

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



ISSUE DATE: April 07, 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 Pedé
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:	Pedé v. Ontario (Niagara Escarpment Commission)

APPEARANCES:

Parties

Representative

Armand Pedé

Self-represented

Niagara Escarpment Commission

Brandon Henderson

Participants

Joseph Pedé

Self-represented

Jack Levett-Fuller

Self-represented

Klaus Rodenkirchen

Self-represented

Victoria Selby

Self-represented

HEARD:
ADJUDICATOR:

April 1, 2020 by telephone conference call
Helen Jackson, Hearing Officer

PROCEDURAL ORDER

Background

[1] This Order relates to the second 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 continuation on April 1, 2020 to address procedural matters for the hearing, which is scheduled to be held in person on June 8 and 9, 2020 in Ravenna, Ontario.

[4] The Appellant indicated that he had consulted with a few land use planners who advised him that “his argument and reasons were logical and that he may as well go ahead and present his case on his own”. He indicated that this would save money.

Both the Appellant and Commission representative Brandon Henderson indicated that they were amenable to continue to prepare for the hearing as it is currently scheduled.

Hearing Procedure

[5] The Hearing Officer directed the parties to the *Rules of the Environmental Review Tribunal* (“Rules”) which govern NEHO proceedings. The Hearing Officer directed the parties and participants to Rules 162 – 171 that address Disclosure of Documents and Witness Statements in order to prepare for the hearing. The Hearing Officer explained that there are two dates to be set, a date for the disclosure of documents, and a date for providing witness statements. The first date is for the parties to disclose and provide to each other what documents they may have prior to the hearing. The second date is for the parties and participants to provide a witness statement and any associated documents, and to serve these upon each other and file them with the NEHO.

[6] The Parties agreed with the dates proposed by the Hearing Officer.

ORDER

[7] The NEHO orders that:

- a. The parties will provide without charge to all other parties a copy of every relevant document in their possession, control or power by May 4, 2020, in accordance with Rule 166. This disclosure is between the parties and does not need to be filed with the NEHO.
- b. The parties and participants will serve and file documents they intend to rely on at the hearing and their witness statements, with each other and the NEHO, in accordance with Rule 167 and Rule 170, by May 25, 2020.

- c. A two-day hearing is scheduled for **June 8 and 9, 2020 starting at 10 a.m.**
The hearing will be held at Ravenna Hall, 628299 Grey Road 119, Ravenna,
Ontario.

Procedural Directions Ordered

"Helen Jackson"

HELEN JACKSON
HEARING OFFICER

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

**Niagara Escarpment Hearing Office
Environmental Review Tribunal**

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