

The Brantford Expositor

OMB: Did Sifton do its homework?

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Did the city improperly withhold approval of a Sifton Properties Ltd. plan of subdivision, or did Sifton simply fail to do its due diligence properly when it purchased 277 Hardy Rd. in 2007?

This question -- essentially the crux of this entire phase of an Ontario Municipal Board hearing that entered its third week -- was under consideration as a project manager of planning for the developer, Maureen Zunti, took the stand Monday.

Zunti took over management of the case just prior to Sifton's formal acquisition of the property in late 2007, and provided her full testimony and partial cross-examination before hearing officer Chris Conti. Her cross-examination continues Tuesday and is to be followed by testimony from GSP Group planner Chris Pidgeon and Sifton vice-president Phillip Masschelein.

In her testimony, Zunti explained that throughout the due-diligence process undertaken by Sifton before it purchased 277 Hardy Rd. and for several years afterwards as she oversaw the revisions to the plan of subdivision and meetings with the city and the Grand River Conservation Authority, no explicit signs were ever given that portions of the property couldn't be developed as designated for low-density residential and open-space uses.

That revelation didn't come until a Jan. 14,

2010, site-specific workshop organized by Brantford for the waterfront master plan it had under development at the time.

"That was the first indication that the waterfront master plan team was intending to declare all of our lands, as well as Grandview (Ravines Inc.) and (Samuel Rizzo Estates Inc.), as un-developable," Zunti said in her testimony. "We were quite shocked and upset."

The company kept working under the understanding that some residential development -- subject to conditions they were willing to meet if known -- would be permitted.

"At all times, we've understood the lands were meant for future development," Zunti said. "We conducted an extensive amount of additional technical work, much of our own volition, to confirm and update original plan and address the issues raised."

In cross-examination, Brantford's lawyer, Ian Lord, was able to get Zunti to admit there were documents and correspondence compiled by the previous owners of 277 Hardy Rd. that either weren't provided to Sifton or that she didn't recall reviewing. Lord also took Zunti -- almost clause-by-clause -- through the 2004 official plan and all the areas where the city could either have waited for more detailed technical studies or simply prohibited development on the Sifton property with restrictions in

place at that time.

Lord has been making a point to show the board over the last few weeks when various technical experts were hired by Sifton to prepare the various studies that would help delineate environmental, archeological and other heritage features. Monday, he brought these questions to Zunti to show many of them may have been informally consulted when the company was in its pre-closing due-diligence phase but weren't formally retained until afterwards.

in his point-by-point cross-examination, he also was able to show how, in 2007, the documents filed with the city and any shared with Sifton could not be presumed to meet the various tests for detailed environmental, geotechnical, hydrogeological and other studies required in order for the city's planning department to move the application to a formal public meeting.

The hearing continues, with dates for this phase scheduled until Nov. 30. A schedule of the next's day's expected witnesses is posted on the city's website at www.brantford.ca.

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