

October 14, 2010

10-042

**COURT DISMISSES BRAMPTON COUNCIL APPEAL OF OMB DECISION**

BRAMPTON, ON: Today, the Honourable Mr. Justice Lemon of the Ontario Superior Court of Justice (Divisional Court) dismissed the City of Brampton's request for permission to appeal the Ontario Municipal Board (OMB) decision regarding the proposed development application at the northwest corner of Sandalwood Parkway and Conestoga Drive.

With this dismissal, the City has no further avenue of appeal, and the OMB decision to approve the proposal stands. This will allow for the construction of 834 units in six high-rise residential buildings of up to 20 storeys each on the site.

The City had twice unanimously refused the proposed development, on grounds that it was too large and inconsistent with the neighbouring community, would not conform to the Provincial Growth Plan, would result in increased traffic volumes and the need for infrastructure improvements, and did not provide the required available parkland.

Following the OMB's April 14, 2010 decision to allow the proposed development to go forward with minor amendments, the City applied for a leave to appeal the decision with the Ontario Divisional Court. This involved the application being heard by a single judge who would determine if it had merit, based on a question of law, to warrant the application proceeding to the Divisional Court. The City's application for leave to appeal was heard by Justice Lemon on July 14, 2010, who released the decision today.

In addition to the appeal, the City also asked that the OMB review its decision under Section 43 of the Ontario Municipal Board Act, which provides for a review of the request by the Chair of the OMB, who would then determine if a rehearing was warranted. The OMB denied the City's request for review, and deferred any review to the Divisional Court.

"We are very disappointed with today's decision. Council never supported this application; it is contrary to the City's growth management policies and not suitable for the surrounding community," says Brampton Mayor Susan Fennell. "Incorporating the advice and input from the community, Council put forward the best argument possible to defend our decision."

"Common sense did not prevail today," adds Paul Palleschi, Regional Councillor for Wards 2 and 6, and Vice-Chair, Planning, Design and Development Committee. "This is an absolutely devastating decision for our residents of Heart Lake and the surrounding community."

The Mayor, on behalf of Council and all Bramptonians, will continue to advocate to the Premier and Members of Cabinet, as well as to the Association of Municipalities of Ontario, that changes to legislation be implemented to prohibit the OMB from considering, commenting or overturning a unanimous decision of democratically elected municipal representatives.

**About Brampton:** The 11<sup>th</sup> largest city in Canada, Brampton has a successful, well-diversified economy and is home to more than 8,000 businesses. The City continues to retain a Triple 'A' credit rating by Standard & Poor's, reflecting its successful economy and debt-free position. Brampton celebrates its diverse population that represents people from more than 175 distinct ethnic backgrounds who speak more than 70 different languages. Offering more than 6,000 acres of parkland, Brampton takes pride in being known as the Flower City of Canada. Brampton has been designated as an International Safe Community by the World Health Organization. For more information visit [www.brampton.ca](http://www.brampton.ca)

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