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Novæ Res Urbis

GREATER TORONTO AREA EDITION

WEDNESDAY, OCTOBER 22, 2003 • VOL 6 • No 42

GOLDEN HORSESHOE DEVELOPMENT PRESSURES

Liberal government to have its hands full

By Karen Wirsig

The new Liberal government will have to hit the ground running after it is sworn in on Thursday. There are sure to be long line-ups at the doors – and fax machines – of the premier and a few key cabinet ministers based on the winning party's promises to stop the construction of 6,600 houses on the Oak Ridges Moraine in **Richmond Hill** (*see story this issue*), create a greenbelt in the Golden Horseshoe and curb urban sprawl.

There will be some pushing and pulling in **Oakville** and **Pickering**, based on the vows to protect all provincially-owned land in North Oakville, and most of the provincially-owned land in North Pickering, from development. In Pickering, the Liberals have also promised to maintain the Duffins-Rouge agricultural preserve for agriculture, something a new member of their caucus, former Pickering mayor **Wayne Arthurs**, has not advocated.

Oakville mayor **Ann Mulvale** sent a letter to Premier-designate **Dalton McGuinty** on Monday saying she is “looking forward to working with the new provincial government to curb sprawl.” The expansion of the town's urban envelope north of Highway 5, supported by the mayor, has been the subject of some controversy. Mulvale told McGuinty that the town's planning process for the area, in which **Halton Region** and the province are involved, is intended to “curb urban sprawl.”

The province owns 1,100 of the 7,600 acres re-designated as urban in North Oakville, but the **Ontario Realty Corporation** has made it clear it

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Moraine's future pending Liberal action

By Eran Tzin

The Oak Ridges Moraine is grabbing headlines once again, due to promises of premier-elect **Dalton McGuinty** to stop the construction of 6,600 units, known as the Yonge east/west properties, allowed by ministerial order of the exiting government. The much hype, however, obscures the fact that with development pressures across the moraine, protecting it would involve more than the lands set to house the 6,600 units.

The Liberal party's campaign platform promised to enact “real protection for the Oak Ridges Moraine.” A specific promise to halt construction, however, was given only in regard to the 6,600 units. Spokesperson for McGuinty told *Novæ Res Urbis* that during the transition period the issue cannot be addressed. After tomorrow, he added, the question could be forwarded to the new ministers.

David Donnelly, legal director of **Environmental Defence Canada**, which is the group that has been behind many of the recent activities to stop construction on the Yonge east/west properties, told *NRU* that currently those 6,600 units are the most critical since “development encroaches from the south and the north making it the pinch-point.” This does not mean, he added, that there would not be other issues to tackle like the current proposal by a group of developers, headed by the **Bayview East Landowners Group**, to develop 4,700 units at the North Leslie area.

Developers are not expected to sit still while awaiting decisions from the new government. **Joe Valela**, **Greater Toronto Home Builders Association**

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COMING UP

WEDNESDAY OCTOBER 22

Durham Region Council, 605 Rossland Road East, Whitby, 10 a.m.

THURSDAY OCTOBER 23

Brownfields 2003: the changing landscape, conference sponsored by the **Canadian Urban Institute**, Kaufman Building, Kitchener. Call 416-365-0816, ext. 234.

Swearing-in of new provincial government.

FRIDAY & SATURDAY, OCTOBER 24-25

Building Communities, Connections and Curricula, symposium on sustainable community planning sponsored by **CMHC** and the **University of Waterloo**. Go to: www.cmhc-schl.gc.ca/en/evca/evca_002.cfm?event=50&fr=20030924162813.

MONDAY OCTOBER 27

Making P3s work: the public sector perspective, seminar sponsored by **WeirFoulds**, Westin Prince Hotel, 900 York Mills Rd., 8:15 a.m. to 9 a.m. Call 416-947-5045.

THURSDAY OCTOBER 30

Peel Region Council, 10 Peel Centre Drive, 5th Floor, Brampton, 9:30 a.m.

