

The Brantford Expositor

Lawyers urged to work out disputes ; NORTHWEST DEVELOPMENT: No date set for start of OMB hearing

Wed Jun 15 2011
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Section: News
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An impending Ontario Municipal Board hearing on the future of development proposals in the city's environmentally sensitive northwest is shaping up to be a legal slugfest over two competing visions for the area.

In a pre-hearing conference in the city council chamber Tuesday, five lawyers representing Brantford and six private stakeholders spent more than four hours in legal quarrels over how the hearing should be conducted.

By the end of the day, no decision was made on dates for the hearing. About all that is certain is that the hearing is expected to take place over several months.

OMB chairman Aristotle Christou urged the lawyers to try to resolve some issues about process and lower the number of issues from those identified in an 11-page brief they started with at the beginning of the day.

If the lawyers can't resolve the differences, another pre-hearing conference may be scheduled in about a month.

The conflict began more than a year ago when Sifton Properties Ltd. and Grandview Ravines Inc. launched separate OMB appeals, claiming the city had not dealt properly with their rezoning applications to build mixed housing subdivisions along Hardy Road and Golf Road.

Meanwhile, the city was working on a waterfront master plan, then an interim control bylaw and eventually a new "natural heritage" land designation that would, among many things, take the two properties out of development.

At one point, there were nine different appeals before the board regarding actions by Sifton, Grandview and the city.

They have since been joined by Rizzo Estates which has development intentions along with Sifton, the Davidowitz family which has owned land in the area for many years and is concerned about the impact of the city's intentions on its interests, and Ferrero Canada, which operates its confectionary plant nearby and is concerned about residential development on its doorsteps.

After two earlier pre-hearing conferences to set up hearings on the appeals, a board chairman sided with the city's proposal that all actions be heard in a single hearing process divided into those involving the Sifton and Grandview matters.

Lawyers for all the parties were at Tuesday's pre-hearing conference, where **Ian James Lord**, representing Brantford, advocated that the city should get to go first and present its case on the waterfront master plan -even though that policy document came after the two developers had presented their rezoning applications and plans of subdivision.

Lord argued that understanding the process Brantford took to arrive at a waterfront master plan and new zoning designations would place the hearing within in a context of protecting the environment.

"The opportunity should be given to all the parties to hear all the environmental evidence," he said.

Barry Card, representing Sifton, and R.I. Smith, representing Grandview, opposed that contention.

"What (Lord) wants is to take out the cart before the horse. He wants the recent vision of the waterfront master plan out there front and centre, and that's not fair."

Card and Smith argued the whole contentious process began with appeals by Sifton and Grandview over development applications they had filed years before the waterfront master plan was started, at a time when the properties were zoned for residential development.

Also at Tuesday's conference throughout the day were nearly two-dozen residents and environmental advocates anxious to acquire participant status in the hearing.

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