

Highland Gate OMB hearing slated for next March

By Angela Gismondi

It looks like the Ontario Municipal Board (OMB) hearing for the Highland Gate development is going to be a long one.

At the pre-hearing March 22 in Council Chambers, Ira Kagan, legal counsel for Highland Gate Developments Inc., the development partnership between Geranium Homes and ClubLink, requested a six-week trial beginning at the Board's earliest convenience.

He also requested another pre-hearing, which is expected to take place between August 22 and 23.

OMB member Jason Chee-Hing informed Kagan the Board is understaffed and it will not be able to accommodate a six-week hearing until March 2017.

The expected start date is March 27.

"We are so busy and so down in numbers that we are not scheduling anything this year that lengthy," said Chee-Hing. The developer is proposing to build new homes on the former Highland Gate Golf Club property.

The proposal is to add a new high-density residential block consisting of 184 single detached dwellings, a 100-unit condo building, as well as parkettes, open space/vistas, trails and environmental protection on a 101 acre property (41 hectares).

Highland Gate Developments took its application to the OMB in November, stating the Town took too long to review and make a decision on the proposal.

At the pre-hearing, Kagan said the developer has amended the development proposal and the number of single detached units has been reduced from 184 to 182. A proposed 10-storey condominium building will now be seven storeys and will not include commercial units on the ground floor, he added.

"Even if people in the room are not happy with that, at least it responds to the concerns that were raised," Kagan stated. "I want the Board to know that my client has been mediating since day one - we are trying very hard."

The 41-hectare proposal includes 19.5 hectares of parkland.

"I think that's a remarkable number," he noted.

A number of groups and residents came forward to request party status at the hearing.

The Town of Aurora, the Highland Gate Ratepayers Association and 13 residents who are in favour of the proposal were granted party status. Chee-Hing wanted to make sure residents understood the difference between party status and participant status.

"As a party, you have certain rights and responsibilities," Chee-Hing explained, adding that the two ratepayers associations who were granted party status could have the same concerns as individual residents. "Costs can be awarded against you by the other side - there is that potential. As a participant what you say is considered evidence. The Board, in making its findings, considers all evidence."

He also said that the purpose of the pre-hearings is to simplify the process and make it more manageable and that whoever adjudicates the proceedings will not accept repetition of evidence.

"The objective of the pre-hearing conference is to simplify matters in advance of the hearing and to set the stage so it does not become unwieldy," said Chee-Hing.

Kagen explained that the developer has entered into agreements with the existing homeowners and will be transferring lands to them. They are applying for party status to protect their interests.

"I think everyone in the room has the same objective ? to make the hearing as efficient as possible," said Kagen. "This hearing is going to be lengthy. I'm asking for a six week hearing. We all did whatever we could to shrink the number of witnesses but today, at the pre-hearing conference, that is what I am asking."

Denise Baker, external counsel for the municipality, asked that a decision on party status be reserved until the second pre-hearing conference so that counsel can have the opportunity to review the amendments to the draft plan and the lands that will be transferred to the landowners.

Kagen did not agree that those seeking party status to support his client should have to wait until the next pre-hearing.

"We are still finalizing agreements with people even today and we will send a revised draft plan once all the agreements are made," Kagen stated. "Their support for the development is known today; it's not contingent on the draft plan because we have committed to make those changes."

"It's not a question of opposing or supporting, it's a question of if they have land use planning issues," Baker responded.

Many residents who came forward seeking participant status cited concerns with the loss of green space in the community.

Bruce Corbett requested participant status representing the Oak Ridges Trail Association and Concerned Citizens of Aurora. Chee-Hing said he could only grant him participant status as an individual, not a representative of any organization.

Susan Shaw said she is opposed to two primary elements of the plan.

"One is the loss of the continuous green space that has existed between Bathurst and Yonge Streets in our town for over 200 years," Shaw stated.

Klaus Wehrenberg said he has circulated his own proposal throughout the community.

Peter Williams requested party status, stating he was opposed to the development as currently drafted.

"I would like the opportunity to present evidence should it be required to the Board ? and protect my rights as a property owner," said Williams, adding he was concerned that the other groups would not represent his individual interests. "My concern is that there has been a lot of bullying and frankly I just want to be able to understand and appreciate this process."

Chee-Hing granted Williams participant status and asked him to research party status. If he still wanted to apply for party status at the next pre-hearing, he would consider it at that time.

There is also still time for mediation, he said.

"I encourage the parties to call the case worker and consider Board-led mediation," he concluded.