WEDNESDAY NOVEMBER 5

Financial challenges facing Canadian cities, panel sponsored by the **GTA Forum**, Toronto Archives Auditorium, 255 Spadina Rd., Toronto, 4 p.m. to 6:30 p.m. Email: gtainfo@yorku.ca.

SATURDAY NOVEMBER 8

Mayor McCallion's 17th Annual Gala, Living Arts Centre, 4141 Living Arts Drive, Mississauga, 5 p.m. Call 905-615-4203.

MONDAY NOVEMBER 10

Municipal Election Day.

FRIDAY NOVEMBER 14

GO Board Meeting, 20 Bay St., Suite 600, Toronto, 10 a.m.

THURSDAY NOVEMBER 20

York Region Council, 17250 Yonge Street, Newmarket, 9:30 a.m.

BROCK MAYORAL RACE

Ex-mayor challenges single-term Clayton

Former **Brock Township** mayor **Keith Shier** is taking on one-term incumbent **Terry Clayton** in the November 10 municipal election. Shier, who spent the last three years helping his sons on the farm, volunteering for the Trillium Foundation and serving on the committee of adjustment after being edged out by Clayton in 2000, has decided he wants another shot at the mayor's chair.

"The present council has been pretty loosey-goosey with the finances," Shier told *Novae Res Urbis*. "I'm promising better spending controls."

Shier said that he feels tax increases in the township have been too high. He is not promising to freeze taxes in Brock, but rather "more strategic money management." He cites the decision of the current council to raise the salaries of council members and increase the severance provision as an issue.

Shier also believes that the largely agricultural community needs someone in the mayor's office who understands the agricultural industry. He is worried that the township is too bent on attracting a larger industrial base, which he believes would come at the expense of agriculture.

Protection of agriculture is a

major issue in all of the municipalities at the urban fringe in the Toronto region, a situation that has sparked a symposium to develop a GTA agricultural plan at the end of November. The symposium is being sponsored by the various federations of agriculture in the GTA, as well as the regional governments and the City of Toronto.

His tenure on the committee of adjustment has revealed to Shier a troubling trend on the eastern shore of Lake Simcoe, where new, big houses are beginning to threaten the "cottage atmosphere," he said. Shier, who has attended "lively" all-candidates meetings in Beaverton and Sunderland and has also canvassed township residents, said there is also concern in the southern part of the township about loss of service after the works yard was moved from Sunderland to Beaverton. "I'm having fun," the low-key former mayor concluded about the campaign.

A similar campaign is being waged in neighbouring **Georgina**, where ex-mayor **Robert Grossi** is challenging the man who narrowly beat him in the 2000 election, **Jeff Holec**. (See *NRU*, July 23.) •

- Keith Shier

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NOVÆ RES URBIS
GREATER TORONTO AREA

Oshawa, Toronto vie for highest rates

Oshawa and **Toronto** are duking it out for the highest business tax rates in the GTA. In 2003, Toronto has the highest commercial rate (at 4.61 per cent) while Oshawa has the highest industrial rate (at 5.3 per cent). **Mississauga** has the lowest general commercial rate (at 1.04 per cent), excluding offices and shopping centres (taxed at 2.9 per cent), while **Vaughan** has the lowest industrial rate (at 3.0 per cent). See the table below for the full list of rates.

The big difference among the municipalities is the assessed values against which the rates are applied. Toronto commercial businesses bear a higher assessed value, on average, than businesses in Oshawa. Last year, we noted that the average retail strip store in Toronto would pay almost double the amount of tax paid by its Oshawa equivalent. And, despite the much lower tax rate in **Richmond Hill**, a similar store there would have paid 50 per cent more than the Oshawa store. (See *Novae Res Urbis*, September 4, 2002.)

Property values were updated for the 2003 tax year, based on assessments done in June of 2001. The total value of commercial properties in Oshawa increased 8.5 per cent since the previous assessment in 1999. In Toronto, they increased by 15.8 per cent, in Richmond Hill by 13.7 per cent, in Mississauga by 15.8 per cent and in **Oakville** by 11.7 per cent.

