

Niagara Escarpment Hearing Office
Bureau des audiences sur
l'escarpement du Niagara



ISSUE DATE: February 12, 2020

CASE NO.:

19-071

PROCEEDING COMMENCED UNDER section 25(8) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2

Appellant:	Armand Pede
Respondent:	Niagara Escarpment Commission
Subject of appeal:	Refusal of a Development Permit Application to construct a dwelling, install a private sewage disposal system and install a shared driveway, and sever an existing lot
Reference No.:	G/R/2018-2019/9097
Property Address/Description:	Part Lot 25, Concession A
Municipality:	Grey Highlands
Upper Tier:	County of Grey
NEHO Case No.:	19-071
NEHO Case Name:	Pede v. Ontario (Niagara Escarpment Commission)

APPEARANCES:

Parties

Armand Pede

Niagara Escarpment
Commission

Representative

Self-represented

Brandon Henderson

Participants

Joseph Pede

Jack Levett-Fuller

Self-represented

Self-represented

Klaus and Gina Rodenkirchen Self-represented

Victoria and Michael Selbey Self-represented

HEARD: January 23, 2020 by telephone conference call

ADJUDICATOR: Helen Jackson, Hearing Officer

PROCEDURAL ORDER

Background

[1] This Order relates to a Pre-hearing Conference (“pre-hearing”) held in respect of an appeal by Armand Pede (“Appellant”) from the decision of the Niagara Escarpment Commission (“Commission”) to refuse his development permit application. The proposed development was to construct a dwelling, install a private sewage disposal system and install a shared driveway on a 1.0 ha (2.5 ac) proposed lot, to be severed from a 1.9 ha (4.8 ac) existing lot. An existing dwelling, sewage disposal system, driveway, detached garage, and observatory will be located on the 0.9 ha (2.3 ac) retained lot. The property is located at Part Lot 25, Concession A in Grey Highlands (“Subject Property”).

[2] The Commission issued notice of its decision to refuse the development permit on August 23, 2019. The Appellant filed his appeal with the Niagara Escarpment Hearing Office (“NEHO”) on September 6, 2019.

[3] The NEHO held a pre-hearing on January 23, 2020.

[4] Brandon Henderson, the Commission’s planner responsible for this matter, provided background to the application. The Appellant also provided his perspective. The Appellant indicated that he intended to consult with a land use planner in order to

prepare for the hearing. Mr. Henderson indicated that he did not anticipate that this matter could be resolved through settlement discussions.

Request for Status

[5] During the pre-hearing, a number of individuals asked for participant status in this matter. Joseph Pede, the father of the Appellant, requested participant status. Joseph Pede is the proposed occupant of the new home.

[6] Jack Levett-Fuller, Klaus and Gina Rodenkirchen, and Victoria and Michael Selbey, all residents in the vicinity of the proposed development, requested participant status given their concerns regarding the proposed development.

[7] None of the parties objected to the requests for status.

[8] The Hearing Officer granted participant status to the individuals noted above under Rule 66 of the *Rules of Practice of the Environmental Review Tribunal*, which apply to NEHO proceedings. The Hearing Officer is satisfied that each has a genuine interest in the appeal.

Scheduling

[9] After hearing from the parties about their relative interests in the development permit and timing of next steps, it was agreed that several months would be necessary for all parties to be prepared to attend at a hearing.

[10] The Hearing Officer scheduled a second pre-hearing to take place on Wednesday, April 1, 2020 at 3:30 p.m. by teleconference. The purpose is to set dates for the exchange of witness statements and to finalize preparations for a hearing.

[11] The Hearing Officer scheduled a hearing for June 8 and 9, 2020, with a start time of 10 a.m.

[12] The case coordinator will provide the call-in numbers for the teleconference and the location of the hearing at a later date.

ORDER

[13] The Tribunal orders that:

- a. Joseph Pede, Jack Levett-Fuller, Klaus and Gina Rodenkirchen, and Victoria and Michael Selbey are added as participants to the appeal.
- b. A second pre-hearing will take place on **Wednesday, April 1, 2020 at 3:30 p.m.** by teleconference.
- c. A two-day hearing is scheduled for **June 8 and 9, 2020, at 10 a.m.**

*Requests for Participant Status Granted
Second Pre-hearing Conference Scheduled
Hearing Scheduled*

"Helen Jackson"

HELEN JACKSON
HEARING OFFICER

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**Niagara Escarpment Hearing Office
Environmental Review Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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