

ISSUE DATE:

February 05, 2013



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL090828

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

##### Counsel

Nyon Oil Inc.

J. Ayres

City of Port Colborne

T. A. Richardson  
S. Premi

Regional Municipality of Niagara

P. DeMelo  
S. Chisholm

#### DECISION DELIVERED BY J.V. ZUIDEMA

- [1] A fourth Pre-Hearing Conference ("PHC") was held on the above-noted matter. For descriptions on the history and background on this matter, the reader is directed to previous PHC dispositions.
- [2] Nyon Oil Inc. ("Nyon") advised the Board that it had withdrawn its appeal of the Region of Niagara ("Region") Official Plan Amendment. As such, the parties

believed that only two of the three weeks currently scheduled for the hearing would be necessary. As such, the hearing will begin on April 15, 2013 and not April 8<sup>th</sup>. The Board indicated that Board meeting dates of April 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> had caused a conflict in any event. The hearing will commence at 11 am and at the venue earlier stipulated, namely the municipal offices of the City of Port Colborne, 66 Charlotte Street, Port Colborne. No further notice will be provided.

- [3] The parties also jointly requested another PHC but to be held via Telephone Conference Call. That will be held with just the parties participating on February 20, 2013 at 9:00 am. Call in procedure is as follows: Toll Free: 1-866-633-0848, Toronto area: 416-212-8012, Code: 4779874#.
- [4] I will continue to case manage. I am not seized of the hearing.

"J.V. Zuidema"

J.V. ZUIDEMA  
VICE CHAIR