

ISSUE DATE:

June 19, 2012



PL090828

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Nyon Oil Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Port Colborne to redesignate land at Part Lots 23, 24 and 25, Concession 4, Part Lots 16 to 20, Concession 5 from Deferred Industrial, Private Open Space and Agricultural to Special Industrial/Employment Area to permit the development of an energy park
OMB File No. PL090828

Nyon Oil Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1150/97/81 of the City of Port Colborne to rezone lands respecting Part Lots 23, 24 and 25, Concession 4, Part Lots 16 to 20, Concession 5 from Agricultural and Environmental Protection to Special Exemption Heavy Industrial and Environmental Protection to permit the development of an energy park
OMB File No. PL090829

APPEARANCES:

Parties

Nyon Oil Inc.

City of Port Colborne

Regional Municipality of Niagara

Counsel

J. Ayres

T. A. Richardson

M. Kyne

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. V. ZUIDEMA ON
MAY 28, 2012 AND DIRECTIONS OF THE BOARD**

A third Pre-Hearing Conference (PHC) was held on this matter. For the history and background associated with these appeals, reference should be made to earlier PHC dispositions. The Board heard submissions from Mr. Ayres concerning additional time required to complete the Environmental Impact Study (EIS) and on consent, the parties requested the hearing scheduled for September 2012 be adjourned and new dates in 2013 were suggested. The Board heard that Nyon Oil Inc. has filed its appeal of Regional Official Plan Amendment RPPA 1-2005 and has had numerous meetings involving the NPCA, CN and CP Rail, MTO, St. Lawrence Seaway Management

Authority and municipal staff. Arising from this, Nyon Oil Inc. has produced revised concept plans and will be updating both the City and the public through an Open House and special Council Meeting both set for June 13, 2012. Given these circumstances and that the request to postpone the hearing was made on consent, the Board made the following procedural rulings:

1. The hearing has been scheduled for **three weeks** commencing **April 8, 2013 at 11:00 a.m. at the municipal offices in Port Colborne, 66 Charlotte Street, Port Colborne**. There will be no further notice. The venue and retiring room have been confirmed and I am not seized of the hearing. Please note that there may be three Board meeting dates during this period and as such, the Board will not sit on those dates. The exact dates are not known at this point but if necessary, additional days can be added as long as the Board receives sufficient advance notice. The parties can advise the Board Planner should this be necessary.
2. Another Pre-Hearing is scheduled for **January 21, 2013** commencing at **1:00 p.m.** at the municipal offices in Port Colborne as noted above. There will be no further notice; the venue and retiring room are confirmed and I will continue to case manage.
3. The EIS referenced earlier in this decision is required to be completed on or before **December 21, 2012**.

Should the parties require a Telephone Conference Call to address anything stipulated in this decision, they can contact the Board Planner, Raymond Borja and one can be scheduled convenient to the parties' schedules and around the Board's other commitments.

These are the Board's Directions.

"J. V. Zuidema"

J. V. ZUIDEMA
VICE-CHAIR