The total value of Toronto's industrial class increased by more than 36 per cent, compared with an increase of 34.5 per cent in Oshawa, 23.5 per cent in Mississauga, 21.6 per cent in Richmond Hill, and 17 per cent in Oakville.

Municipalities in **Durham Region** continue to have a separate, higher tax rate for large industrial properties, an option adopted by Durham at the introduction of current value assessment in 1998 to prevent major shifts in the tax burden from some 30 large industries to the region's other industrial businesses. Mandatory capping of CVA-based increases and decreases for business ratepayers later made the use of the optional tax class less necessary and also means that, as the region phases out optional tax classes, more of the tax burden will shift to residential ratepayers. •

The total value of commercial properties in Oshawa increased 8.5 per cent since the previous assessment in 1999.

GTA Business Property Tax Rates (2003)

Municipality	Commercial%	Industrial%
Toronto	4.6112280	5.2080222
Oshawa*	3.8084140	5.3014460
Brock	3.7149100	5.1588500
Ajax*	3.4596970	4.7696750
Whitby*	3.4477230	4.7514180
Scugog	3.3844600	4.6549500
Clarington*	3.3393530	4.5861590
Pickering*	3.3344990	4.5787580
Uxbridge*	3.2421680	4.4379590
Brampton	3.0652240	3.5566500
Aurora	3.0289950	3.7168250
Georgina	2.9773100	3.4739900
Markham	2.9553010	3.6297310
Burlington	2.8474340	4.2978620
Oakville	2.8267000	4.2643960
Halton Hills	2.8256470	4.2625620
Caledon	2.7778050	3.2309180
East Gwillimbury	2.7553680	3.2116950
Newmarket	2.7477850	3.2027330
King	2.6995920	3.1457780
Milton	2.6645110	4.0014790
Whitchurch-Stouffville	2.6451330	3.0814170
Richmond Hill	2.6389760	3.0741410
Vaughan	2.6090810	3.0388090
Barrie	1.4573970	1.6537210
Mississauga*	1.0362170	3.3254970

* See next box for additional rates

Additional 2003 Business Tax Rates

	Office%	Industrial%	Shopping Centre%
Oshawa		6.5886850	3.4180380
Ajax		5.9277930	3.1050650
Whitby		5.9051040	
Clarington		5.6997180	2.9970570
Pickering		5.6905210	2.9927020
Uxbridge			2.9098340
Mississauga	2.8612590		2.8612590

Source: GTA Municipalities

Erratum

Oshawa's residential property tax rate fell in 2003 from the 2002 rate by 0.085 per cent, and did not increase by 0.01 per cent as indicated in the October 15 edition of *Novae Res Urbis*. The residential tax rate for 2002 was 1.795132 per cent and, as we correctly noted, the rate for 2003 is 1.710104 per cent.

The candidates in Durham

SCUGOG

Mayor
Glenn Malcolm
Marilyn Pearce

Regional Council
Jim McMillen
Ken Carruthers

Local Council
Ward 1
Cecil Lamrock
Keith Bacon
Larry Corrigan
Matthew Somerville

Ward 2
Bernadette Miller
Bobbie Drew

Ward 3
Heather Finnerty
Lynn Philip Hodgson
Peter A. Utnans

Ward 4
Blair Martyn
Chuck Hill
Frank Harris

Ward 5
Georgia Brock
Kevin W. Knight
Paul Michel

CLARINGTON
Mayor
John Mutton
Richard Ward

Regional Council
Wards 1 & 2
Jim Schell

Regional Council
Wards 3 & 4
Charlie Trim
Arnot Wotten

Local Council
Ward 1
Adrian Foster
Jim Vinson
Suzanne Elston
Oudit Rai
Gail Syme

Ward 2
Don MacArthur
Joseph Burchowycz

Ward 3
Pat Pingle

Ward 4
Gord Robinson

WHITBY

Mayor
Marcel Brunelle
Judy Griffiths

Regional and Local Council
(Three to be elected)
Melinda Crawford
Joe Drumm
Gerry Emm
Don Mitchell
Pat Perkins

