

BRANT STREET PIER, TAKE TWO

NEW LIFE ON WATERFRONT

By Mark Ostler

Burlington city council approved restarting the troubled Brant Street Pier construction project, but the increased budget has the local councillor balking. The updated budget is now more than \$15-million, increased from an original approved budget of over \$9.2-million. The city's capital purpose reserve fund will cover the additional \$5.8-million for the project.

Rookie mayor and former councillor **Rick Goldring** sees a new contract for the pier's completion as something of a political fresh start for a largely new-look council after a series of major issues with the project ground work to a halt during the last term of council. However, local councillor **Marianne Meed Ward** does not support spending more money on the project.

"I did not support the additional budget and won't support it at council, the reason being that I've been concerned from the beginning of this project that we complete this in a timely and cost-effective manner," Meed Ward told *NRU*. However, she conceded that most of her residents want the half-constructed pier finished.

"I think most residents I've heard from believe we should finish the project," Meed Ward continued. "That does seem to be the prevailing view, but I certainly understand those residents who are really upset with the cost

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RICHMOND HILL PARKLAND DEDICATION

INTERIM BY-LAW APPROVED

Introduced as a motion by Mayor **Dave Barrow**, Richmond Hill council enacted an interim parkland dedication by-law at its meeting last Monday, with councillors **Vito Spatafora Carmine Perrelli**, **Nick Papa**, **Godwin Chan** and **Greg Beros** voting in favour of the motion and councillors **Brenda Hogg** and **Lynn Foster** opposed. The by-law outlines a \$10,000 fixed unit rate to calculate cash-in-lieu of parkland for residential developments and redevelopments for an eighteen-month period from June 27 to December 21, 2012. A staff report on the town's long-term parkland dedication strategy is expected to be completed over the next year and a half, at which time council will revisit the by-law.

"Without a staff report that outlines the town's parkland need in a long-term parks strategy for the next 25 years that would help determine an effective alternative parkland policy, council opted to enact the \$10,000 fixed unit rate temporarily to allow staff time to carry out a long term parks plan for the town. Because the report might come out and say that \$10,000 is too much, the needs are only such, or it might say, no it needs to be more. We still have a differing of opinion between political and subdivision developers," explained Beros in an interview with *NRU*.

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Jim Harbell jharbell@stikeman.com
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UPCOMING DATES

JULY 6

Mississauga Council, 9:00 a.m.

Halton Region Planning & Public Works Committee, 9:30 a.m.

JULY 7

Special Ajax Council, 7:00 p.m.

JULY 11

Oakville Planning & Development Council, 7:00 p.m.

Richmond Hill Council, 7:30 p.m.

Pickering Council, 7:30 p.m.

Halton Hills Council, 6:30 p.m.

JULY 13

Brampton Council, 1:00 p.m.

Halton Region Council, 9:30 a.m.

JULY 18

Milton Council, 7:30 p.m.

AUGUST 3

Mississauga Council, 9:00 a.m.

Halton Region Planning & Public Works Committee, 9:30 a.m.

AUGUST 8

Brampton Planning, Design & Development Committee, 7:00 p.m.

Oakville Planning & Development Council, 7:00 p.m.

AUGUST 10

Brampton Council, 1:00 p.m.

Halton Region Council, 9:30 a.m.

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GREATER TORONTO
AREA EDITION

CORPORATE TAXES, HYDRO SYSTEM

HORWATH TAKES AIM

Talking up the NDP's economic credentials, provincial leader **Andrea Horwath** positioned the party as fiscally responsible while highlighting some of the points in the NDP's recently released platform.

In a speech last week at an event sponsored by **WeirFoulds**, Horwath took aim at corporate tax breaks.

"We now have two successive governments that supported across-the-board business tax cuts," the provincial leader told the audience, adding later that "the corporate tax cuts in Ontario haven't led to any investment. Instead what you got was a massive increase of liquid assets."

The NDP's platform, called Plan for Affordable Change and released late last month, points out that the combined federal and provincial corporate tax rate has been reduced significantly, totalling about \$20-billion, but has failed to create jobs. Horwath said the NDP's proposal is to restore the corporate tax rate, but add an investment tax credit.

"We believe this solution is based not on ideology, but what is working in the real world," Horwath said, going on to explain how the new tax credit would work.

