

ISSUE DATE:

February 22, 2012



PL110790

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Georgetown Estates Corporation and Village Villas Co. Ltd. have appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the Town of Halton Hills to make a decision respecting a proposed plan of subdivision on lands composed of Part of Lot 21, Part of Village Lots 22, 23, 24 and 25, Village Lots 19, 20 and 21 in the Town of Halton Hills

OMB Case No. PL110790

OMB File No. PL110870

Georgetown Estates Corporation and Village Villas Co. Ltd. have appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Halton Hills to redesignate land at Part of Lot 21, Part of Village Lots 22, 23, 24 and 25, Village Lots 19, 20 and 21 from Hamlet Area to Hamlet Residential – Special to permit the development of a subdivision consisting of 13 detached dwellings

OMB Case No. PL110790

OMB File No. PL110871

Georgetown Estates Corporation and Village Villas Co. Ltd. have appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 74-51 of the Town of Halton Hills to rezone lands respecting Part of Lot 21, Part of Village Lots 22, 23, 24 and 25, Village Lots 19, 20 and 21 from RG and RU to RG-1 and OS2 to permit the development of a subdivision consisting of 13 detached dwellings

OMB Case No. PL110790

OMB File No. PL110790

APPEARANCES:

Parties

Counsel

Georgetown Estates Corporation and Village Villas Co. Ltd.

Susan D. Rogers

The Town of Halton Hills

Jeffrey Wilker

Regional Municipality of Halton

Jeffrey Wilker and J. Lewis

North West Brampton Landowners Group Ltd.

Scott Snider

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. P. ATCHESON
ON FEBRUARY 14, 2012, AND ORDER OF THE BOARD**

This was a pre-hearing in the matter of appeals by Georgetown Estates Corporation and Village Vilas Co. Ltd. (the Appellant) from the failure of the Town of Halton Hills to make a decision with respect to a proposed draft plan of subdivision on lands composed of Part of Lot 21, part of Village Lots 22, 23, 24 and 25.

The Appellant has also appealed the refusal or neglect of the Town of Halton Hills to enact a proposed Official Plan Amendment to redesignate land as Part of Lot 21, Part of Village Lots 22, 23, 24 and 25 and Village Lots 19, 20 and 21 from Hamlet Area to Hamlet Residential-Special to permit the development of a subdivision consisting of 13 detached dwellings.

The Appellant as well has appealed the refusal or neglect of the Town of Halton Hills to enact a proposed amendment to Zoning By-law 74-51 of the Town of Halton Hills to rezone lands respecting Part of Lot 21, Part of Village Lots 22, 23, 24 and 25 and Village Lots 19, 20 and 21 from RG and RU to General Residential Special (RG-1) and Inherent Hazard Lands (OS2) to permit the development of a subdivision consisting of 13 detached dwellings.

The Board with the consent of the Parties consolidated the three matters for the purpose of the hearing.

The Board with the consent of the Parties granted Participant status to Ms. N. Churchill, 10475 Winston Churchill Boulevard, P.O. Box 281, Norval, Ontario, L0P 1K0.

Background and Directions

The Appellants on December 06, 2004, filed their application for a then 16 lot subdivision, together with the companion applications for an Official Plan Amendment and Zoning By-law Amendment with the Town of Halton Hills.

The Town of Halton Hills has the delegated authority to approve draft plans of subdivision while the Region of Halton is the approval authority for Official Plan

Amendments to the Town of Halton Hills Official Plan. The draft plan of subdivision was subsequently amended to show 13 lots.

The lands in question are some 3.133 hectares in area, of which 0.805 hectares is proposed for development and are located on the south side of Highway 7 near the western boundary of the Hamlet of Norval.

In 2007, the Municipality held the required public meeting as set out in a staff report dated September 4, 2007. The Municipal Council took no further formal action on the matter according to the submission of Counsel for the Appellants.

The Town of Halton Hills in the intervening period passed an Official Plan amendment No 104, being a Secondary Plan for the Hamlet of Norval. However the new designations governing the subject lands were deferred in the notice of decision issued from the Region of Halton Deferral #1. The Town has also adopted a new Official Plan for the Municipality and has passed a new comprehensive zoning by-law being By-law 2011-0098. The affect of these documents is of some dispute been the Parties.

It is also important to note that during this period, The Region of Halton, the Region of Peel, The Town of Halton Hills, The Town of Caledon and The City of Brampton undertook an inter-municipal transportation plan known as the "Halton-Peel Boundary Areas Transportation Study" (HPBATS) which, among other things, makes recommendations about a Highway 7 bypass in the area of the Appellant's lands. This study was finalized in May of 2010 and the member municipalities are currently working on a "Memorandum of Understanding" regarding how they may implement the findings of the Study. This study at page 87 makes reference to Norval Bypass which might affect all or some of the Appellant's lands. Some other issues were raised by Counsel for the Municipalities about water service allocations in the Norval area.

Counsel for North West Brampton Landowners Group Ltd. advised that he represented land owners who own some 3,000 acres in the Brampton area and are most concerned about the implementation of the Transportation Study's recommendations. His client takes no position with respect to the local issues regarding the Appellant's development issues beyond the implications surrounding the Transportation Study's recommendation in relation to the Appellant's property.

Counsel for all Parties on consent requested that the matters in dispute be worthy of mediation due to the length of time that had passed since the original filing of the application and that with the Board's help, many of the issues could be narrowed or resolved. They requested that the Board set aside two days for a mediation effort near the end of April.

The Board reviewed with the Parties the Board's mediation process and acknowledged, after considering all of the submission by Counsel, that the request for mediation was appropriate in this circumstance.

Accordingly, the Board orders that a two-day mediation be scheduled to commence on **Monday, May 1, 2012 at 10 a.m., in the Region of Halton Administration Building, 1151 Bronte Road, Oakville Ontario, L6M 3L1.**

Counsel for the Municipality is directed to confirm the venue with the Board Office.

The Board would encourage Counsel for the parties to exchange their issues lists one week prior to the mediation and to have their respective planners meet in an effort to focus on the outstanding planning matters that are to be the subject of the Mediation.

No further notice is required.

The member is not seized of the mediation.

This is the Order of the Board.

"J. P. Atcheson"

J. P. ATCHESON
MEMBER