

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



**ISSUE DATE:** November 07, 2018

**CASE NO(S):**

PL171429

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. 110-01) - Neglect of the County of Brant to make a decision
Existing Zoning:	Agriculture Restrictive (AR)
Proposed Zoning:	Residential Multiple Second Density Zone (R5)
Purpose:	To permit low and medium density residential uses and to increase the amount of land subject to restrictive environmental protective zoning
Property Address/Description:	Pt of lot 31 & 32, Pt of Gore Tract, Pt of Lot 9.
Municipality:	County of Brant
Municipality File No.:	ZBA 20/09/SS
OMB Case No.:	PL171429
OMB File No.:	PL171429
OMB Case Name:	Losani Homes (1998) Ltd. v. Brant (County)

**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. 110-01) - Neglect of County of Brant to make a decision
Existing Zoning:	Agriculture Restrictive (AR)
Proposed Zoning:	Residential Multiple Second Density Zone (R5)
Purpose:	To permit low and medium density residential uses and to increase the amount of land

subject to restrictive environmental protective zoning

Property Address/Description: Pt of lot 31 & 32, Conc.1 Pt of Lot 2 Block 32  
 Municipality: County of Brant  
 Municipality File No.: ZBA 16/09/SS  
 OMB Case No.: PL171429  
 OMB File No.: PL180125

**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 low and medium density residential uses by means of a plan of subdivision

Property Address/Description: Pt of lot 31 & 32, Pt of Gore Tract, Pt of Lot 9.  
 Municipality: County of Brant  
 Municipality File No.: PS1/10/SS  
 OMB Case No.: PL171429  
 OMB File No.: PL171430

**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 low and medium density residential uses by means of a plan of subdivision

Property Address/Description: Pt of lot 31 & 32, Conc.1 Pt of Lot 2 Block 32  
 Municipality: County of Brant  
 Municipality File No.: PS2/10/SS  
 OMB Case No.: PL171429  
 OMB File No.: PL180126

**Heard:** October 12, 2018 in Paris, Ontario

**APPEARANCES:**

**Parties**

Losani Homes (1998) Ltd. ("Losani")

**Counsel**

B. Engell

County of Brant (the "County")

N. Smith

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON  
OCTOBER 12, 2018 AND ORDER OF THE TRIBUNAL**

---

[1] Losani applied to the County for a zoning by-law amendment and approval of a draft plan of subdivision for its property described as Part of Lot 31 and 32, Concession 1 and part of the Gore Tract in Paris. The County failed to make decisions on these applications within the statutory timeframes, and Losani appealed to the Local Planning Appeal Tribunal (the "Tribunal") pursuant to ss. 34(11) and 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

[2] This was the first prehearing conference ("PHC") in these matters. There were no requests for party or participant status at this PHC.

[3] Mr. Engell advised that Losani has made refinements to its proposed development and that the County is in the process of reviewing these changes. Ms. Smith advised that these refinements are expected to narrow the issues for the hearing. As such, the parties did not submit a draft Procedural Order ("PO") and Issues List; however, they agree that a 5-day hearing will likely be sufficient, and that a second PHC should be convened in the spring.

[4] The Tribunal advised that it does not schedule hearing dates requiring five or more days without a draft PO and Issues List. Mr. Engell indicated that the current draft Issues List reflects the proposal before it was revised, and therefore contains many more issues than the parties anticipate will actually be necessary for adjudication. He further indicated that the parties could even arrive at a settlement of the issues by the time of a second PHC.

[5] The Tribunal appreciates that the parties are continuing to work to narrow the issues for a hearing with a view to resolving them. The Tribunal agrees that a second PHC is necessary in these circumstances, to either finalize a PO and Issues List and schedule hearing dates, or, potentially to convert the PHC to a settlement hearing. The

Tribunal also noted that it could be possible, should the parties find they have reached a settlement prior to the second PHC, to release the PHC date in lieu of an earlier settlement hearing by Telephone Conference Call (“TCC”). In the event that there is not a settlement, it would also be possible to convert the PHC appearance to a TCC in order to finalize the PO and Issues List, if these are not in dispute between the parties.

[6] Based on the discussions during the PHC, the Tribunal orders that the second PHC is scheduled to commence at **10 a.m. on Thursday, May 9, 2019** at :

**Council Chambers  
7 Broadway Street West, Paris  
Brant, ON N3L 2R2**

No further notice is required.

[7] The parties should advise the Tribunal as soon as possible as to whether the PHC may be converted to a TCC, for settlement or otherwise, and, in any event, at least 30 days prior to the scheduled PHC.

[8] This panel is not seized, however, will be available for the case management of this matter.

*“S. Jacobs”*

S. JACOBS  
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  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248