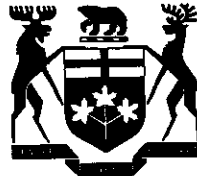


ISSUE DATE:

Oct. 20, 2005

DECISION/ORDER NO:

2771



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL041188

Trinison Management Corporation, Danigire Holding Incorporated, Star Oak Developments Limited *et al* 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 Oakville to establish the North Oakville East Secondary Plan for the land in the general area bounded by Dundas Street, Sixteen Mile Creek, Highway 407 and 9th Line
Approval Authority File No.42.121.11
OMB File No. 0040214

APPEARANCES:

Parties

Town of Oakville

Region of Halton, Conservation Halton

Halton Catholic District School Board

Halton District School Board

Mattamy Homes Limited, Eno Development Limited, Oakville 23-2 Inc. Bressa Developments Inc.

Trinison Management Corporation

Star Oak Developments Limited and Mel Oak Developments Inc.

Osmington Inc. and Danigire Holding Incorporated

Green Ginger Developments

808306 Ontario Limited, Grandee Holdings Limited and Diam Contractors Limited

Belmont Properties Inc.

Memorial Gardens Canada Limited

Counsel/Agent*

Catherine Lyons, Robert Howe and A. Benedetti

Stephen Waqué

Sean Gosnell

W. Thatcher

Roger Beaman

Randy Smith

Russ Cheeseman

Ira Kagan

Tom Lederer and L. Bisset

Ron Webb

Mark Flowers

Tom Barlow

Leo And Sybil Rampen

Analee Fernandez

Clear The Air Coalition Inc.

Rob Burton*

**MEMORANDUM OF ORAL DECISION FROM A PRE-HEARING CONFERENCE
HELD ON MONDAY OCTOBER 3, 2005 DELIVERED BY R.D.M. OWEN AND
ORDER OF THE BOARD**

This is the second pre-hearing conference on what is known as the North Oakville Secondary Official Plan Amendment East Section, a private application by a number of property owners in this area of the Town.

In this pre-hearing conference party status as set out above was sought by the Rampens, property owners in the area included in the proposed plan and by Mr. Burton on behalf of Clear The Air Coalition Inc. There was no opposition to the addition of the Rampens as a party and it is so ordered.

Mr. Burton on behalf of Clear The Air Coalition Inc. sought party status and this was opposed by the appellants. Mr. Burton submitted that Clear The Air had been a party at the hearing on the Town's Official Plan Amendment 198 that set up this secondary planning process that this panel is now engaged in. The Company has taken part in other Board hearings and will be calling expert witnesses. Mr. Kagan cross-examined Mr. Burton and established that the head office is in Oakville, in Mr. Burton's home. The company has assets and "several thousand dollars in the Bank". The company would represent the interests of residents of the Town. While Mr. Kagan made it clear the challenge was not to prevent Mr. Burton, in his personal capacity, from being a party but only the company and Mr. Burton's "sheltering" behind the company and his suggesting the company represents residents, taxpayers and the public interest. Mr. Burton advised the Board that the company would be leading evidence through expert witnesses in defense of the natural features heritage system that was not being adequately protected, on transportation

inadequately planned and financial impacts of the proposed secondary plan that is too costly for the residents of the Town.

The Board has considered the submissions of the participants to this motion and Board will add Clear the Air Coalition Inc. as a party to this proceeding. The Board heard no submissions that the company or Mr. Burton had conducted themselves irresponsibly at any previous Board hearings. The company intends to call expert witnesses on three issues that appear relevant. The company appears to have assets and its head office is in the Town. The Board will expect of the company the same standard of conduct and co-operation as all other parties and as with any party will determine the issues for adjudication and may remove parties from the proceeding if the occasion warrants.

The next issue was a further pre-hearing conference. Mr. Beaman reported to the Board that meaningful discussions had taken place and progress had been made in defining the issues. All parties sought to continue the process and expected to have the issues finalized in the next few months. He requested a pre-hearing conference in early January 2006. The Board sets a pre-hearing conference for Monday, January 9 and Tuesday January 10, 2006. The pre-hearing conference will commence at 10:00 a.m.

The Town will advise the Board and all parties/participants of the location for this pre-hearing conference on or before December 9, 2006. No further notice will be given.

This member will case manage the matter and will preside at the next pre-hearing conference.



R. D.M. OWEN
VICE-CHAIR