raised, and that only about two weeks before this hearing had he heard any opposition with regard to his proposed

(full) hearing on the merits. He objected to the City attempting to revise the issues list and to insert an issue so as to fashion a phased hearing.

[10] As it appeared to the Tribunal that there were advantages and disadvantages to both scenarios proposed by counsel, the Tribunal suggested that a recess be taken to allow the parties to have discussions to see if this impasse might be resolved.

[11] Following the recess, the parties advised the Tribunal that they had reached a resolution that was satisfactory to both parties and asked that they be given some time to address the matters that had been set out in the Tribunal's decision of August 28, 2019.

[12] The Tribunal acting on this recommendation, set the date of **Wednesday, December 11, 2019** commencing at **9 a.m.** for a status update by TCC. 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 **1006967#** to be connected to the call. 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 **Nazma Ramjaun**, the Tribunal's Case Coordinator, at **416-326-6796**.

[13] The Tribunal anticipates that it will receive, on a timely basis before the TCC, a revised draft procedural order and issues list (which will include mandatory meetings of like experts and the preparation of agreed statements of fact), a draft hearing plan, and draft witness list in order to review the same, prior to the TCC.

[14] There will be no further notice.

[15] The Members are not seized.

[16] Scheduling permitting the Tribunal may be spoken to for case management purposes.

[17] This is the Order of the Tribunal.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

“Douglas A. Joyner”

DOUGLAS A. JOYNER
MEMBER

If there is an attachment referred to in this document,
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Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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