

The Brantford Expositor

Consolidate all appeals, says OMB

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Page: A1
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The city and waterfront advocates believe they are in a better position to fight for the future of the environmentally sensitive northwest after an Ontario Municipal board order to amalgamate a group of six ongoing appeals by developers into two big appeals.

In a written decision released Wednesday, board associate chairman S.W. Lee and board member Jason Chee-Hing ordered the consolidation of three private appeals by Sifton Properties Ltd. against the city concerning its attempt to develop a parcel of wooded and meadow lands at 277 Hardy Rd. with a mix of housing.

Those appeals will now be heard as one.

Lee and Chee-Hing also ordered that three appeals by Grandview Ravines Inc., which is trying a similar development of a parcel at 125 Golf Rd., on the other side of Hardy, north of Sifton's lot, be amalgamated into one appeal.

They have further ordered the adjournment of a hearing of some of Sifton's appeals scheduled for May 11.

The decision was sent to city councillors and top administrators, and later given to environmental and waterfront advocates who had signed on as participants in the hearings.

Many advocates, including members of the Hardy Road Area Citizens Committee and Keep Our River Public, pored over the decision and other documents in a strategy meeting Wednesday evening in the T.B. Costain/SC Johnson community centre. They weren't prepared to make any statements.

The order follows a pitch made by Ian Lord, a lawyer for the city, who asked for an amalgamation of the hearings.

He argued that the hearings deal not just with the grievances of the developers against a city actions about their land but also Brantford's attempt to implement the waterfront master plan approved in principle in June 2010, which is designed to, among many things, to protect the area's environmentally sensitive features.

"It is clear that the city and the landowners have different planning visions," Lee and Chee-Hing write.

"If there are conflicting planning visions, it is the view of this panel that it is best for these visions to be litigated together rather than apart.

The OMB officials also said they were "not oblivious

of the sense of inequity" expressed by lawyers for Sifton and Grandview over the city's planning and policy actions on their lands in the northwest.

"The allegations that the waterfront master plan instruments may run roughshod over the landowners' perceived vested rights and private appeals have not gone unnoticed," they write.

"If the birth of a master plan is invoked as a pretext to abort or delay the appeals, this panel may have serious concerns."

Still, the officials went on, all appeals related to the two sites, whether they are private appeals or related to the waterfront master plan, are properly before the board.

"They should be consolidated."

The board shortly will set up a two-day pre-hearing conference.

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