Local Council
North Ward 1
Bob Higgs
Sue Pitchforth
Tracy Tonkinson
Brian Wick

West Ward 2
Myles Kesten
Mark McKinnon

Centre Ward 3
Doug Anderson
Chantal Gobeil
Shirley Scott
Karin Sheppard

East Ward 4
Lorne Coe
Norm Ferrier
Vata Gopinathan
Paul Mogavero
Lynn Porteous
Jim Priest

PICKERING
Mayor
Doug Dickerson
Dave Ryan

Regional Council
Ward 1
Maurice Brenner
Paul White

Regional Council
Ward 2
Mark Holland

Regional Council
Ward 3
Rick Johnson
Sally Miller

Local Council
Ward 1
Ross Arnott
Kevin Ashe
Joe Pacione
Enrico Pistritto
David Steele

Ward 2
Brian Evely
Bill McLean

Ward 3
Bonnie Littley
David Pickles

AJAX
Mayor
Steve Parish
Kip Van Kempen

Regional Council
Wards 1 & 2
Scott Crawford
Brian Johnson

Wards 3 & 4
Colleen Jordan
Jim McMaster

Local Council
Ward 1
Shaun Collier
Ralph Golberg

Ward 2
Kenneth Conway
Joe Dickson
Al Williams

Ward 3
Joanne Dies
Randy Low

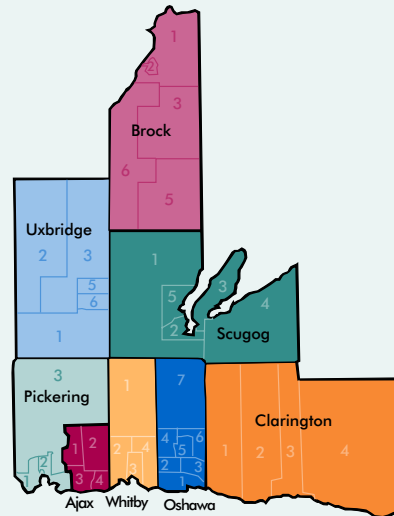
Ward 4
Pat Brown
Lynn McGurk-Weil

OSHAWA
Mayor
Michael Clarke
Nancy Diamond
John Gray
Darlene Hovland
Ed Kowalczyk

Regional Council
Ward 1
Bill Joyce
Brian Nicholson
Jeff Pope
Warren Young

Ward 2
Doug Bain
Dave Conway
Robert Lutczyk
Doug Ross
Dave Thompson

Ward 3
Ted McCracken
Nester Pidwerbecki
Maryanne Sholdra



Regional Council
Susan Para
John Gibson

Ward 1
Bev Northeast
Tara McCullough
Mary-Kay Maynard

Ward 2
Ted Eng
Bev Beach
Carol Kuula

Ward 3
Howie Herrema

Ward 4
Brian Heddle
Bob Shepherd

Ward 5
Kathy Wasylenky
Jim Byers

BROCK
Mayor
Terry Clayton
Keith Shier

Regional Council
Harold Lodwick
Larry O'Connor

Ward 1
Karen Windatt

Ward 2
Rossie Baillie
Denise Chennie
John Grant
Penny Nielsen

Ward 3
Kevin Ireland
Saul Juliao
Reg Starr

Ward 4
Debbie Bath
Christopher Wilson

Ward 5
Herb J. Gray
Allan Simpson

Ward 4
Toni Delauretis
Linda Dionne
Joseph Kolodzie
Stephen R. Leach
Randy Scarlett
Joy Wawrzyniak

Ward 5
Cathy Clarke
John Henry

Ward 6
April A. Cullen
Andrew Lauer
Rob Tite
Bruce Wallace

Ward 7
Deborah Clark
Peter Dickerson
John Neal

Local Council
Wards 1 & 3
Julian Luke
Mike Nicholson
Gord Vickers

Wards 2 & 4
Pauline Beal
Larry Jacula
Tito-Dante Marimpietri
Gregory Milosh

Wards 5 & 6
David Jaworski
Fred More
Louise V. Parkes

UXBRIDGE
Mayor
Gerri Lynn O'Connor
Anne Holmes

Golden Horseshoe continued from page 1

intends to sell all but 250 acres of the provincially-owned land for development.