Companies that invest in buildings, machinery and equipment in Ontario will get a 10 per cent tax break. As well, the party is proposing a training tax credit, for companies that support upgrading employees' skills.

Horwath also took aim at the Progressive Conservative Party's previous deregulation and privatization of the province's electricity system, stating that the concept "has failed." The NDP leader insisted that restoring public ownership of the electricity system is the right way to go, but stressed that this belief is based on the economics of the status quo rather than political ideology.

The NDP is proposing to consolidate the bureaucracies in the electricity system and cap electricity CEO pay. The platform points out that Manitoba has a single hydro CEO making about \$300,000 a year, whereas Ontario has multiple CEOs, including for the **Ontario Power Authority**, **Hydro One** and the **Independent Electricity System Operator**, whose salaries range between \$573,000 and \$954,000.

"By merging these organizations into Ontario's publicly-owned generating company we can reduce costs and protect consumers," the platform asserts. "In Ontario, there will still be a role for small private producers, co-operatives and others who want to sell power back to our grid, but large-scale electricity generation must be publicly-owned, publicly accountable and affordable."

Horwath pointed out that electricity rates are far lower in provinces like Manitoba and Quebec, where the public hydro systems provide power at a far lower cost. **nr**

Ian A.R. Graham, Publisher
iang@nrupublishing.com

Lynn Morrow, Editor
lynnm@nrupublishing.com

Mark Ostler, Municipal Affairs Reporter
marko@nrupublishing.com

Kristine Janzen, Planning Reporter
kristinej@nrupublishing.com

Jeff Payette, Layout
jeffp@nrupublishing.com

Kristine Janzen, Circulation/Advertising
kristinej@nrupublishing.com

SALES/SUBSCRIPTIONS
circ@nrupublishing.com

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Editorial Office
26 Soho Street, Suite 330
Toronto, ON M5T 1Z7
Tel: 416.260.1304
Fax: 416.979.2707

Billings Department
46 Old Bridle Path
Toronto, ON M4T 1A7
Tel: 416.440.0073
Fax: 416.440.0074
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BRANT PIER, TAKE TWO

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increases, and they have a right to be. It's a huge amount of money."

In an interview with *NRU*, Goldring noted there remain risks involved with completing the pier, but the city has crafted far more rigorous criteria in its request for qualifications tender that will help avoid the problems this time around.

In the summer of 2008 the first concrete pour for the pier project failed. A legal dispute has erupted over the cause of the failure—whether poor design or poor construction was the cause. The concrete pour failure was followed by a crane accident that same summer and a year later the steel used in the project failed quality tests.

The city ultimately filed claims against the companies involved. Original project engineer **Aecom Canada** was hit with a \$10-million claim from the city and a group of parties, including initial contractor **Harm Schilthuis and Sons**, who is the subject of a \$7.5-million claim. In December 2009, the contractor informed the city that it was unwilling to complete the project under the terms of the contract. The lack of a dispute resolution clause played a role in the drawn out negotiations between the city and Harm Schilthuis and Sons and the resulting stalemate that led to legal action.

City staff and legal costs of that legal action have not been factored into the new budget for the pier project and remain confidential. Meed Ward said some of her constituents felt the total cost "is very disturbing and certainly unpalatable." However, staff has estimated the costs of abandoning the project and dismantling what has been built to date to be about the same as finishing the pier.

"We're not out of the woods yet," Goldring said. "Once we award the tender, there [are] obviously risks along the way during the construction of the project, but I'm looking forward to, on or about July 1, 2013, us being able to open the pier."

The mayor pointed out that recent projects, like the city's new Performing Arts Centre, transit operations centre and Appleby Ice Centre were all completed on time and on budget—and in the case of the ice centre, under budget.

"The vast majority of the projects the city's involved with go very well," Goldring said. "It's unfortunate that this has the profile it does because for some people, they look at the pier as analogous to how the city's operated and that's not fair."

But Goldring conceded that considering the Brant Street



Pier project's all too recent past, more rigorous qualification criteria, the hiring of a procurement specialist, inclusion of a dispute resolution clause in the final contract and the hiring of a project manager will make it more likely the mayor can cut the ribbon on a new pier two years from now. The dispute resolution clause is something that is particularly important for the city, in hindsight.

