

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



ISSUE DATE: February 24, 2021

CASE NO.:

20-037

PROCEEDING COMMENCED UNDER sections 25(5.1) and 25(8) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2

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|-------------------------------|--|
| Appellant: | John Canjar (File No. 20-037) |
| Appellant: | Lisa Canjar (File No. 20-038) |
| Applicant: | Region of Halton |
| Respondent: | Niagara Escarpment Commission |
| Subject of appeal: | Conditions of Approval of a Development Permit Application to install a non-illuminated sign and to grade the surrounding area |
| Reference No.: | H/P2019-2020/218 |
| Property Address/Description: | Part Lot 4, Concession 4 |
| Municipality: | Town of Milton |
| Upper Tier: | Regional Municipality of Halton |
| NEHO Case No.: | 20-037 |
| NEHO Case Name: | Canjar v. Ontario (Niagara Escarpment Commission) |

APPEARANCES:

Parties

Representative

John and Lisa Canjar

Self-represented

Niagara Escarpment Commission

Cheryl Tansony

Region of Halton

Meagan Bergman and Nathan Stewart

HEARD:

February 22, 2021 by telephone conference call

ADJUDICATOR:

Hugh S. Wilkins, Hearing Officer

PROCEDURAL ORDER

[1] This Order arises from a Pre-hearing Conference (“PHC”) held on February 22, 2021 by telephone conference call regarding an appeal brought by John and Lisa Canjar (“Appellants”) regarding the conditional approval by the Niagara Escarpment Commission (“Commission”) of development permit application H/P2019-2020/218. The permit was applied for by the Region of Halton (“Region”) to facilitate the installation of a non-illuminated sign in the Regional right-of-way on Guelph Line, south of the Campbellville Minor Urban Centre, adjacent to 8597 Guelph Line. The Appellants reside at 8597 Guelph Line.

[2] At the PHC, the Niagara Escarpment Hearing Office (“NEHO”) granted Party status to the Region, addressed the identification of issues, set due dates for the exchange of documents, explored opportunities for settlement discussions, and scheduled a hearing date.

Request for Party Status

[3] The Hearing Office granted Party status to the Region on consent. The Region is the applicant for the requested development permit. The Hearing Office finds that, as the applicant, the Region’s interests may be directly and substantially affected by the hearing or its result, it has a genuine interest in the subject matter of the proceeding, and it is likely to make a relevant contribution to the Hearing Office’s understanding of the issues in the proceeding.

Identification of Issues

[4] The Appellants identified three issues to be addressed at the hearing. They relate to:

- privacy impacts to the Appellants’ property from the proposed development;

- impacts to wildlife species and wildlife corridors caused by the proposed development; and
- traffic and road safety impacts caused by the proposed development.

[5] The Commission and the Region agreed that these proposed issues are appropriate, relevant, and within the Hearing Office's jurisdiction.

[6] The Hearing Office directs that these will be the issues to be addressed at the hearing.

Due Dates for the Exchange of Documents

[7] The Hearing Office set the following due dates for the exchange of witness lists, witness statements, and documents relevant to the proceeding that are in the possession, control or power of the Parties:

- witness lists and documents relevant to the proceeding and in the possession, control or power of a party: **Wednesday, April 21, 2021**;
- witness statements: **Friday, May 7, 2021**.

Settlement Opportunities

[8] The Parties all expressed interest in pursuing settlement discussions. The Parties agreed to make arrangements to hold an onsite settlement meeting as soon as the snow has sufficiently melted and to pursue subsequent discussions, if needed. The Hearing Office encouraged the Parties to pursue these discussions and to notify and request the NEHO Case Coordinator to convert the hearing date to a settlement hearing, if settlement discussions are successful.

Hearing Dates

[9] The Appellants stated that they would be producing one witness to provide fact evidence at the hearing. The Commission stated that it would produce one witness to provide opinion evidence in the area of land use planning. The Region stated that it would produce one witness to provide fact evidence regarding traffic and road safety issues and it may call a witness from Conservation Halton to provide opinion evidence on environmental issues. The Hearing Office emphasized that a person who provides opinion evidence may not also act an advocate in the proceeding.

[10] The Parties agreed that one day would be required for the hearing.

[11] The Hearing Office ordered the hearing to be held by video conference call on **Tuesday, June 15, 2021** commencing at **10 a.m.**, details of which will be provided by the Hearing Office's Case Coordinator.

[12] This Hearing Officer is not seized.

[13] So orders the Hearing Office.

*Procedural Directions Ordered
Hearing Scheduled*

"Hugh S. Wilkins"

HUGH S. WILKINS
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

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248