In **Hamilton**, opponents of the Red Hill Valley expressway are hoping the provincial government will step in to stop the project, on environmental and financial grounds. They want the new environment minister to revoke previous approvals and the new finance minister to withdraw promised provincial support amounting to \$122 million.

The **Friends of Red Hill Valley** are urging McGuinty to back away from his support during the election campaign for the expressway, something they say contradicts the party's promises to curb sprawl. They want him to take action as he has vowed to do in Richmond Hill.

"McGuinty should be congratulated for standing up to the developers in Toronto – and he should be asked to also stand up to the developers in Hamilton and prevent the city from trashing our community's

environmentally sensitive space," according to the group. They want the provincial government to commit the \$122 million to other infrastructure projects in the city.

The Friends are concerned that the city is pushing ahead with the expressway project, and in particular with clearing trees on the escarpment to make way for the

road, ahead of the November 10 election. They believe the slate of candidates running in opposition to the expressway has a good chance of forming a majority on the next council and question the city's motives.

"The preparation for the clearcutting is clearly intended to influence the November 10 elections," Friends chair **Don McLean** said in a release.

"Apparently some people at the city are willing to play nasty games with the democratic process in hopes of convincing people that it's too late to vote for the anti-expressway candidates who are poised to replace them."

Calls to the city to clarify the status of the project were not returned by press time. •

Oak Rigdes Moraine



Source: www.imaginetbat.com

Moraine's future continued from page 1

president, has already sent McGuinty a letter of congratulation and reminding him that "this is not the time to be spending scarce taxpayer dollars on lengthy legal battles and/or compensation to builders acting under the current laws of the Province of Ontario."

Environmentalists also welcome the new government with recommended actions. A new report released by Environmental Defence Canada argues that it is not too late to restore areas on the moraine that were damaged by the first stages of construction to their natural state. "If we start soon, we can reclaim the moraine for wildlife and ensure a clean, safe supply of drinking water for generations to come," said **Rick Smith** executive director of Environmental Defence Canada.

The new cabinet should have some rest today, as

starting tomorrow the tough questions will have to be answered. •



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CAMCO to close Hamilton plant

Canadian Appliance Manufacturing Company plans to close its Hamilton plant in December 2004. More than 800 **Canadian Auto Worker** members work at the facility, with 300 more on layoff. The reasons cited are globalization and the Free Trade Agreement.

FCM boosts women in municipal decision-making

Ensuring that Canadian women have a meaningful voice in municipal decision-making is the goal of project being launched today in Ottawa by the Federation of Canadian Municipalities. Funded by Status of Women Canada, the project will involve community-based projects in Cowichan Valley, B.C.; Saskatoon, Sask.; Montreal, Que.; Halifax, N.S.; Thunder Bay, Ont.; and Iqauit, Nunavut.

Chrétien strikes task force on seasonal work

The Prime Minister has set up a caucus task force on seasonal work to assess the issues facing industries, workers and the communities in which they live, existing resources and gaps and provide advice on future actions. The task force, which includes Ontario Senator **Lorna Milne**, is expected to report to the Prime Minister by January 2004.

HALTON

Oakville subdivision market flourishing

Staff recommends that the **Town of Oakville** approve the following subdivision agreements:

- Plan by **Genstar Titleco Limited** for 44 single family lots. The site is located north of West Oak Trails Boulevard and west of Shorncliffe Boulevard;

- Plan by **New Province Homes** for two phases, one consisting of 145 single family lots and 16 blocks of multiple housing and the other of 93 single family lots. The site is in the Bronte Community (former Shell lands);
- Plan by **Mattamy Development Company** for 89 single family lots and associated open space areas. The site is located north of Upper Middle Road and east of Calloway Drive;
- Plan by **1541079 Ontario Limited** for 14 single family lots and open space associated with the Twelve Mile Creek valley. The site is located at the southwest corner of Bronte Road and Rebecca Street;
- Plan by **1293529 Ontario Limited** for 118 lots, two blocks of multiple attached units, a stormwater management facility and associated open space. The site is located west of Bronte Road and north of Upper Middle Road;
- Plan by **Genstar Titleco Limited** for 44 single family lots. The site is located north of West Oak Trails Boulevard and west of Shorncliffe Boulevard.

