

ISSUE DATE:

Oct. 31, 2011



PL100206

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants: SEE SCHEDULE "1"
Subject: Proposed Official Plan Amendment No. OPA #76
Municipality: City of Ottawa
OMB Case No.: PL100206
OMB File No.: PL100206

APPEARANCES:

Parties

City of Ottawa

Metcalfe Realty Company Limited

Taggart Group of Companies
Tamarack Group of Companies
2226561 Ontario Inc.
Claridge Homes Corporation

Walton Development and Management Inc.

Epscon Limited(Idone)
4840 Bank Street Inc.

Mattamy Group of Companies

Jim Maxwell

Paul Johanis

Randolf Mion
M&A Rentals

Greater Ottawa HomeBuilders Association
Urbandale Corporation
Riverside South Development Corporation
Minto Communities Inc.

Counsel*/Agent

T. Marc*, B. Turner*

J. Meader*,
L. Townsend*(not present)

S. Zakem*

M. Noskiewicz*

P. Webber*

M. Flowers*

N. Salloum
K. Gibson *(not present)

D. Silverson*(not present)

A. Cohen*

William Davidson
Kanata Research Corporation
J.G. Rivard Limited

T. Fleming*

6095186 Canada Inc.
7089121 Canada Inc.

S. Ault*

Grace Bell
Ross Bradley
1384321 Ontario Limited

P. Vice * (not present)
G. Meeds*

6458513 Canada Inc.(Amazon Land
Development)

J. Moon*
D. Belfie

Greenspace Alliance

E. Dreessen

DECISION DELIVERED BY N.C. JACKSON AND ORDER OF THE BOARD

The Ontario Municipal Board has held a series of Prehearings and Hearings into the 30 Appeals made to Ottawa Comprehensive Official Plan Amendment. Some of the most contentious and complex were respecting the Urban Boundary. At the request of the City and Parties, the Board scheduled a Phase 1 hearing respecting the quantum of the Urban Boundary adjustment. The Board after approximately 2 months of hearing time settled the quantum at 850 gross hectares. A second phase, at the request of the City and Parties, was to settle where those lands would be. This second phase was duly advertised and the present Prehearing Conference was set to establish the Parties, Procedures, setting down of the next Hearing dates and to hear Motions.

Motions

In the absence of being an Appellant, it is necessary to seek Party or Participant status in the Hearing to be set down. Motions were made individually by the Greenspace Alliance, Paul Johanis, and Walton Development and Management Inc. for full party status. Counsel or agents summarized their interests and agreed on conditions to their participation that they would not delay the process nor seek adjournments. All had played roles in the earlier Phase 1 Hearing and notwithstanding their failure to register appeals, their participation was helpful to the Board. They either owned

property or took positions relevant in the public realm. In the absence of objections from those already Parties, the Board granted the Motions for Party status on conditions aforementioned.

The Board recognized by Motion, the Appellant status of J.G. Rivard Limited as successor to the appeal of 1633799 Ontario Inc.

Position of the Parties

The City in 2009 and more recently affirmed its position on what lands should be in the new Urban Boundary. In 2009, the position was that of staff for the 850 gross hectares, the Council having settled on 230 gross hectares. The more recent Council position is filed in Exhibit 4 from the October 12, 2011 Council meeting. That position is similar to the staff position in 2009 but several changes were identified as being contentious for the Hearing.

All Parties identified their lands and whether they were included or excluded in the latest Council position. That was helpful. The City is asked to update the large map (Exhibit 5) depicting the properties included and excluded in the October 12 position, and include Appellant names and hectares on the various parcels.

Issues

When all Parties addressed the Board it was apparent that whether agricultural lands should be included in the analysis and, in particular, methodology was central to the issues. Several Parties asked for more time to consider the agricultural issue. Some Parties had both non agricultural and agricultural in their holdings. They supported the City methodology generally but were aware the City had excluded all agricultural lands. All Parties are required to address the fundamental issue of whether agricultural lands should be included or excluded and advise the City no later than Monday, October 31, 2011.