"I think it gives both sides more control and I think it gives both sides more certainty," the mayor said. "I think there should be comfort on both sides of having that in there."

Morrison Hershfield has been hired as the new lead engineer for the project and will prepare a tender for the new contractor. **METTKO** is the project manager. Law firm **Cassels Brock** has also been retained as a procurement consultant, helping the city prepare the tender package.

"I think everybody in the city—staff and council and residents alike—want to make sure that we prevent this from happening again," Meed Ward said. "My concern has always been the escalated cost and timeline associated with going down the retender option. We're here now and we really do need to make sure we've learned and that we can prevent a similar situation and that we keep to those costs and timelines."

So far 11 contractors have applied for pre-qualification and the city expects to put out the tender in the middle of this month. Tenders are expected to come back by mid-to-late August and a council decision on a new contract could be made by early October. Council also voted to add several new features to the pier, including a promenade extension, small ramp to the beach and a small floating dock, although they are being budgeted separately and would only be included if the tender prices fall within the updated project budget. [nrn](#)

RICHMOND HILL PARKLAND

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The previous by-law, enacted in 2008, set the parkland dedication rate at the maximum legislated alternative of 1 hectare per 300 units or 5 per cent of the land proposed for development, whichever measure was greater. Previously the town's parkland dedication rate had been 5 per cent of land proposed for development because greenfield development was the principal building form.

However with new higher density infill projects coming on-line, some developers viewed the 2008 by-law as a significant barrier to building competitive higher density developments. Cash-in-lieu payments for a typical Richmond Hill project were in the \$20,000 per unit range because land values for high-density developments increase significantly at the building permit stage, when the parkland cash-in-lieu charge is calculated.

"At the time [in 2008], we didn't really know what the values were going to be. We now have properties on Yonge Street in Richmond Hill selling for \$4-million an acre. We now find ourselves at a transition point...Because I don't think that land value from the condo units has kept pace with the bare bones land value. Just because someone paid \$4-million an acre, it does not mean that the condo unit can sell for the same proportionate price with this additional burden of parkland. Because in some cases, it would have been \$20,000 per unit in addition to DCs," explained Beros.

The **Building Industry and Land Development Association** has been lobbying the town to take a closer look its parkland policy, which it says is a barrier to achieving intensification requirements outlined in the provincial Growth Plan. (See *NRU GTA edition June 8.*)

Liberty Development Corporation senior vice president **Marco Filice** compares the parkland dedication requirements for mixed-use high-density and infill intensification developments under the current *Planning Act* to what "kryptonite is to superman." As a solution to high cash-in-lieu of parkland dedication payments that arise because payment is calculated the day before building permits are issued, when the land value is at the highest, Filice recommends municipalities make strategic parkland purchases at the subdivision stage when land values are significantly lower.

In a handbook released by the **Ministry of Municipal Affairs and Housing** this winter, reducing the cash-in-lieu

of parkland dedication is identified as a tool municipalities can use to leverage sustainable features in infill projects where parkland cannot be accommodated on site and where official plan policies are in place.

While the BILD is likely comparing Richmond Hill's parkland policy to Toronto's alternative parkland dedication policy, councillor Beros noted: "Richmond Hill is not Toronto, and we're not trying to be Toronto."

"We may be at that point in time 25 years from now, but we're now only at the beginning of our intensification. I don't want to be looked upon 25 years from now as someone who has put the town in an awkward position. I want to encourage building, but I want the number to be the right number. Everyone needs to win. On the flipside, my fear is that if the numbers are too high, we'll never get people to come in and say, yes, I'll build there. There's a lot to wrestle with," Beros added. **NRU**

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GTA IN BRIEF

[Feds agree to housing funds](#)

Ministers at the federal, provincial and territorial levels have signed a framework for federal affordable housing funding. The new framework will see \$1.4-billion spent on affordable housing up to 2014. The funds are part of a previous federal affordable housing program. The 2008 plan included a total of \$1.9-billion in spending on housing and homelessness, with a two-year affordable housing initiative that began in 2009. The initiative expired this past March. The new framework, announced earlier this week, is expected to help 1.5-million people across the country find housing. Funds will be provided through the agreement in a number of areas, including new affordable housing, renovations to existing housing, rent supplements, homeownership assistance and shelter allowances.