Consultant for North Oakville secondary plan

Staff recommends that the **Town of Oakville** approve the selection of **Macaulay Shiomi Howson** as the lead consultant for the secondary plan regarding North Oakville, west of Sixteen Mile Creek. Macaulay Shiomi Howson has already been consulting for the city regarding the lands east of Sixteen Mile Creek. It is also recommended that this work be funded through development charges and property taxes.

PEEL

Extension of GO DC by-law requested

Peel Region council is requesting

that the provincial government extend the term of the current GO Transit development charges by-law for a period not to exceed December 31 to permit the Greater Toronto Area regions to continue collecting development charges revenues in support of GO Transit's 10-year Growth Plan. Regional staff has been asked to collaborate with the staff of the GTA municipal GO Transit funding partners, GO Transit and the Ministry of Transportation to prepare a detailed background study in support of the new GO Transit development charges by-law in 2004.

YORK

York Region has issued a request for proposals for new technologies for waste management that reduces reliance on landfills. The RFP follows a request for expressions of interest issued by the **City of Toronto** in July. The York RFP will ask the successful bidder to pilot their technology at a small-scale demonstration facility for five years and/or at a large-scale commercial facility for 10 years. Staff is expected to recommend the pilot project technology in early 2004.

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Erratum

Oshawa staff recommended denial of OPA and rezoning applications by **Aidan Lands Corporation** to permit a shopping centre at 915, 923 and 931 Taunton Road East and not approval as indicated in the October 15 edition of *Novae Res Urbis*. We regret the error.

RICHMOND HILL

Car dealership on 11667 Yonge

1214420 Ontario Ltd. has submitted OPA application regarding **11667 Yonge Street**, Part of Lot 1. The application is to permit a car dealership, service, rental and repair use on the front portion of the site.

Lodge expansion

Tibor Szanto has submitted OPA application regarding **531 16th Avenue**, part of Lot 22. The application is to permit an expansion of a lodging home from nine rooms to 19.

Residential building on Mackenzie and Essex

Anton Ayoub has submitted OPA and rezoning applications regarding **417, 425 and 431 Major Mackenzie Drive East and 145, 151 and 157 Essex Drive**, Lot 219. The application is to permit a 10-storey, 137-unit, residential building.

Synagogue at 9225 Bathurst

1330728 Ontario Inc. has submitted a rezoning application regarding **9225 Bathurst Street**, Lot 2. The application is to permit a synagogue.

Irregular lots on 19th Avenue

John Stephens has submitted a rezoning application regarding **256 19th Avenue**, Lot 24. The application is to permit four irregular lots.

Commercial development on 13056 – 13070 Yonge Street

Erminio and Rinaldo Mollicone have submitted rezoning and site plan applications regarding **13056 – 13070 Yonge Street**, part of Lots 11 and 12. The application is to permit a one-storey commercial development.

Office and retail at 13175 Young Street

The **Sierra Corporation** has submitted a rezoning application regarding **13175 Young Street**, part of Lot 67. The application is to permit office and retail commercial uses.

Drive through at 10579 Yonge Street

172965 Canada Ltd. has submitted rezoning and site plan applications regarding **10579 Yonge Street**, Lot 55. The application is to permit an accessory drive through.

Single detached on Madison Avenue

Enzo Risi and Primo Moella have submitted a rezoning application regarding **34 Madison Avenue**, Lots 957, 958, 959 and 960. The application is to create three single-detached lots.

Four lots on Long Hill Drive

Michelle DiRocco has submitted a rezoning application regarding **15 Long Hill Drive**, Lot 15. The application is to permit the development of four 50-foot lots.

