

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: March 14, 2018

CASE NO(S): PL170673
PL170677 PL170674
PL170678 PL170675
PL170865 PL170676

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 125
Municipality: City of Brampton
OMB Case No.: PL170673
OMB File No.: PL170673
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 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: Brampton Areas 52, 53 Landowners Group Inc.
 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: Brampton Areas 52, 53 Landowners Group Inc.
 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: Brampton Areas 52, 53 Landowners Group Inc.
 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: Brampton Areas 52, 53 Landowners Group Inc.
 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: February 7, 2018 in Brampton, Ontario

APPEARANCES:

Parties

Counsel/Representative*

City of Brampton

Barnet H. Kussner

TACC Holborn Corporation

Ira T. Kagan,
 Kristie Jennings (student-at-law)

69 Bramalea Holdings Limited

Johanna Shapira

Brampton Areas 52, 53 Landowners
 Group Inc.

Signe B. Leisk

Northwest Brampton Landowners
 Group Inc.

Shelley Kaufman
 Scott A. Snider (*in absentia*)

Alpa Stone Inc.

Kelly Oksenberg

Forestside Estates Inc.

Meaghan McDermid

International Freight System Inc.

Kurt Franklin*

Castlemore Country Properties
 Limited

Colin Chung*

DECISION OF THE BOARD DELIVERED BY J. V. ZUIDEMA

INTRODUCTION

[1] A first Pre-Hearing Conference (“PHC”) was held with respect to seven separate Official Plan Amendment (“OPA”) matters. The Board case numbers are identified above and these OPAs have been administratively combined but not adjudicatively consolidated. As such, this decision applies to all seven separate OMB files.

[2] By way of some background, the City of Brampton (“City”) initiated Official Plan Amendments 125 through to 130 and OPA 133 with a purpose to redesignate various properties. In this instance, what was being contemplated was a conversion of lands with an employment designation to something other than an employment designation.

[3] Municipalities may only permit conversion of employment lands to non-employment uses through a municipally initiated Municipal Comprehensive Review (“MCR”).

[4] The Board’s file shows that the City was undertaking an MCR, and as part of this process, thirteen sites were reviewed for conversion to non-employment uses. Six of those sites were recommended for conversion.

[5] The six properties are controlled by the following entities:

- Alpa Stone
- 10534 Hurontario St.
- Castlemore Country Properties
- Ouray Development Inc.
- TACC Holbom

- Royal Pine

[6] As a result of the passing of these OPAs, there were appeals filed by TACC Holborn Corporation, Brampton Areas 52, 53 Landowners Group Inc. and the Northwest Brampton Landowners Group Inc.

[7] The purpose of the first PHC was simply to identify interests and confer status, and organize the future hearing events.

[8] The Board made the following directions:

a. Party Status was conferred to:

- i. City of Brampton;
- ii. Region of Peel, subject to receiving confirmation and since the PHC, correspondence has been received from the Region;
- iii. TACC Holborn Corporation, as an Appellant;
- iv. Brampton Areas 52, 53 Landowners Group Inc., as an Appellant;
- v. Northwest Brampton Landowners Group Inc., as an Appellant;
- vi. Castlemore Country Properties Limited;
- vii. International Freight System Inc.;
- viii. Forestside Estates Inc. (as known as “Royal Pine”);
- ix. Alpa Stone Inc.;
- x. 69 Bramalea Holdings Limited.

- b. Participant Status was conferred to:
- i. Clf #1 (Mississauga Road) Corporation;
 - ii. Mac More Canada Ltd.;
 - iii. Lark Investments Inc. (“Lark”)
- c. Observer Status was conferred to Ouray Developments Inc.
- d. **Lark Written Motion:** The Board was advised that Lark may wish to elevate its status from Participant to Party. Should that be the case, Lark is required to file a written Motion. Motion materials must be exchanged in accordance with the Board’s current *Rules of Practice and Procedure with Affidavits of Service* filed with the Board. These materials are to be filed, both electronically and hard copies, with the Board. The Board has set aside **August 24, 2018** for the Member assigned to this matter to review this Motion. This timeframe should accommodate the release of the decision on the Motion to Dismiss discussed below.
- e. **City Motion to Dismiss:** The City requested dates for a Motion to Dismiss. The Board scheduled **June 20, 21 and 22, 2018** at **10:30 a.m.** (3 days) for this Motion. The Motion will be heard at:

**Training Room and Boardroom, WT-2A
West Tower
41 George Street South
Brampton, Ontario**

No further notice will be provided and I am not seized of this matter.

- f. **Next PHC:** The next PHC will be held on **December 3, 2018** at the City’s facility commencing at **10:30 am at:**

**Training Room and Boardroom, WT-2E
West Tower
41 George Street South
Brampton, Ontario**

No further notice will be provided and I am not seized.

[9] The City will be preparing a draft Procedural Order and circulating same to the parties for input. That Procedural Order will be reviewed at the next PHC. Language addressing the requirement that parties should circulate their materials to all other parties, so that each party may assess and determine if it wishes to seek party status in connection to another land owner's OPA, should be included in the draft Procedural Order.

[10] While at this state the matters are not consolidated, the Board was advised that a request for adjudicative consolidation may be sought. Should that be the case, a formal Motion will be required. No specific dates were identified for such a Motion.

"J.V. Zuidema"

J. V. ZUIDEMA
VICE-CHAIR

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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