

**Ontario  
Municipal  
Board**

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**Commission des  
affaires municipales  
de l'Ontario**

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**RECEIVED**

MAR 26 1998

TOWN OF PELHAM  
CAO'S DEPT.



Ontario

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MAR 26 1998

TOWN OF PELHAM  
PLANNING DEPT.

March 24, 1998

The Clerk  
Town of Pelham  
Box 400  
Fonthill ON L0S 1E0

Re: OMB File No. R940060, R970378, Case No. PL943362  
By-laws 1609(1993) and 1945  
Appeals by Art and Carla Hines

The Board has received correspondence advising that the above-mentioned appeals have been withdrawn, therefore, the Board has closed its files.

In accordance with Section 34(23.1) of the Planning Act, please proceed to finalize this matter.

Yours truly,

Gillian Burton  
Acting Secretary

Can Apr 1 6(e)

ISSUE DATE

MAR 23 1998

DECISION/ORDER No.

0715



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL943362

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MAR 25 1998

TOWN OF PELHAM  
PLANNING DEPT.

Art Hines and Carla Hines have appealed to the Ontario Municipal Board under subsection 34(19) of the Planning Act, R.S.O. 1990, c. P.13, against Zoning By-law 1609 (1993) of the Town of Pelham  
OMB File No. R940060

At the request of Art Hines and Carla Hines, the Minister of Municipal Affairs has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, R.S.O. 1990, c. P.13, a portion of Amendment No. 24 to the Official Plan for the Town of Pelham  
Minister's File No. 26 OP 3875 024  
OMB File O950092

Terrence Connolly, Art Hines and Carla Hines have appealed to the Ontario Municipal Board under subsection 34(19) of the Planning Act, R.S.O. 1990, c.P.13, against Zoning By-law 1945 of the Town of Pelham  
OMB File No. R970378

**COUNSEL:**

W. Donegan

for Niagara Credit Union Limited

T. A. Bielby

for Town of Pelham

M. Bonomi

for A. Hines and C. Hines

**AGENT:**

T. J. Connolly

for Self

**MEMORANDUM OF ORAL DECISION** delivered by D. R. GRANGER at a Prehearing conference on March 13, 1998 and  
**ORDER OF THE BOARD**

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MAR 25 1998

TOWN OF PELHAM  
CAO'S DEPT.

This was a prehearing conference scheduled to address matters related to an existing commercial property and building at 209 Highway 20 East in Fonthill, Ontario.

*cc Alan Parker ✓*

*case Apr. 1 6(b)*

Municipal Affairs had not been dealt with. This application was not before the Board. The evidence of the planner for the Town was that the approval of the by-law would not prejudice the processing of the application for condominium approval in the future and that the zoning should be in place before considering the condominium application. Mr. Connolly made it clear that he had no concerns or objections to By-law 1945 as approved by Council in November 1997 and now before the Board. The Board appreciated his candor.

The Board allows the motion and orders dismissal of the appeal by Mr. Connolly.

Counsel for NCU asked the Board to award costs against Mr. Connolly. Mr. Connolly is an informed individual who has been involved with development in the community. He has retained well-recognized experts in the past. He was unrepresented in this matter and is presently in bankruptcy. While somewhat academic to establish an amount for costs under the circumstances, the Board does find that Mr. Connolly should have known to take measures to clarify that he had no remedy for his concerns regarding the condominium application by appealing the by-law to which he admittedly had no objection. The Board awards costs of \$500. against Mr. Connolly to be paid to the applicant of this motion to cover part of the cost of the motion.

Finally, because of the decision to dismiss the appeal of Mr. Connolly, the Board has the undertaking of Mr. Bonomi, counsel for Mr. and Mrs. Hines, to submit the appropriate letter(s) from the Hines withdrawing their referral request of a portion of Official Plan Amendment 24 and withdrawing their appeals to Zoning By-laws 1609 and 1945 to the Board within the next few days. The intent of these withdrawals is to see By-law 1945 come into effect thus ending a nine-year saga of trying to legalize the subject property and

N 88d12'30" E 56.17

N 1d47'30" V 80.96

N 1d43'30" V 58.99

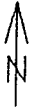
RICE ROAD

N 75d39'30" E 26.69

N 60d47'0" E 8.60

N 59d32'0" E 25.54

HIGHWAY No.20



SCALE 1:600

PART OF LOT 160  
(Geographic TOWNSHIP OF THOROLD)  
NOW IN THE  
TOWN OF PELHAM  
REGIONAL MUNICIPALITY OF NIAGARA

## TOWN OF PELHAM



TO 'HIGHWAY COMMERCIAL  
HC-127'

THIS IS SCHEDULE A TO BY-LAW No. 1945 (1997)

PASSED THIS 3rd DAY OF November, 1997

MAYOR B. Brian

CLERK Mary Hackett