The Board raised whether methodology should be dealt with first. Most present were in agreement. The Board will proceed first to hear issues respecting the City methodology. A further Prehearing Conference will be held November 7 and 8 at Ottawa City Hall commencing at 10:00 a.m. The purpose will be to finalize issues

respecting methodology used in the City analysis. Issues are to be e-mailed to the City no later than Friday, November 4 so they may be consolidated in the form of a draft Procedural Order to be presented to the Board on November 7. There will be no further notice. The Board will also hear Motions.

The Hearing on methodology will commence on Monday, January 30, 2012 at 10:00. a.m. at Ottawa City Hall. The Board has set aside 4 weeks.

Remaining issues will be heard in July of 2012. The Board has reserved that month. It is expected that a Prehearing Conference will be held in early April 2012 at the request of the Parties. This last phase may be moved to an earlier date dependent on the decision of the January 30, 2012 hearing.

Earlier Approval

Mr. Zakem raised whether any properties evaluated but not in dispute might be considered in an earlier approval to the process set out above. This resulted in some support and some dispute. All Parties are asked to consider this further, particularly as information is disclosed as to the City rating. Any action on this point should be by Motion. The Board prefers that the owners of properties excluded consider inclusion with specifics as to what is then to be excluded in the manner of submissions of Counsel Webber and Mr. Dreessen and Mr. Johanis. The Board will expect some specifics on November 7, 2011.

The Board appreciates that Parties want this process to work and be finalized. That is the intent of the Board.

So Orders the Board.

“N.C. Jackson”

N.C. JACKSON
VICE-CHAIR

SCHEDULE "1"

COUNSEL*/AGENT	PARTY
Tim Marc* Bruce Engell*	City of Ottawa
Michael Polowin*	Metcalfe Realty Kanata Research Park Simon Fuller 7089191 Canada Inc. 1633799 Ontario Inc. 3223701 Canada Inc.
Steven A. Zakem*	Taggart Realty Management Inc. Taggart Investments Inc. Tamarack (Queen Street) Corporation Tamarack (Nepean) Corporation Tamarack (Nepean South) Corporation 2226561 Ontario Inc.
Mark R. Flowers*	Mattamy (Mer Bleue) Limited Mattamy (Tenth Line) Limited Mattamy (Trim) Limited
Ken McRae	Ken McRae
Alan Cohen* Douglas B. Kelly* Ursula Melinz*	Greater Ottawa Home Builders Association (GOHBA) Riverside South Development Corporation (RSDC) Minto Communities Inc & South Nepean Development Corporation (SNDC)
Douglas B. Kelly* Ursula Melinz*	Thomas Cavanagh Construction Ltd. Karson Holding Inc. (In association with Greg Winter, Novatech Engineering) 6458513 Canada Inc. Amazon Land Development (In association with Debbie Belfie)
Alan Cohen*	Arnon Corporation
Steven Cunliffe	Idone, Epscon Limited
Janet E. Bradley* Emma Blanchard*	Dirk Yzenbrandt Richcraft Homes Zbigniew Hauderowicz James Maxwell Castor Creek and Airport Golf Lands Limited Gib Patterson Enterprises and Gib Patterson Claridge Homes Corporation
R. Boxma* I. Schacter*	The Ministry of Municipal Affairs and Housing
Amy Kempster	Friends of the Greenspace Alliance
A. Pritchard*	Ottawa Macdonald Cartier International Airport
J. Farber*	Trinity Properties Holdings Ltd.
M. Noskiewicz*	Walton Development and Mining
Dr. Ranjit Perera	Humanics Universal Inc.
R. Brockelbank	The Federation of Citizen Associations of Ottawa Carleton
M. Chown	Rondolfo Mion and M&A Rentals

Paul Johanis	
William Davidson	
S. Belle-Isle	