

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** April 05, 2017

**CASE NO(S):** PL140520

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

Appellant: Your Voice For Bolton Inc.  
Subject: Proposed Official Plan Amendment No. ROPA 28  
Municipality: Upper Tier of Peel  
OMB Case No.: PL140520  
OMB File No.: PL140520  
OMB Case Name: Your Voice For Bolton Inc. v. Peel (Regional Municipality)

**Heard:** By written submission

**APPEARANCES:**

**Parties**

**Counsel**

Region of Peel

S. Garrod

**DECISION DELIVERED BY M. CARTER-WHITNEY AND ORDER OF THE BOARD**

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[1] The Town of Caledon (“Town”) applied to the Region of Peel (“Region”) for a Regional Official Plan Amendment to expand the Bolton Rural Service Centre Boundary to include lands west of Coleraine Drive to be designated Employment, and lands located on the north east corner of Columbia Way and Regional Road 50 (known as the North Hill area) to accommodate commercial uses.

[2] After the Region adopted Regional Official Plan Amendment No. 28 (“ROPA 28”), Your Voice For Bolton, Inc. (“YVFB”) filed an appeal against it to the Ontario Municipal

Board (“Board”). At a prehearing conference in this proceeding, the other parties listed above were awarded party status. In addition, Solmar Development Corp. (“Solmar”) brought a motion for party status to introduce additional issues into the proceeding.

[3] Prior to the hearing of Solmar’s motion, the Region brought a motion for adjournment of Solmar’s motion to allow time for a Provincial Facilitation to occur. The Board ordered the adjournment *sine die*, and the Provincial Facilitation sessions took place in August and October 2015.

[4] At the hearing of this appeal on February 26, 2016, the parties advised the Board that a partial settlement had been reached in this proceeding, including: a settlement agreement concerning a partial approval of ROPA 28; and an agreement with respect to the motion for party status by Solmar. The Board heard evidence in support of the settlement and provided an oral disposition partially approving ROPA 28 in accordance with the settlement agreement.

[5] On April 28, 2016, the Board issued its written decision and order, stating as follows:

1. Region of Peel Official Plan Amendment 28 is hereby modified and approved, in part, in accordance with the “Partial Approval Version October 2015 – Corrected February 2016”, which is attached to this Order as Attachment 1.
2. The final two sentences of section 5.4.3.2.2 of Region of Peel Official Plan Amendment 28, which are highlighted on page 9 of Attachment 1, shall remain under appeal by Your Voice For Bolton Inc. The two sentences that remain under appeal read as follows:

The 2031 boundaries for the Mayfield West and Bolton Rural Service Centres will be designated on the basis of a municipal comprehensive review and will be consistent with Sections 5.4.7, 5.5 and 7.9 of this Plan and will require an amendment to this Plan. Accordingly, the Region, working with the Town of Caledon, will designate the 2031 boundaries of the Mayfield West and Bolton Rural Service Centres.

3. The hearing of the remainder of the appeal by Your Voice For Bolton Inc. is adjourned *sine die*, subject to the Board’s discretion to schedule matters and/or to require a status update.
4. Solmar Development Corp.’s motion for party status regarding its proposed draft issues 2 and 3, as set out in Attachment 2B to the

Procedural Order issued July 15, 2015 regarding Solmar Development Corp.'s motion, continues to be adjourned *sine die*, subject to the Board's discretion to schedule matters and/or to require a status update.

5. The procedures governing the Parties with respect to the scheduling, hearing and disposition of the remainder of the appeal by Your Voice For Bolton Inc., and governing the Parties with respect to the scheduling, hearing and disposition of Solmar Development Corp.'s Motion, shall be in accordance with the Minutes of Settlement which have been entered into by the Parties. The procedures agreed to by the Parties, however, in no way limit or abridge the Board's jurisdiction and discretion in respect of the scheduling, hearing and ultimate disposition of the remainder of the appeal by Your Voice For Bolton Inc., and of Solmar Development Corp.'s motion.

[6] The parties are now seeking final approval of ROPA 28 on consent. However, Stephen Garrod, counsel for the Region, informed the Board in email correspondence, dated March 21, 2017, that the parties are requesting that the Board issue an order finalizing the approval of ROPA 28 in a manner that is a slight departure from the parties' Minutes of Settlement and from what was contemplated in the Board's order of April 28, 2016.

[7] Mr. Garrod advised that Peel Regional Council adopted Regional Official Plan Amendment No. 30 ("ROPA 30") on December 8, 2016, noting that ROPA 30 has now been appealed to the Board by a number of appellants and will be dealt with by the Board in due course. Mr. Garrod stated that the adoption of ROPA 30 in December 2016 fulfilled the last outstanding condition of the settlement that emerged from the Provincial Facilitation process on ROPA 28, and submitted that it is now appropriate for the Board to issue its final order in relation to ROPA 28.