[Genivar expands](#)

On Monday, **Genivar Inc.** announced the acquisition of two engineering firms who specialize in environmental consulting—Quebec-based **Groupe OptiVerte inc.**

and Alberta-based **JMH Environmental Solutions Ltd.**

DURHAM

[Certificate of approval issued](#)

Last week, the **Ministry of the Environment** issued a certificate of approval for the York-Durham energy-from-waste facility, which will be located on a 12-hectare parcel in Clarington's Energy Business Park. **Covanta Energy Corporation** was contracted by York and Durham regions in 2009 to design, build and operate the facility. The facility is expected to open in 2014, with construction likely to begin this fall.

"Today's announcement is an important step in ensuring that residents of Durham and York regions will have a long-term solution for managing our garbage," said **Durham Region** works commissioner **Cliff Curtis**. "With this facility, we will be able to transform our garbage into energy and reduce our carbon footprint. This facility is just one part of the solution; the rest of it lies in our diversion efforts. We have a goal of 70 per cent diversion and with the

help of our residents, we will reach our goal."

[Ajax heritage arts space](#)

The **Town of Ajax's** \$3.4-million redevelopment of St. Francis de Sales Church is moving closer to completion. The town will open the renovated space for use as community arts space in September. The town purchased the church in 2007 to preserve and restore the heritage structure. The property is the first publicly owned heritage property that will be publicly accessible in the town.

Restoration of the exterior of the church is now underway. **AECOM** is working with the town to restore the brick, repair and waterproof the foundations, replace the roof and eaves, restore the wood trim and replace the slate tile from the bell tower steeple. The project is financed by all three levels of government, with an \$852,000 contribution from each of the federal and provincial governments.

HALTON

[Oakville complete applications](#)

The **Town of Oakville**

has given notice that the following applications are complete:

- Plan of condominium submitted by Ashley Oaks Emporium Inc. for 121-unit condominium and 44 townhouses at 2460 and 2470 Prince Michael Drive, at Dundas Street East.
- Official plan and zoning by-law amendments proposed by 1458409 Ontario Ltd. to permit development of a 3-storey 20-unit apartment building with underground parking on the north side of Sheddon Avenue, west of Allan Street.
- Zoning by-law amendment proposed by Silwell Developments Ltd. to permit development of a 4-storey mixed-use development, with 94 residential units and 15,000-square metres of retail space as well as 12 three-storey stacked-townhouse apartments with 212 units, at Taunton Road and Oak Park Boulevard.

[2011-2014 Halton strategic plan adopted](#)

At their meeting June 22, **Halton Region** council adopted "Citizen's Priorities

GTA IN BRIEF

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2011-2014 Action Plan,” a strategic plan that outlines 25 regional priorities. The plan was developed in consultation with Halton residents through a phone survey and focus groups by **Ipsos Reid**, an online survey, councillor survey, public roundtable and citizens’ reference panel made up of 36 randomly selected residents.

[Milton commercial plaza meeting](#)

The **Town of Milton** will host a public meeting July 18 at Milton’s town hall to discuss a re-zoning application submitted by **Durland Properties Inc.** to permit development of a commercial-retail plaza at the corner of New Main Street and Tremaine Road. The plaza will include a gas station, car wash and propane retail facility.

PEEL

[Ward 5 by-election date set](#)

The **City of Mississauga** has set September 19 as the by-election date to replace former ward 5 councillor **Eve Adams**, who was elected as a Conservative MP for Mississauga-Brampton South

in the May 2 federal election. The nomination period is from July 6 to August 5 at 2 p.m. Former MP and Mississauga councillor **Carolyn Parrish**, who lost her Ward 6 council seat in last October’s municipal election, has reportedly announced she will file her papers this week to run in the by-election. Also announced as candidates in the by-election are local Rogers Television station manager **Jake Dheer** and local school trustee **Rick Williams**.

[Brampton heritage designations](#)

The **City of Brampton** has enacted by-laws designating the following properties under *Part IV* of the *Heritage Act*: 63 Elizabeth Street at Craig Street, 38 Isabella Street, the **Harrison Hewgill Cemetery** at 9749 The Gore Road, 21 Brisdale Drive and 16 Triple Crown Drive. The city now has 87 designated properties.

