

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: February 15, 2018

CASE NO(S): MM130083

PROCEEDING COMMENCED UNDER subsection 41(4) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellant: Main Street Clock Inc.
Subject: By-law 2013-51 - Heritage Conservation District Area
Municipality: Town of Newmarket
OMB Case No.: MM130083
OMB File No.: MM130083
OMB Case Name: Main Street Clock Inc. v. Newmarket (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Main Street Clock Inc.
Subject: Application amend Zoning By-law No. 2010-40 - Refusal of Application by the Town of Newmarket
Existing Zoning: Historic Downtown Urban Centre Zone (UC-D1)
Proposed Zoning: Site specific (to be determined)
Purpose: To permit a mixed use building
Property Address/Description: 178,180,184,190 and 194 Main Street
Municipality: Town of Newmarket
Municipality File No.: D14 NP 13-19
OMB Case No.: MM130083
OMB File No.: PL170048

Heard: February 8, 2018 by Telephone Conference Call

APPEARANCES:

Parties

Counsel/Representative*

Main Street Clock Inc.

I. Kagan

Town of Newmarket

L. Longo and P. Voorn

Heart of Newmarket Citizens' Group

G. Fox*

**MEMORANDUM OF ORAL DECISION DELIVERED BY L. M. BRUCE ON
FEBRUARY 8, 2018 AND ORDER OF THE BOARD**

INTRODUCTION

[1] The Board held a third Pre-hearing Conference on February 8, 2018 to obtain an update on the status of a pending court matter concerning the exchange of land and the associated implications for the issues list. Due to logistical problems with respect to the court application, the court date was rescheduled for a time in the window from May 14, 2018 – June 1, 2018. The Board was advised that the outcome of the court decision would not affect the amount of time required for the merit hearing.

[2] Mr. Fox raised a concern that he had been seeking from the applicant, data files associated with the site plan that could be used with architectural software. He advised the Board that he wished to have these files in order to do a calculation of the proposed building's Floor Space Index / Gross Floor Area. Mr. Kagan responded that this is proprietary and that if Mr. Fox wanted these calculations, Mr. Fox could work with the Town to get some assistance in the interpretation of these statistics based on the available plan. Mr. Fox indicated he would consider whether this option was satisfactory. In the alternative, Mr. Fox stated that he would consider filing a motion seeking an Order from the Board requiring Discovery.

[3] The parties agreed to work with the Case Co-ordinator to set a date for a further Telephone Conference Call to provide a status update to the Board following the court decision.

[4] This Member is not seized but may be spoken to in advance of the hearing if required.

[5] This is the Order of the Board.

"L.M. Bruce"

L. M. BRUCE
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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