[8] Mr. Garrod further stated that the passage of time since the adoption of ROPA 28, combined with the intervening adoption of Regional Official Plan Amendment No. 29 ("ROPA 29") and its coming into effect, has resulted in the following unintended situation: the final two sentences of s. 5.4.3.2.2 of ROPA 28, which remained under appeal by YVFB in this proceeding, have become out of date insofar as they make reference to the completion of the 2031 boundary for Mayfield West. Mr. Garrod noted that the 2031 boundary for Mayfield West was in fact completed when ROPA 29 came into effect. Mr. Garrod submitted that, at the time the Minutes of Settlement regarding

ROPA 28 were executed, it was contemplated that this appeal by YVFB would be dismissed and that these two sentences would come into effect upon certain events occurring. He asserted that, while those contemplated events have occurred, bringing these two sentences into effect no longer makes sense. Mr. Garrod advised that all parties have, therefore, agreed that it would be preferable to instead allow the appeal in part and modify these two sentences, as set out in the draft order language provided by the parties and set out below in paragraph 13.

[9] While acknowledging that the proposed final order is technically not consistent with s. 5b of the ROPA 28 Minutes of Settlement or with paragraph 5 of the Board's Order of April 28, 2016, Mr. Garrod submitted that all of the signatories to the Minutes of Settlement and all parties to the hearing are in agreement that this proposed order is preferable to the one that was contemplated when the settlement was executed and when the Board's order of April 28, 2016 was made. He stated that the proposed final order recognizes this inconsistency and overcomes it by the use of a "notwithstanding clause" in paragraph 2.

[10] Therefore, the parties jointly request that the Board make its final order in this proceeding as set out in full below in paragraph 15.

[11] For clarity, the Board notes that the two final sentences of s. 5.4.3.2.2 of ROPA 28 that remained under appeal by YVFB in this proceeding were drafted as follows:

The 2031 boundaries for the Mayfield West and Bolton Rural Service Centres will be designated on the basis of a municipal comprehensive review and will be consistent with Sections 5.4.7, 5.5 and 7.9 of this Plan and will require an amendment to this Plan. Accordingly, the Region, working with the Town of Caledon, will designate the 2031 boundaries of the Mayfield West and Bolton Rural Service Centres.

[12] The proposed revision of the two final sentences of s. 5.4.3.2.2 of ROPA 28, put forward by the parties, states:

The 2031 settlement boundary for the Bolton Rural Service Centre will be designated on the basis of a municipal comprehensive review and will

be consistent with Sections 5.4.7, 5.5 and 7.9 of this Plan and will require an amendment to this Plan. Accordingly, the Region, working with the Town of Caledon, will designate the 2031 settlement boundary of the Bolton Rural Service Centre.

[13] In the proposed revised sentences, the references to the 2031 boundary for the Mayfield West Service Centre are eliminated on the basis that the 2031 boundary for Mayfield West was completed when ROPA 29 came into effect.

[14] Having reviewed Mr. Garrod's submissions, and based on the consent of all parties, the Board is satisfied that it is appropriate to revise the two final sentences of s. 5.4.3.2.2 of ROPA 28 as requested. The Board, therefore, adopts the draft language proposed by the parties in its final order in this proceeding.

## **ORDER**

[15] The Board orders that:

1. The motion by Solmar Development Corp. for party status regarding its proposed Issues No. 2 and/or No. 3 in this matter, which was initiated by Notice of Motion dated July 8, 2015, is hereby dismissed, without costs.
2. Notwithstanding paragraph 5 of the Board's Order of April 28, 2016 and paragraph 5b of the Minutes of Settlement, executed by the parties on October 19, 2015, the outstanding appeal of Peel ROPA 28 by Your Voice For Bolton Inc. is allowed in part and the final two sentences of s. 5.4.3.2.2 of ROPA 28 are modified and approved as follows:

The 2031 settlement boundary for the Bolton Rural Service Centre will be designated on the basis of a municipal comprehensive review and will be consistent with s. 5.4.7, 5.5 and 7.9 of this Plan and will require an amendment to this Plan. Accordingly, the Region, working with the Town of Caledon, will designate the 2031 settlement boundary of the Bolton Rural Service Centre.

3. The appeal of Peel ROPA 28 by Your Voice For Bolton Inc. is otherwise dismissed in its entirety, without costs.

*“M. Carter-Whitney”*

M. CARTER-WHITNEY  
MEMBER

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**Ontario Municipal Board**

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**Ontario Municipal Board**  
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**ISSUE DATE:** April 11, 2017

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Appellant: Your Voice For Bolton Inc.  
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**APPEARANCES:**

**Parties**

**Counsel**

Town of Caledon

L. Bisset

Region of Peel

S. Garrod

Your Voice for Bolton Inc.

R. D. Cheeseman

Solmar Development Corp.

M. McDermid

Boltcol Holdings North Inc.,  
Boltcol Holdings South Inc. and  
Ontari Holdings

P. Patterson

Ministry of Municipal Affairs and  
Housing

J. Page

**AMENDING DECISION DELIVERED BY M. CARTER-WHITNEY AND ORDER OF  
THE BOARD**

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[1] In accordance with Rule 108 of the Board's *Rules of Practice and Procedure*, whereby the Board may at any time and without prior notice to the parties correct a technical or typographical error made in a decision or order, the Decision ("Decision") issued on April 05, 2017, is hereby amended by deleting the second sentence of paragraph [2] and replacing it with the following:

[2] .... At a prehearing conference in this proceeding, the other parties listed in the Board's April 28, 2016 decision in this matter were awarded party status....

[2] This amending decision includes the complete list of parties under the Appearances section.

[3] In all other respects the Board's Decision remains the same.

*"M. Carter-Whitney"*

M. CARTER-WHITNEY  
MEMBER

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