

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



**ISSUE DATE:** February 18, 2020

**CASE NO(S):** PL190106

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 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	MJJJ Developments Inc.
Subject:	Request to amend the Official Plan - Refusal of request by Town of Caledon
Existing Designation:	Prestige Industrial
Proposed Designated:	Prestige Industrial Exception
Purpose:	To permit an unenclosed hot mix Asphalt plant Accessory Open Storage
Property Address/Description:	Part of Lot 3, Concession 6
Municipality:	Town of Caledon
Approval Authority File No.:	POPA 19-02
OMB Case No.:	PL190106
OMB File No.:	PL190106
OMB Case Name:	MJJJ Developments Inc. v. Caledon (Town)

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

Applicant and Appellant:	MJJJ Developments Inc.
Subject:	Application amend Zoning By-law No. 2006-50 - Refusal of Application by Town of Caledon
Existing Zoning:	Agricultural (A1)
Proposed Zoning:	Site specific Prestige Industrial (MP-X)
Purpose:	To permit an unenclosed Asphalt plant and Accessory Open Storage
Property Address/Description:	Part of Lot 3, Concession 6
Municipality:	Town of Caledon
Municipality File No.:	RZ 18-04
OMB Case No.:	PL190106
OMB File No.:	PL190107

**Heard:** February 3, 2020 in Caledon, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

MJJJ Developments Inc.

J. Meader

Town of Caledon

C. Barnett and E. Barz

**New Parties**

Regional Municipality of Peel

R. Godley

Mars Canada Inc.

S. Rosenthal and J. Cole

Ontari Holdings Ltd.  
BoltCol South Holdings Inc.  
BoltCol North Holdings Inc.

J. Pitman Patterson and P. Morley

**MEMORANDUM OF ORAL DECISION DELIVERED BY MARGOT BALLAGH  
ON FEBRUARY 3, 2020 AND ORDER OF THE TRIBUNAL**

---

**INTRODUCTION**

[1] This Decision and Order results from the first Case Management Conference (“CMC”) on the appeals by MJJJ Developments Inc. (the “Appellant”) of the decisions of the Town of Caledon (the “Town”) to refuse the Appellant’s applications to amend the Town’s Official Plan (“OP”) pursuant to s. 22(7) of the *Planning Act* (the “Act”) and to amend the zoning by-law pursuant to s. 34(11) of the Act in order to permit the Appellant to pursue proposed development on the property known municipally as 12415 Coleraine Drive.

[2] Prior to the CMC, the Tribunal advised the Parties that the appeal will be processed under the provisions of the Act as amended by Bill 108. Accordingly, the Act, the *Local Planning Appeal Tribunal Act* and Part 1 of the Tribunal’s *Rules of Practice and Procedure*, as they read on and after September 3, 2019, apply to this proceeding.

[3] The Appellant and the Town are parties and were represented at the CMC by Counsel as noted. Counsel for the Appellant had previously filed with the Tribunal the requisite Affidavit of Service.

[4] At the CMC, there were several requests, all of which were granted without objection, having satisfied the legislative requirements, for party status indicated in the Order. All the new Parties were represented by Counsel as noted above.

[5] There were also several requests for participant status at the CMC by people interested in the proceedings. The Tribunal granted participant status without objection to the people listed in the Order.

[6] Counsel for the Town brought to the Tribunal's attention the intention of Gail Colton to participate in the proceedings and her inability to attend in person at the CMC until later in the day. Counsel for the Appellant objected to Ms. Colton receiving participant status because she did not attend the CMC in person. It was clear from the wording of Ms. Colton's email (Exhibit 5) that she wished to be a participant in the proceedings and intended to drop off a hard copy of her 'official response as a "participant" ' at the CMC during her lunch hour. After considering her interest in the proceeding and her inability to attend the CMC while it was in process, the Tribunal decided it was reasonable to grant participant status to Ms. Colton as well.

[7] The Tribunal informed the Participants that Rule 7.7 of the Tribunal's *Rules of Practice and Procedure* and s. 33.2 of the *Local Planning Appeal Tribunal Act* permitted them to file written submissions only. They were not permitted to give oral statements at the hearing. Counsel for the Town requested that the Participants be required to file any written submissions no later than 90 days prior to the hearing date.

[8] In addition to the Parties and Participants, there were two Observers who wished to receive a copy of this Decision and Order, being Joe Grogan and David Burt.

[9] Counsel for the Appellant advised the Tribunal that all the Parties had worked

together to prepare an early draft of a proposed Procedural Order (“PO”) (Exhibit 6) but informed the Tribunal that they required additional time to work out the provisions before the Tribunal considered its approval. Of particular note, the Parties wished to refine the PO related to the provisions dealing with air quality and noise/vibration quality, confidentiality, the timing and limitations of the exchange of expert technical reports and timing of any objections to the qualification of proposed expert witnesses within a reasonable time from receipt of the Witness List.

[10] The Parties requested that the Tribunal schedule a hearing that they expected would require 25 hearing days in early 2021. They also requested that the Tribunal schedule a second CMC date to resolve any issues that may arise regarding the PO or to address any motions.

## **ORDER**

[11] The Tribunal orders as follows:

The Parties are:

- MJJJ Developments Inc.
- Town of Caledon
- Regional Municipality of Peel
- Mars Canada Inc.
- Ontari Holdings Ltd.
- BoltCol South Holdings Inc.
- BoltCol North Holdings Inc.

The Participants are:

- Herbert Lozano
- Rob Mezzapelli
- Sherry Brioschi
- A. Sritharan

- Lynda Archibald
- Andy and Mary Theodosiou
- Angela Panacci
- Gail Colton

[12] Written Participant Statements, if any, shall be filed with the Tribunal, no later than **Monday, November 2, 2020**, failing which they will not be considered by the Tribunal.

[13] The hearing is scheduled for 25 days from **Monday, February 1, 2021 beginning at 10 a.m. to Friday, March 5, 2021, inclusive, at:**

**Albion Bolton Community Centre Auditorium  
150 Queen Street South  
Caledon, Ontario**

[14] A second CMC is scheduled for one day on **Monday, May 11, 2020 at 10 a.m. at**

**Caledon Town Hall  
Council Chambers  
6311 Old Church Road  
Caledon, Ontario**

[15] The parties shall file a revised Draft Procedural Order on or before **Monday, April 27, 2020**, if possible, and may indicate at that time, if there are any issues with the PO that require Tribunal assistance at the second CMC. At the request of the Parties, the CMC may be converted to a telephone conference call if there are no motions or outstanding issues amongst the parties with respect to the PO.

[16] The Parties, Participants and named Observers are to receive a copy of this Decision and Order.

[17] No further notice will be provided.

[18] This Member is seized only for the propose of the second CMC on May 11, 2020.

*"Margot Ballagh"*

MARGOT BALLAGH  
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 Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248