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The demonstration-scale facility must use thermal technology and be able to process up to 20,000 tonnes of waste per year. The commercial facility must be able to process up to 70,000 tonnes per year but seek to find a technology that will divert the maximum amount of material from landfill. Both must reduce reliance on landfills, meet all regulatory requirements, produce marketable by-products and be operational in 36 months.

Waste user fees to go up \$1

York Region is increasing its user fee for the solid waste transfer station in **Georgina** by a dollar to \$86 per tonne in January 2004. The increase applies to works operations of York Region and local municipalities, and waste from industrial, commercial and institutional sources.

Child care subsidies reduced

The Province has reduced **York Region's** child care subsidy under the Ontario Works program by 22.3 per cent. This reduction will result in an annual loss of approximately 43 subsidized spaces. Ontario Works child care subsidies have been reduced in a number of communities across Ontario including **Simcoe County, Halton, Peel and Niagara** regions.

OPA and rezoning to fit moraine act

Staff recommends that the **Town of Markham** council approve the draft Oak Ridges Moraine OPA and rezoning as required by the *Oak Ridges Moraine Conservation Act*.

Pre-hearing procedural orders count

In a decision issued October 9, board members **Jennifer Smout** and **Narasim Katary** dismissed a motion by **Tanyaville Holdings Inc.** to amend the board's procedural order.

The applicant was a part of an unincorporated association of developers and landowners named **Credit Valley Secondary Plan Developers Group**, which filed an appeal with the board regarding the **City of Brampton Credit Valley OPA**.

After the first pre-hearing, the Credit Valley group met with the city and another appellant **Beacon Hall Limited**, to discuss a settlement. Among other things, the parties agreed on revised wording for section 8.1.2 of the OPA, which the city circulated among the parties. At the second pre-hearing a revised list of issues and a revised OPA were submitted.

More than a month after the pre-hearing and close to the hearing date the applicant notified the parties that it is not satisfied with the modifications to the section. Further, the applicant brought a motion to change the procedural order that followed the pre-hearing so as to contest section 8.1.2.

The applicant argued that it did not participate in the wording of the section once it had become aware of the revisions, it immediately made the necessary steps to put forward the motion. Moreover, as a party to the hearing it has the right to provide evidence regarding the planning merit of the revised section. Finally, Tanyaville argued that allowing the motion would serve the public interest by ensuring a thorough examination of the issue.

The city argued that the applicant was present at the settlement discussion as part of the Credit Valley group, and therefore knew or should have known about the amendments. Furthermore, as a member of the group the applicant is bound by the settlement. Finally, other parties relied on the amendments while negotiating other matters and preparing for the hearing.

Beacon Hall added to the city's arguments that parties must know that they can trust the board's pre-hearing process and procedural orders, saying otherwise would be contrary to the public's interest. Other parties argued against the motion along the same lines.

The board referred to the importance of the pre-hearing process in making hearings more efficient and the fact that parties rely on the procedural orders. Therefore, "for the board to deviate from such orders at such a late date in the proceeding would serve only to

make a mockery of its process." While there might be cases where the board would make changes to the issue list, this case is not one of them as the applicant, as a member of the Credit Valley group, was aware or should have been aware of the modifications. Finally, the public's interest for hearing the best evidence on the issue must be balanced against a reliable pre-hearing process.

Solicitor **Francis Handy (Stitt Feld)** represented the City of Brampton. Solicitors **Mary Rae** and **Ophir Bar-Moshe** represented the **Region of Peel**. Solicitor **Jeffrey Davies (Davies Howe)** represented the Credit Valley Secondary Plan Developers Group. Solicitor **Russell Cheeseman** represented Tanyaville Holdings Inc. Solicitor **Ronald Webb (Davis, Webb, Schulze & Moon)** represented Beacon Hall Limited. Solicitor **Jeffrey Goldenberg (Fogler Rubinoff)** represented **Kimberely Beckman**. Solicitor **Chris Barnett** and student-at-law **L. Bisset (Davis & Company)** represented **Sungold Group Ltd., Creeview Development Inc., Loteight Conthree Investments Limited, Creditview Conthree Investments Limited** and **Helpport Development Inc.** Solicitor **Mark Noskiewicz (Goodmans)** represented **Mattamy (Creditview) Limited** and **Nicolau Properties Ltd.** (*See OMB Case No. PL021041.*)

Board acknowledges mistake

In a decision issued October 6, board member **Robert Beccarea** allowed a motion by **772147 Ontario Limited** to cancel an administrative order, which dismissed an appeal of the **Town of Caledon** refusal to enact an OPA.

