

ISSUE DATE:

November 10, 2011



Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL080248
PL090856
PL100393
PL081268
PL100740
PL080354

Orlando Corporation, Maple Lodge Farms Limited, The May Family and related Corporations, Brampton Brick Limited and 840966 Ontario Limited and others have appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Region of Peel to approve Amendment # 16 to the Region of Peel Official Plan

Approval Authority File No. P-05-022

OMB Case No.: PL051048

OMB File No.: O050167

Northwest Brampton Landowners Group Inc., 840966 Ontario Limited, Orlando Corporation and others have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 300-2005 of the City of Brampton

OMB Case No.: PL051251

OMB File Nos.: R050276, R060007 to R060013 and R060043

Northwest Brampton Landowners Group Inc., 840966 Ontario Limited, Orlando Corporation and others appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Brampton to approve Proposed Amendment No. 93-255 to the Official Plan for the City of Brampton

Approval Authority File No. P27-OP93-251

OMB Case No.: PL051251

OMB File Nos.: O050198, O060007 to O060012

Orlando Corporation, 840966 Ontario Limited, Ivy Manor Estates Limited and others have appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Brampton to approve Amendment No. OP92-270 to the Official Plan for the City of Brampton

Approval Authority File No.: P26S-40

OMB Case No.: PL061159

OMB File No.: O060221

Orlando Corporation, 840966 Ontario Limited and John Cutruzzola and others have appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Brampton to approve Amendment No. OP92-271 to the Official Plan for the City of Brampton

Approval Authority File No.: P26S-40

OMB Case No.: PL061159

OMB File No.: O060222

Ornstock Developments Ltd., Lorwood Holdings, Inc., Ivy Manor Holdings Inc. and others have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Region of Peel to approve a New Official Plan for the City of Brampton
Approval Authority File No. P13MOP012
OMB Case No.: PL080248
OMB File No.: PL080248

860116 Ontario Limited and 840966 Ontario Limited 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 270-2004 of the City of Brampton to rezone lands respecting East half of Lot 3, Con. 6, W.H.S. and West Half lot 2, Conc. 5, W.H.S. Brampton from Agricultural A and A(H) Section 1869 to "A –Exception" to permit the development of a golf course
OMB Case No.: PL081268
OMB File No.: PL081268

Orlando Corporation has 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 270-2004 of the City of Brampton to rezone lands located south of Steeles Avenue West, between Heritage Road and Winston Churchill from Agricultural (A) Residential Rural Estate Two (RE2) and Floodplain (F) to Industrial Four (M4) – M4 Zone – Section 2804 and Floodplain (F) to permit the use of the subject lands for industrial, employment and open space purposes
OMB Case No.: PL080354
OMB File No.: PL080354

Orlando Corporation has 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 City of Brampton to make a decision respecting a proposed plan of subdivision on lands located at south side of Steeles Avenue West between Heritage Road and Winston Churchill being Part of Lot 15, Concession 6 W.H.S. in the City of Brampton
Approval Authority File No.: T6W15.2/21T-00018B
OMB Case No.: PL080354
OMB File No.: PL080456

Orlando Corporation has 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 City of Brampton to redesignate land at the south side of Steeles Avenue West between Heritage Road and Winston Churchill from Agricultural (A) Zone, Rural Estate One (RE1) Zone, Floodplain (F) Zone and Rural Estate Two (2) to industrial, employment and open space
Approval Authority File No. T6W 15.2
OMB Case No.: PL080354
OMB File No.: PL080457

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Suraksha Sharma
Subject: Proposed Official Plan Amendment No. OP2006-044
Municipality: City of Brampton
OMB Case No.: PL100740
OMB File No.: PL100740

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Suraksha Sharma
Subject: By-law No. 204-2010
Municipality: City of Brampton
OMB Case No.: PL100740
OMB File No.: PL100741

Suraksha Sharma has 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 270-2004 of the City of Brampton to rezone lands respecting 8027 Upper Churchville Road from Agricultural (A) to Residential Hamlet One - Special Section AAA (RHm1-AAA) to permit the conversion of a portion of the existing residential dwelling into a place of worship with associated prayer and mediation room
OMB Case No.: PL100740
OMB File No.: PL100393

Suraksha Sharma has 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 Secondary Plan for the City of Brampton to redesignate the lands Municipally known as 8027 Upper Churchville Road to include a special provision to permit a Place of Worship as a permitted use for a portion of the existing dwelling
Approval Authority File No. C03W01.007
OMB Case No: PL100740
OMB File No.: PL100556

Great Gulf Group of Companies has 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 City of Brampton to redesignate land bounded by Mississauga Road on the east, Steeles Avenue West on the south, Heritage Road on the west and Credit River on the north from "Residential", "Village Residential", "Business Industrial", "Office Node" and "Open Space" to implement the sub-area 3 Block Plan within the Bram West Secondary Plan Area 40-3
Approval Authority File No. C05W05.006
OMB Case No.: PL090856
OMB File No.: PL090856

APPEARANCES:

<u>Parties</u>	<u>Counsel/Agent*</u>
City of Brampton	B. Kussner and M. Rea
Regional Municipality of Peel	S. Garrod
Regional Municipality of Halton Town of Halton Hills	J. Wilker
Orlando Corporation Akeda Holdings Limited	L. Longo
840966 Ontario Limited/860116 Ontario Limited	G. Swinkin
Maple Lodge Farms Ltd.	R. Folkes
Brampton Brick Limited	E. Pefhany and R. K. Webb
Kindwin (Mayfield) Development Corporation Osmington Inc. Heathwood Homes Limited	K. Sliwa
Ivy Manor Estates Inc. Destona Homes (2003) Inc. Lorwood Holdings Inc. 1212949 Ont. Inc. (West)	J. Park
Hydro One	E. Finn and A. Pilkington
North West Brampton Landowners Group Inc. Metrus Development Inc. Metrus Central Properties Tesch Development Inc.	S. Snider and N. Smith
Suraksha Sharma/Xem Nguyen/Tu Thuyen Ni Tu Buddhist Association	S. D'Agostino
TransCanada Pipelines Limited	M. Bowman

Catholic Cemeteries Archdiocese of Toronto M. Everard*
(Participant)

John Cutruzzola

Green Acres Farm (Participant) D. Lent*

Toronto Region Conservation Authority J. Wigley

Identified Parties Who Did Not Appear

Great Gulf Group of Companies L. Townsend

Elaine Crawford/R.W. Crawford

Huttonville Residents Association A. Mason*

Brampton Faith Coalition R. Neilson*

DECISION DELIVERED BY J. de P. SEABORN AND ORDER OF THE BOARD

Introduction

The matters before the Board were scheduled for a further pre-hearing, the purpose of which was to resolve certain appeals and to provide further direction in relation to matters that are either resolved or to be held in abeyance. In advance of the pre-hearing Mr. Kussner provided a list of items to be canvassed, each of which is addressed below.

Status of Memorandum of Understanding (MOU) and Bram West Parkway

Mr. Rea indicated that notice of commencement of study has been given in connection with the Bram West Parkway Environmental Assessment (EA). A tentative schedule has been agreed upon for consultation with landowners, preparation of the final EA to be filed in 2013, followed by property acquisition and construction. The MOU remains under revision and Mr. Wilker reported that his client, Halton, is considering comments and will respond to Peel and Brampton shortly. A further status report will be provided at the next pre-hearing.

Environmental Policies in Brampton OP (2006)

The Board held a conference call in the summer and Mr. Longo (Akeda) and Mr. Wigley (TRCA) will continue discussions. A meeting is arranged with the North West Brampton landowners for mid November and Ms Sliwa confirmed correspondence will be provided to the City from her clients in advance of the next pre-hearing. Mr. Park indicated that his clients have some concerns in relation to the environmental policies, however he will work with the City in an attempt to resolve the issues. The City intends to continue discussion with all affected landowners in an attempt to resolve the environmental policies as expeditiously as possible.

Settlement of Orlando Appeal Re: ROPA 16

Mr. Garrod reported that an agreement has been reached with Mr. Longo, Counsel for Orlando. In a decision issued January 6, 2011 the Board allowed Orlando's appeals in part and approved modifications #1 and #3. In that proceeding, Counsel requested that modification #2 be addressed in the context of the other appeals of ROPA #16 and the matter was deferred to the ROPA pre-hearing process. Counsel have now agreed on a disposition with respect to modification #2 and evidence by way of affidavit was provided in support of its approval.

The Board orders that ROPA Policy 5.6.4.2.6 as adopted is deleted and the Board approves the following modified Policy 5.6.4.2.6:

Protect the designated Regional road rights-of-way, as shown on Schedule F, to accommodate future road widenings and improvements consistent with Section 7.7 of this Plan.

Protect additional rights-of-way where necessary to provide for turning lanes, multi-purpose pathways, or transit related improvements at the intersection of all designated right-of-way. Accordingly, within 245 metres (804 feet) of an intersection (on either side of the intersection and starting at the center line of the intersection) the rights-of-way may be up to a total 13.5 metres (44.3 feet) wider than the designated Regional road rights-of-way as shown on Schedule F."

Status of Settlement of Places of Worship Appeals

The City advised that it is very close to a settlement in connection with all of the places of worship appeals and is waiting to receive the Region's position. Mr.

D'Agostino confirmed that in the event there is an agreement, the terms of the settlement will be presented by the City at the next pre-hearing conference.

Rezoning Application by 860116/840966 Ontario Ltd.

Further to the Board's decision issued on June 28, 2011, Mr. Kussner and Mr. Swinkin advised that they had reached agreement on how to proceed, set out below:

The appeal will continue to remain in abeyance until further notice from the numbered companies. The numbered companies though will file with the City of Brampton a revised complete application for zoning amendment and a complete application for site plan approval no later than 18 months following the conclusion of the detailed design phase of the Bram West Parkway Environmental Assessment, such application to be supported by such studies as are then required by the City of Brampton Official Plan to constitute complete applications. Following review of such applications, the numbered companies and the City will advise the Municipal Board of the status of the applications and their determination as to whether, and when, a hearing of the appeal should be scheduled. The matters may proceed to a hearing at an earlier date if, in their discretion, the numbered companies submit complete applications at an earlier date and provided the City is afforded a reasonable period of time for review. In addition, the City reserves the right to request the Board to consider revisiting the timing annually starting in late 2012.

Status of Outstanding Appeals and Next Pre-hearing

Mr. Kussner and Mr. Rea intend to provide an update of the matrix of appeals and Mr. Waters provided an updated land use map. The status of the outstanding appeals will be addressed at the January pre-hearing.

At the request of Counsel, a further pre-hearing is scheduled for 10 a.m., Friday January 20, 2012, Brampton City Hall. No further notice is required. The City will arrange for a hearing room. The Board can be contacted through the planner, Ms Ramjaun, if further direction is required prior to next pre-hearing.

So orders the Board.

“J. de P. Seaborn”

J. de P. SEABORN
VICE CHAIR