YORK

[Development tracking software innovation](#)

Last week, the **City of Vaughan** received a

second royalty payment of \$16,950 from **Munirom Technologies Inc.** for its Development Tracking Application (DTA), which uses geographic information system mapping technology to track development applications and other land-based resources. The **Regional Municipality of Niagara** has also recently purchased a software licence for DTA.

“GIS is one of several corporate-wide computer-based systems the city has invested in to increase efficiency, and provide better services to our residents and businesses” said city manager **Clayton Harris**. “The city also benefits from the strong interest in this software from other municipalities by obtaining a royalty on any future sales.”

[East Gwillimbury commercial needs study](#)

The **Town of East Gwillimbury** has released a November 2010 study of its commercial and retail needs conducted by **Robin Dee & Associates** and **Sorensen Gravely Lowes Planning Associates** for public comment. The study shows the town has over 1-million-square feet of existing built retail and service space, but will require an additional 2-million-square feet of commercial development to 2031. The study also provides a detailed inventory of the

town’s existing retail and commercial activities. The study is part of an initiative to encourage development of mixed-use commercial uses in the town’s centres and corridors.

[Newmarket Health Centre pavilion opening](#)

An official opening ceremony for the **Newmarket Health Centre** pavilion is being hosted by **York Region** this morning. York Region chair **Bill Fisch**, Newmarket mayor **Tony Van Bynen**, **Newmarket Health Centre Volunteer Auxiliary** president **Velma Storie** and committee members, as well as gold medal world champion dancer and Newmarket resident **Natalia Leszczynska** will be in attendance. The pavilion is a covered outdoor meeting space, which was funded through contributions from the Newmarket Volunteer Auxiliary’s fundraising efforts, York Region and the community.

[Highway 404 extension](#)

At the end of June, the province notified **Town of Georgina** mayor **Robert Grossi** that the contract to construct the northern extension of Highway 404 to Ravenshoe Road has been awarded to **Miller Paving**. The highway extension is expected to be open for traffic by December of 2012. **nru**

GTA OMB NEWS

Bayview plaza settlement approved

In a decision issued June 28, board member **Reid Rossi** approved a settlement and allowed appeals by **Clearway Holdings Ltd.** Clearway had appealed the **Town of Richmond Hill's** failure to enact an official plan and zoning by-law amendment.

Initially, Clearway had proposed to redevelop the existing two-storey commercial plaza into a 9-storey 200-unit residential building with ground-floor commercial at 8763 Bayview Avenue, at High Tech Road. The existing Quantz House heritage home on the property was to be relocated 23-metres north, while remaining on the property. The settlement agreement presented to the board proposed a seven-storey 170-unit building with ground-floor commercial space, along with 93-square metres that would be conveyed to the town for community purposes, along with relocation of the heritage building.

Detailed documents outlining the settlement agreement, as well as planning evidence from town staff and from the proponent's experts were submitted to the board.

The **Toronto and Region Conservation Authority**, who was involved in meetings because the property includes a valley feature, supported the settlement proposal presented at the hearing.

The board noted **Heritage Richmond Hill** and council are supportive of relocating Quantz House to another site on the property.

Planner **Michael Goldberg (The Goldberg Group Ltd.)** testified in support of the settlement, provided context, and told the board the settlement represents good planning and should be approved. Goldberg explained that while the **York Region** official plan is under appeal, it is not very different from the 1994 in-force regional plan and the proposal meets its strategic goals. Further, while the Town of Richmond Hill's official plan is also under appeal, Goldberg told the board council has determined the site is appropriate for redevelopment. He said the height of the building is lower than other developments approved for the Yonge Street corridor and the proposal provided new investment on an underused site.

Four residents opposed to the proposal told the board

they were concerned with how planning staff handled the settlement agreement and the proposed density, as well as the design of the proposal and its impacts on area pedestrian and vehicular traffic, natural features and parking.

The board noted it would not comment on how planning staff ultimately supported the settlement agreement, but explained the documentary evidence submitted along with the uncontested testimony of expert witness Michael Goldberg addressed all issues raised by the residents. The board concluded the settlement proposal represents good planning. The board allowed the appeals and approved the settlement.