The appeal was dismissed after the board asked the appellant to provide a detailed status report regarding whether it wishes to pursue the appeal further. Counsel for the appellant, **Paul Bottos (Piccin Bottos)**, responded that his client had not lost interest in the appeal. The response was not sent to the other parties, who in return motioned to dismiss the appeal. Bottos was not given a copy of that motion.

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The board found that the decision to dismiss the appeal was done without being aware of Bottos' response and, therefore, the appellant was deprived of its right to a hearing. In accordance with section 43 of the *Ontario Municipal Board Act*, the board ordered that its previous order be rescinded.

Solicitor Paul Bottos (Piccin Bottos) represented 722147 Ontario Limited. Solicitor **David Ostler** represented the Town of Caledon. Solicitor **Paul DeMelo (Kagan Shastri)** represented the **Region of Peel**. (*See OMB Case No. PL968952.*)

Lot severance allowed

In a decision issued October 3, board member **Robert Owen** allowed an appeal by **Duncan Kerr** of the **Town of Oakville** committee of adjustment dismissal of a minor variance application regarding 98 Ridge Drive.

The appellant proposed severing a lot into two 728-square metre lots for the purpose of building a two-storey dwelling.

The board found the proposal to be suitable infill development, which is in keeping with the provincial policy statement, the OP and the neighbourhood's character. Moreover, there is no danger of negative impact in terms of view and privacy on neighbours, since the new lot is adjacent to a diversion channel that creates a buffer between the lot and the homes to the south.

Solicitor **Blair Taylor (O'Connor MacLeod)** represented Duncan Kerr. Solicitor **Douglas Carr** represented the Town of Oakville. (*See OMB Case No. PL020709.*)

Variance pending OPA and rezoning

In a decision issued October 7, board member **Bruce Krushelnicki** partially allowed an appeal by **Mukund Mody** of the **City of Mississauga** committee of adjustment dismissal of a minor variance application regarding 2544 Confederation Parkway.

The site is designated in the OP and zoned in the zoning by-law as residential. The appellant, however, had been given a limited permit to use the site for its law office. The current application is to allow that use to continue.

The appellant argued that adjacent properties are mixed use. He also added that during the time he was allowed to use the site as a law office he made considerable renovations to the interior of the property.

The city argued that the proposal is not minor and does not maintain the intent of the OP and the by-law. The city, however, recognized that the site deserves some special consideration and, therefore, proposed to allow the appellant to occupy the site for an additional two years, during which time OPA and rezoning application should be submitted to allow mix of uses in the area. Moreover, considering the poor condition of the exterior of the site, during this two year period the appellant should also submit a site plan application and reach a site plan agreement with the city. The board accepted the city's position and ruled accordingly.

Solicitor **Michael Weir (Weir Nakon)** represented Mukund Mody. Solicitor **L. Valentini** represented the City of Mississauga. (*See OMB Case No. PL030208.*) •

GTA IN BRIEF

Rezoning for Bullock Drive

Staff recommends that **Markham** council approve a rezoning application by **1371045 Ontario Limited** to re-designate the lands at 160 and 162 Bullock Drive from industrial to business corridor.

Terms of reference for the Langstaff study

Staff recommends that **Markham** council endorse the terms of reference for the Langstaff land use study and authorize staff to proceed with consultant selection at a cost of no more than \$37,190.29 inclusive of G.S.T. •

GTA PEOPLE

Suzanne Bass has been appointed director of **Brampton Transit**. Formerly, Bass was manager of operations with Mississauga Transit. •