

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



**ISSUE DATE:** April 16, 2018

**CASE NO(S):** PL171016

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

Applicant and Appellant:	Valery Homes Paris Limited
Subject:	Application to amend Zoning By-law No. 110-01 - Refusal or neglect of the County of Brant to make a decision
Existing Zoning:	Agricultural Restrictive (AR)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the development of 230 single detached dwellings and 64 street townhomes
Property Address/Description:	848 Watt's Pond Road
Municipality:	County of Brant
Municipality File No.:	ZBA13/15/MD
OMB Case No.:	PL171016
OMB File No.:	PL171016
OMB Case Name:	Valery Homes Paris Limited v. Brant (County)

**PROCEEDING COMMENCED UNDER** subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Valery Homes Paris Limited
Subject:	Proposed Plan of Subdivision - Failure of the County of Brant to make a decision
Purpose:	To permit the development of 230 single detached dwellings and 64 street townhomes
Property Address/Description:	848 Watt's Pond Road
Municipality:	County of Brant
Municipality File No.:	PS1/15/MD
OMB Case No.:	PL171016
OMB File No.:	PL171017

**Heard:** March 28, 2018 in Paris, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Valery Homes Paris Limited  
("Applicant" / "Appellant")

Joel Farber

County of Brant ("County")

Nancy Smith

Brookfield Homes (Ontario) Limited

Kimberly Beckman

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON  
MARCH 28, 2018 AND ORDER OF THE TRIBUNAL**

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**PROCEEDINGS**

[1] This Pre-hearing Conference ("PHC") was convened and conducted by the Ontario Municipal Board (the "Board") and an oral decision was given by the Board during the PHC. However, on April 3, 2018, the *Local Planning Appeal Tribunal Act, 2017* ("LPATA") was proclaimed, which provides that the Board will be continued as the Local Planning Appeal Tribunal (the "Tribunal"). Because this memorandum of decision has been issued after the LPATA proclamation, it is a decision issued by the Tribunal that documents an oral decision of the Board. Any reference to the Board in this decision is therefore deemed to be a reference to the Tribunal.

[2] This PHC was held to organize a hearing on the merits of appeals by the Applicant to the County's failure to make a decision on the applications within the time prescribed by the *Planning Act*.

[3] The Applicant seeks zoning and subdivision approval for a residential development comprising 230 detached dwellings and 64 townhouse dwellings in the northwest corner of Paris. The property is located south of Watts Pond Road and east of Pinehurst Road.

[4] Municipal services are being extended gradually towards the property from the east as the two adjacent developments proceed. With the availability of services imminent, the Applicant wishes to proceed and acknowledges that servicing agreements are necessary with the adjacent developers.

[5] The Applicant and County intend to meet in June 2018 with a view to resolving issues and reaching a settlement. Further studies, if required to address issues or finalize a resolution, would be conducted in the fall of 2018.

[6] Because a statutory public meeting was not held by the County for these applications, the Board encouraged the County and Applicant to convene a public information meeting at a suitable time during their deliberations. The County also offered to meet with the Participants registered at this PHC to share information and to hear their concerns.

[7] If a settlement is reached, the next PHC may become a Settlement Hearing. In that event, the Applicant undertook to provide the settlement to the Parties and Participants in advance of the PHC / Settlement Hearing. If a settlement is not reached, the next PHC will address arrangements for the eventual hearing.

[8] The parties understand that if a settlement is not reached, hearing dates will not be scheduled at the next PHC unless an agreed upon Procedural Order, including a scoped Issues List, is presented for approval.

## **PARTIES AND PARTICIPANTS**

[9] By letter from its Counsel, Brookfield Homes (Ontario) Limited, developer of the land to the east of this property, requested Party status. On consent, the Board granted Party status to Brookfield Homes (Ontario) Limited.

[10] Gideon Bell, Counsel for 1486563 Ontario Inc., requested Participant status for this owner of the land abutting to the east on which a draft plan of subdivision is registered. When questioned by the Board, Mr. Bell reiterated that Participant status was sought. The Board granted Participant status to 1486563 Ontario Inc.

[11] Participant status was requested by and granted to residents Susan Desroches and Mary Taylor. Two other residents, Bradley Lewis and John Carr, requested to be added to the circulation list but did not request Participant status.

## **ORDER**

[12] The Tribunal orders that Party and Participant status were granted as noted above.

[13] The next PHC / Settlement Hearing will be held at **10 a.m.** on **Monday, December 3, 2018** at:

**Council Chamber, County of Brant  
7 Broadway Street West  
Paris, Ontario**

[14] No further notice will be given.

[15] This Board Member is not seized.

*"S. Tousaw"*

S. TOUSAW  
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.

**Local Planning Appeal Tribunal**

A constituent tribunal of Environment and Land Tribunals Ontario  
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