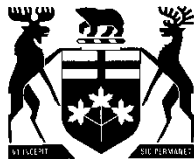


ISSUE DATE:

**September 26, 2013**



Ontario

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

**DC120006**

IN THE MATTER OF section 14 of the *Development Charges Act*, 1997, S.O. 1997, c. 27

Appellant: Building Industry and Land Development Association  
Appellant: Calloway REIT  
Appellant: Embee-Jovic Development Group  
Appellant: Hamilton Halton Home Builders' Association; and others  
Subject: Development Charges By-law No. 48-12  
Municipality: Regional Municipality of Halton  
OMB Case No.: DC120006  
OMB File No.: DC120006

IN THE MATTER OF section 14 of the *Development Charges Act*, 1997, S.O. 1997, c. 27

Appellant: Silwell Developments Limited  
Subject: Development Charges By-law No. 49-12  
Municipality: Regional Municipality of Halton  
OMB Case No.: DC120006  
OMB File No.: DC120007

**B E F O R E:**

S.W. LEE ) Thursday, the 26th  
ASSOCIATE CHAIR )  
 ) day of September, 2013

K. HUSSEY ) Thursday, the 26th  
VICE-CHAIR )  
 ) day of September, 2013

**THESE APPEALS** having come before the Board and the Board having issued its Decision dated April 17, 2013;

**THE BOARD ORDERS** that Order set out in Schedule "A" is in full force and effect.

A handwritten signature in cursive script, appearing to read "Janet Hoff".

SECRETARY

SCHEDULE "A"

OMB Case No. DC120006  
OMB File No. DC120006  
OMB File No. DC120007

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF section 14 of the *Development Charges Act, 1997*, S.O. 1997, c. 27

Appellants: Building Industry and Land Development Association (BILD)  
Calloway REIT  
Dundas Sixth-Line Developments Inc.  
Embee-Jovic Development Group (Embee); and others  
Subject: Development Charges By-laws No. 48-12  
Municipality: Regional Municipality of Halton  
OMB Case No: DC120006  
OMB File No.: DC120006

IN THE MATTER OF section 14 of the *Development Charges Act, 1997*, S.O. 1997, c. 27

Appellants: Dundas Sixth-Line Developments Inc.  
Silwell Developments Limited (Silwell)  
Subject: Development Charges By-laws No. 49-12  
Municipality: Regional Municipality of Halton  
OMB Case No: DC120006  
OMB File No.: DC120007

DECISION AND ORDER OF THE BOARD DELIVERED BY  ON , 2013

Upon reading the Minutes of Settlement dated February , 2013:

1. THE BOARD ORDERS THAT the appeals dated May 28, 2012 by Embee Properties Limited and by Embee-Jovic Development Group (together "Embee") and the appeal dated May 28, 2012 by Silwell Developments Limited ("Silwell") from Development Charge By-law No. 48-12, enacted by the Regional Municipality of Halton (the "Region") on April 18, 2012 are allowed in part, without costs, by amending Development Charge By-law No. 48-12 by:

- (a) adding a new subsection 17(d) as follows:

"Despite subsection 17(b) of this By-law, the development charges payable for the lands described in Schedule "F" to this By-law shall be the Total Urban Charges shown on Schedule "B-1" to this By-law."

- (b) renumbering subsection 17(d) as enacted to subsection 17(e), and revising the first line to read as follows:

"Despite subsections (a), (b), (c) and (d) above from and after April 1, 2014:"

- (c) adding a new subsection 18(d) as follows:

"Despite subsection 18(b) of this By-law, the development charges payable for the lands described in Schedule "F" to this By-law shall be the Total Urban Charges shown on Schedule "C-1" to this By-law."

- (d) adding a new Schedule "F" to By-law No. 48-12 in the form and having the content of Attachment 1 to this Order.

- (e) revising section 3 to add a reference as follows:

"Schedule "F" Description of Lands Described in Sections 17(d) and 18(d) of By-law 48-12"

- (f) revising section 4 to add the words "and in Schedule "F" before the words "are lands also shown on Schedule "A"."

- 2. THE BOARD ORDERS THAT the appeal dated May 28, 2012 by Sihwell from Development Charge By-law No. 49-12, enacted by the Region on April 18, 2012, is allowed in part, without costs, by:

- (a) adding a row to the table in section 3 to By-law No 49-12 as follows:

Schedule "C"	Description of certain lands to which this By-law shall not apply
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- (b) adding a new sentence to the end of section 4 of By-law No. 49-12 as follows:

"Despite the foregoing, this By-law shall not apply to the lands described in Schedule "C" to this By-law".

- (c) amending section 13 by replacing the words "depicted on Schedule "A" to this By-law as Recovery DC Area (2012-2021)" in the fifth and sixth lines with the words "described in section 4 of this By-law"

- (d) adding a new Schedule "C" to By-law No. 49-12 in the form and having the content of Attachment 2 to this Order.

- 3. THE BOARD ORDERS THAT except for the appeals allowed in part as hereinbefore provided and the exceptions identified in this section, the appeals by Embes and Sihwell from Development Charge By-law No. 48-12 and the appeal by Sihwell from Development Charge By-law No. 49-12 are hereby dismissed, with the exception of issues #15 to #18 inclusive on Attachment 3, issues #1 to #5 inclusive on Attachment 4,

and Issue #9 on Attachment 5 to the Board's Procedural Order dated December 21, 2012, without costs.

4. THE BOARD ORDERS THAT there shall be no costs payable by the Region to Embee and Silwell and no costs payable by Silwell and Embee to the Region in respect of the motions by the Region against Embee and Silwell which are the subject of the Board's Decision/Order dated December 21, 2012.

So orders the Board.



MEMBER

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OMB Case No. DC120006  
OMB File No. DC120006  
OMB File No. DC120007

**Attachment 1**

**Schedule "F" to By-law No. 48-12**

Schedule "F" applies to the following lands:

Lands known municipally as 3505 Dundas Street West and including all lands known legally as Part of Lot 11, Concession 1, N.D.S., being Part 1, 20R15297, S&E Part 1, 20R18406 & Part 5, 20R16190, S&E Part 2, 20R18406, City of Burlington, being PIN 07195-0035 (LT) and as 3041 – 3061 Walker's Line and including any development on the lands known legally as BLK 1, PL 20M1037, S&E Parts 4 & 5, 20R18406, being PIN 07202-2808 (LT), all in the City of Burlington.

Lands located south of Dundas Street, west of Oak Park Boulevard, north of Hays Boulevard and east of Post Road and legally described as part of Lots 14 and 15, Concession 1, South of Dundas Street, being Blocks 2, 3, 4, and 15 on Plan 20M-1032, in the Town of Oakville.

OMB Case No. DC120006  
OMB File No. DC120006  
OMB File No. DC120007

**Attachment 2**

**Schedule "C" to By-law No. 49-12**

Schedule "C" applies to the following lands:

Lands located south of Dundas Street, west of Oak Park Boulevard, north of Hays Boulevard and east of Post Road and legally described as part of Lots 14 and 15, Concession 1, South of Dundas Street, being Blocks 2, 3, 4, and 15 on Plan 20M-1032, in the Town of Oakville.

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