

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: December 5, 2017

CASE NO.: PL161206

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: North Gwillimbury Forest Alliance
Appellant: The Governing Council of the Salvation Army of Canada
Subject: Proposed Official Plan Amendment No. OPA 129 (OPA 129)
Municipality: Town of Georgina
OMB Case No.: PL161206
OMB File No.: PL161206
OMB Case Name: North Gwillimbury Forest Alliance v. Georgina (Town)

BEFORE:

GERALD S. SWINKIN) Tuesday, the 5th day
MEMBER)
) of December, 2017

THE BOARD ORDERS that the Procedural Order attached hereto as Attachment "A", shall be in force and effect for the purpose of governing the required procedures leading up to and including the hearing, which has been scheduled to commence on Tuesday, May 22, 2018 at 10:00 AM to be held at the Town of Georgina Municipal Building, Council Chambers, 26557 Civic Centre Road, in Keswick, Ontario. The Board has set aside nine (9) days for the hearing and will conclude by Friday, June 1, 2018.

SECRETARY

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Attachment "A"

OMB Case No. PL161206

ONTARIO MUNICIPAL BOARD

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: North Gwillimbury Forest Alliance

Subject: Proposed Official Plan Amendment No. OPA 129 (OPA 129)

Municipality: Town of Georgina

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PROCEDURAL ORDER

1. The Board may vary or add to these rules at any time, either on request of a party or as it sees fit. It may alter this Order by an oral ruling or by written Order.

Organization of the Hearing

2. This procedural order deals with the appeal by the North Gwillimbury Forest Alliance ("the Forest Alliance Hearing"). The hearing of the remaining appeals to OPA 129 will be the subject of separate Procedural Order(s) to be issued by the Board.
3. The Forest Alliance Hearing will begin on Tuesday, May 22nd 2018 at 10:00 a.m. at the Council Chambers, Town of Georgina Municipal Offices, 26557 Civic Centre Road, Keswick, ON, L4P 3G1.
4. The length of the Forest Alliance Hearing will be nine (9) days.
5. The parties and participants identified at the prehearing conference in connection with the Forest Alliance Hearing are listed in Attachment 1 to this Order. The order of evidence is set out in Attachment 2. Participants will be given an opportunity to present their statements on a date to be set by the Board at the commencement of the hearing.
6. The hearing will commence with the presentation by a Town witness of overview, non-opinion evidence consistent with the Agreed Statement of Facts referred to in paragraph 10, and related to the policies of OPA 129 that are the subject of the Forest Alliance Hearing as well as the location, characteristics and planning history of the lands that are the subject of the said policies.

7. The issues for the Forest Alliance Hearing are set out in the Issues List attached as Attachment 3. There will be no changes to this list unless the Board permits and a party who asks for changes may have costs awarded against it, except if the Issues List is modified through mediation or pursuant to a settlement between any of the parties.

Requirements Before the Hearing

8. All parties and participants (or their representatives) shall provide an email address and telephone number to the Board. Any such person who retains a representative (legal counsel or agent) must advise the other parties and the Board of the representative's name, email address and phone number.
9. A party who intends to call witnesses, whether by summons or not, shall provide to the Board and the other parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before Monday, November 6th, 2017. For expert witnesses, a party is to include the area of expertise in which the witness is proposed to be qualified.
10. On or before Monday February 19th, 2018, expert witnesses in the same field shall have a meeting to try to resolve or reduce the issues for the hearing. On or before Monday March 19th, 2018 expert witnesses for the parties shall prepare and file with the Board and deliver to all parties an agreed statement of facts and remaining issues in dispute to be addressed at the hearing which statement shall be entered as an Exhibit at the Forest Alliance Hearing. The parties shall advise the Board, within 10 days following the filing of the agreed statement of facts and remaining issues in dispute, whether any of the scheduled hearing days may be released.
11. An expert witness shall prepare an expert witness statement, that shall include: an acknowledgement of expert's duty form, the area(s) of expertise, any reports prepared by the expert, and any other reports or documents to be relied on at the hearing. Copies of this must be provided to the other parties on or before Monday April 9th, 2018. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.
12. A participant must provide to the Board and to the parties a participant statement on or before Monday April 9th, 2018 or the participant may not give oral evidence at the hearing.
13. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement, but the party calling them must file a brief outline of this expert's evidence and his or her area of expertise on or before Monday April 9th, 2018.
14. On or before Monday April 30th, 2018, the parties may provide to the other parties a written reply to any expert witness statement (or expert report).
15. On or before Monday May 14th, 2018, the parties shall provide copies of their visual evidence upon which they will rely on to all of the other parties. If a model is to be used

the Board must be notified before the hearing. All parties must have a reasonable opportunity to view it before the hearing.

16. A party wishing to change written evidence, including witness statements, must make a motion to the Board (see Rules 34 to 43 of the Board's Rules).
17. A party who provides the written evidence of a witness to the other parties must have that witness attend the hearing to give oral evidence, unless the Board and the parties are notified at least 7 days before the hearing that the written evidence is not part of their record.
18. Documents may be delivered by personal delivery, email, courier, facsimile or registered or certified mail, or otherwise as the Board may direct. The delivery of documents by fax and email shall be governed by the Board's Rules [26 to 31] on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
19. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

This Member is not seized.

