

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



ISSUE DATE: July 18, 2018

CASE NO(S): PL171215

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:	Losani Homes (1998) Ltd.
Subject:	Application to amend Zoning By-law No. 61-16 - Neglect of the County of Brant to make a decision
Existing Zoning:	(A) Zone, Agricultural Zone with one Special Provision (A-13), Agricultural Holding Zone and Residential Singles and Semis (HA-R2) Zone, Natural Heritage (NH) Zone and Employment Zone with a Special Provision (Mi-i)
Proposed Zoning:	Residential Singles Zone (Ri), with special exception (Ri-_) to accommodate the single detached dwellings and larger street fronting rowhouses; Residential Multiple Medium Density Zone (RM2), with special exception (RM2-_) to Residential Multiple High Density (RM3), with special exception (RM3-_) to accommodate mixed use developments; Recreational Facilities (OS2) Zone to accommodate the parks and the stormwater management facilities; Natural Heritage Zone (NH) to accommodate the natural heritage features.
Purpose:	To permit the proposed draft plan of subdivision
Property Address/Description:	Part of Lot 7 and 8, Concession 2
Municipality:	County of Brant
Municipality File No.:	ZBA20-17-RA
OMB Case No.:	PL171215

OMB File No.: PL171215
 OMB Case Name: Losani Homes (1998) Ltd. 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: Losani Homes (1998) Ltd.
 Subject: Proposed Plan of Subdivision - Failure of the County of Brant to make a decision
 Purpose: To permit 1292-1700 residential units consisting of single detached, townhouses, medium density residential, mixed use along with parks and SWM ponds
 Property Address/Description: Part of Lot 7 and 8, Concession 2
 Municipality: County of Brant
 Municipality File No.: PS2-17-RA
 OMB Case No.: PL171215
 OMB File No.: PL180025

Heard: July 4, 2018 in Brant, Ontario

APPEARANCES:

Parties

Counsel*/Representative

Losani Homes (1988) Ltd. ("Applicant") County of Brant ("County")	M. Connell* N. Smith*
Riverview Highlands (St. George) Holdings Ltd. ("Riverview")	J. Hitchon*
Empire Communities (St. George) Ltd. ("Empire")	K. Jennings* (student at law)/P. DeMelo*
Parkland Fuel Corporation	J. Swan
John Newton	Self represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON
 JULY 4, 2018 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] The Applicant owns the lands known municipally as Part of Lots 7 and 8, Concession 2, Township of South Dumfries (“Subject Lands”), in the County being about 118.938 hectares in area, generally near the community of St. George.

[2] In 2017 the Applicant filed a development proposal with the County seeking a Zoning By-law Amendment (“ZBA”) and a draft plan of subdivision (“Draft Plan”) for the Subject Lands.

[3] As the County failed to make decisions on the development applications within the statutory time frames, the Applicant appealed both the ZBA and the Draft Plan to the Tribunal.

[4] The Tribunal set the matters down for a Pre-hearing Conference (“PHC”) in order to prepare for a hearing on the merits of the applications.

[5] At the PHC, the Tribunal heard requests for party and participant status, and a request for a further PHC.

[6] The Tribunal dealt with those requests and established a second PHC in 2019 all for the reasons set out below.

DECISION

[7] The Subject Lands are a large but irregularly shaped parcel of land generally located north of the German School Road, west of St. George Road, and south of High Street.

[8] Riverview owns abutting lands for which a separate development application has

been filed with the County.

[9] Empire owns additional lands north and west of both the Subject Lands and the lands owned by Riverview and whose lands have been the subject of a recent development approval from the Tribunal (PL161164).

[10] The Applicant, Riverview, and Empire are in the process of establishing a land owners' association to coordinate, among other matters, issues such as servicing. The Tribunal was asked to note that pending the finalization of that association, it may be that the association will seek party status.

[11] The Tribunal heard requests for party status from Riverview, Empire, Parkland Fuel Corporation, and John Newton, and granted party status to all.

[12] The Tribunal heard participant status requests from: David and Pauline Foy, Faisal Firoz and Sadaf Faisal, Wade and Paula Stevenson, Daryle Delafosse, Jeff and Jeannette Wharton, Lionel and Wendy Teed, James and Alicia Randall, and David Hanley and Sonya Gasparitsch, and granted all participant status.

[13] The Tribunal was advised that there was a large list of outstanding issues to be addressed and that the Applicant was requesting a second PHC be set for the Fall of 2018, in order that further discussions and consultations be undertaken in order to resolve or at least scope the outstanding issues.

[14] The Tribunal set the matter down for a second PHC for **Wednesday, February 20, 2019 at 10 a.m. at:**

**County of Brant
Municipal Building
Council Chambers, 1ST Florr
7 Broadway Street West, Paris
Brant, ON**

[15] The purpose of the second PHC is to provide an update to the Tribunal with regard to the scoping of the issues and if a hearing date is to be requested the Tribunal directs that a draft Procedural Order and Issues List be prepared and circulated to all parties, and participants with a copy to the Case Coordinator to enable review by the presiding member.

[16] Alternatively, if the discussions and consultation lead to a resolution, the second PHC may be converted to a settlement hearing.

[17] There will be no further notice of the second PHC.

[18] I am not seized.

[19] Scheduling permitting, I may be spoken to for case management purposes.

[20] This is the Order of the Tribunal.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

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

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248