

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



ISSUE DATE: October 09, 2020

CASE NO.:

20-026

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

Appellant:	Ron Chyczij
Applicant:	Ivanka Bien-Melo
Respondent:	Niagara Escarpment Commission
Subject of appeal:	Approval of a Development Permit Application to construct a 2 storey with partial rear walk-out, attached garage, decking, installation of a sewage disposal system and driveway
Reference No.:	P/R/2018-2019/408
Property Address/Description:	Part lot 28, Concession 5 WHS
Municipality:	Town of Caledon
Upper Tier:	Regional Municipality of Peel
NEHO Case No.:	20-026
NEHO Case Name:	Chyczij v. Ontario (Niagara Escarpment Commission)

APPEARANCES:

Parties

Counsel*/Representative

Ron Chyczij Self-represented

Ivanka and Jeff Bien-Melo Self-represented

Niagara Escarpment Commission Ken Hare*

HEARD: September 17, 2020 by teleconference
ADJUDICATOR(S): Laurie Bruce, Hearing Officer

ORDER

BACKGROUND

[1] Ivanka Bien-Melo applied to the Niagara Escarpment Commission (“Commission”) for a development permit to construct a two-storey single dwelling with attached garage and decking, a sewage disposal system and a driveway on a 0.17 hectare parcel located at 47 Baturyn Street within the Poltava Country Club property.

[2] Kim Peters, planner with the Commission, stated that after the application was received in January 2019, there had been significant site planning undertaken, leading to the issuance of a conditional approval for a Development Permit.

[3] Ron Chyczij, a neighbour of the Bien-Melos objected to the issuance of the Development Permit.

[4] This order is the result of a pre-hearing conference (“PHC”) held on September 17, 2020. The purpose of the PHC was to identify parties, to determine whether any other persons wished to seek status in the matter and to provide procedural directions in relation to this appeal.

[5] Mr. Chyczij briefly summarized for the Hearing Officer a long list of issues which he had identified in support of his appeal. The issues included but were not limited to: the procedures associated with the site plan review; stormwater management; management of wastewater; sediment control measures; natural environment impacts and visual impact.

[6] Participant status was sought and granted to Dale Rose Country Homes, represented by Mary Lawson, the contractor for the Bien-Melos. Participant status was also granted to Poltawa Country Club, represented by Walter Mudyk.

[7] The parties agreed that the matter before the Hearing Officer would benefit from discussions to narrow the issues in dispute. The Niagara Escarpment Hearing Office will facilitate these discussions at the next PHC on October 30, 2020. The Hearing Officer concludes that there is benefit to the inclusion of the Participants in these discussions.

[8] A second Hearing Officer will assist with the facilitated discussions. This will be done by videoconference. The Case Coordinator will be in touch with parties to provide the videoconference details and to confirm that all parties can successfully connect and use videoconferencing features.

ORDER

[9] The Hearing Officer orders that a second PHC is set for **Friday, October 30, 2020 at 10 a.m.** This will be carried out by videoconference.

[10] Further, the Hearing Officer orders that participant status is granted to Dale Rose Country Homes and Poltawa Country Club.

*Procedural Directions Ordered
Pre-Hearing Continuation Scheduled*

"Laurie Bruce"

LAURIE BRUCE
HEARING OFFICER

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

**Niagara Escarpment Hearing Office
Environmental Review Tribunal**

A constituent tribunal of Ontario Land Tribunals

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