So orders the Board.

SUMMARY OF DATES

DATE	EVENT
Monday, November 6 th , 2017	Parties to exchange list of witnesses (names, disciplines and order to be called)
Tuesday February 20 th , 2018	Expert Witnesses to meet
Monday March 19 th , 2018	Agreed Statement of Facts and Issues in Dispute to be filed with the Board and delivered to all Parties
Thursday March 29 th , 2018	Board to be advised whether any of the scheduled hearing days may be released.
Monday April 9 th , 2018	Witness Statements, Expert Reports and Participant Statements to be exchanged
Monday April 30 th , 2018	Reply Witness Statements (if any) to be exchanged
Monday May 14 th , 2018	Parties to exchange copies of visual evidence
Tuesday, May 22 nd 2018	Hearing commences

ATTACHMENT 1 – LIST OF PARTIES/PARTICIPANTS

PARTIES

Party	Counsel
North Gwillimbury Forest Alliance	Leo Longo and David Neligan Aird & Berlis LLP Brookfield Place, Ste. 1800 Box 754, 181 Bay Street Toronto, ON, M5J 2T9 Email: llongo@airdberlis.com and dneligan@airdberlis.com Tel: 416-865-7778
Town of Georgina	Bruce Ketcheson Ritchie Ketcheson Hart & Biggart LLP 1 Eva Road, Suite 206 Toronto, ON M9C 4Z5 Email: bketcheson@ritchieketcheson.com Tel: (416) 622-6601
Region of York	Barbara Montgomery Legal Services Branch 17250 Yonge Street Newmarket, ON L3Y 6Z1 Email: Barbara.montgomery@york.ca Tel: (905) 830-4444 ext. 71435
Maple Lake Estates Inc.	David Bronskill Goodmans LLP Bay Adelaide Centre 333 Bay Street, Suite 3400 Toronto, ON M5H 2S7 Email: dbronskill@goodmans.ca Tel: (416) 597-4299

PARTICIPANTS

Name	Address	Email Address
Lake Simcoe Region Conservation Authority	Sarah Hahn Barriston Law 151 Ferris Lane, Suite 300 Barrie, ON L4M 6C1 Tel: (705) 792-6910	shahn@barristonlaw.com

ATTACHMENT 2 – ORDER OF EVIDENCE

1. Presentation of Non-Opinion Overview Evidence by Town
2. North Gwillimbury Forest Alliance
3. Maple Lake Estates Inc.
4. Town of Georgina
5. Region of York
6. Participants
7. North Gwillimbury Forest Alliance (Reply, if any)

ATTACHMENT 3 – ISSUES LIST

The identification of an issue does not mean that all parties agree that such issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Board at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Board at the hearing will be a matter of evidence and argument at the hearing.

North Gwillimbury Forest Alliance

The following issues are solely with respect to the property known as Maple Lake Estates (MLE) (Plan 65M-2903, registered 1992).

1. Should the Official Plan permit, or should it prohibit, development on the provincially significant wetlands and significant woodlands that occupy approximately 90% of the MLE property (“Significant Lands”)? Which course of action would be more consistent with good planning principles and practice and more in the public interest?
2. Would approval of (i) an “Urban Residential Area” designation of and associated policies for the Significant Lands as proposed in the Official Plan, or (ii) an “Environmental Protection Area” designation of and associated policies for the Significant Lands as sought by NGFA, have more appropriate regard to applicable matters of provincial interest such as those listed in section 2 of the *Planning Act*?
3. Would approval of (i) an “Urban Residential Area” designation and associated policies, or (ii) an “Environmental Protection Area” designation and associated policies:
 - (a) be consistent with the Provincial Policy Statement 2014; particularly with reference to policies:
 - 1.1.2
 - 1.1.3 preamble
 - 2.1.1- 2.1.5 and 2.1.8
 - 4 – especially 4.7?;
 - (b) conform with the 2017 Growth Plan for the Greater Golden Horseshoe; particularly with reference to sections:
 - 2.2.1.2
 - 5.2.8.2
 - 5.2.8.4

(c) conform with the 2017 Greenbelt Plan; particularly with reference to sections:

- 3.4.1
- 3.4.3.1
- 5.2.1
- Schedules 1 and 4?;

(d) conform with the 2010 York Region Official Plan; particularly with reference to sections:

- 2.1
- 2.2 – especially 2.2.35 -2.2.52
- 5.1.4
- 5.6.22-5.6.23
- 8.4 – especially 8.4.14-8.4.25
- Maps 1, 2, 4, and 5?

4. If the Board were to find in favour of the “Environmental Protection Area” designation of and associated policies for the Significant Lands as sought by NGFA, what would be the appropriate designation(s) of the balance of the MLE property on Schedule A2 of the Official Plan?
5. If the Board were to find in favour of the “Environmental Protection Area” designation of and associated policies for the Significant Lands as sought by NGFA, what would be the appropriate designation(s) of the entire MLE property on Schedules A1 and D of the Official Plan?