Solicitor **Barry Horosko** and **Caterina Facciolo (Bratty & Partners)** represented Clearway Holdings Ltd. Solicitor **Antonio Dimilta** represented the Town of Richmond Hill. (See OMB Case No. PL101174.)

Oakville minor variance appeals refused

In a decision issued June 29, board member **Joe Wong** refused appeals by **Alder Ridge Developments Inc.** against a committee of adjustment decision. At issue was the refusal of nine minor variance applications to permit development of a three-storey three-unit apartment house at 74-76 Trafalgar Road in the **Town of Oakville**. Alder Ridge Developments Inc. also appealed the town's failure to make a decision on a related site plan application.

Counsel for the Alder Ridge advised the board that it was seeking revised variances, with a total of eight requests rather than the nine that were refused by the committee of adjustment.

Planner **John Ghent (Weston Consulting Group Inc.)** testified on behalf of the applicant and told the board the property is located in a transition area between the central business district and a heritage conservation district. Ghent told the board the proposal meets the intensification goals in the provincial policy statement, as well as the regional and town official plans, which designate the property for medium-density residential uses and permit multiple dwellings and apartments.

However, a special provision in the town's zoning by-law permits only multiple-attached dwellings, which Ghent explained was intended to provide a transition between the commercial and residential area. In this

GTA OMB NEWS

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regard he said the proposed apartment is merely a vertical townhouse, which requires a minor variance. Further, the apartment did not represent a change in use and was compatible with the existing residential uses. Ghent also told the board the proposal would have no negative impacts on the adjacent heritage conservation district.

Ghent explained that a rezoning application was not necessary because the proposal is minor and would not have any negative impacts on the surrounding area and because the same studies required for a rezoning had already been submitted with the current application. Ghent also told the board that the public input on minor variances was the same as a zoning by-law amendment, albeit in a different form.

Heritage architect **Philip Goldsmith (Goldsmith Borgal & Company Ltd.)**, who prepared the Heritage Impact Assessment for the application, testified in support of the proposal. Goldsmith told the board the proposal would have no negative impact on the neighbouring heritage conservation district.

Five area residents opposed to the proposal testified at the hearing.

Oakville heritage planner **Susan Schappert** told the board the building scale is out of proportion with the scale and massing of the adjacent heritage conservation district, but agreed there was no historic context for the existing buildings on the site.

Town current planning and urban design manager **Charles McConnell** testified the application is not a minor variance and should be a rezoning application, because it represents a new use. The zoning permits only a multiple-attached dwelling, not an apartment house. Further, the proposal is not compatible with the ground-related low-scale development in the existing development pattern. McConnell also told the board the zoning, which has been in place for over 50-years,

is consistent with the intensification policies in the *Provincial Policy Statement* and Growth Plan.

The board agreed with the testimony of McConnell that the application should go through a zoning by-law amendment. Because of this, the board ruled the variances proposed do not meet the intent of the zoning by-law or the official plan. Further, issues raised by residents and planning staff could be better addressed through a rezoning process. The board noted the zoning for the south side of Robinson, which includes the subject property, has been in place for over 50 years and has been upheld by various councils.

The board ruled that each of the eight minor variances proposed fail one or more of the four tests for approving minor variances, dismissed the appeals and did not authorize the site plan.

Solicitor **Russell Cheeseman** represented Alder Ridge Developments Inc. Solicitor **Denise Baker** represented the Town of Oakville. Solicitor **David Beck** represented **Halton Region**. (See OMB Case No. PL100576.) [nru](#)

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GTA PEOPLE

The **City of Brampton** has retained mediation and arbitration firm **ADR Chambers** to serve as the city's office of the integrity commissioner. From

ADR's members, former Superior Court justice **Donald R. Cameron** will act as the city's integrity commissioner and lawyer **Edward T. McDermott**

will also work on the file, reporting to Cameron.

No city staff will be employed by the integrity commissioner's office.

Lawyer **Mark MacKeigan** has been reappointed as a member of the **Canadian Transportation Agency**. MacKeigan, who earned his law degree at

the **University of Toronto**, was first appointed to the CTA in 2007 and the reappointment, which took effect June 23, is for a three-year term.