

Court File No. M36002  
C48262

**COURT OF APPEAL FOR ONTARIO**

BETWEEN:

**VANN MEDIA INC.**

Applicant  
(Respondent in Appeal)

- and -

**THE CORPORATION OF THE TOWN OF OAKVILLE  
and SHELLEY SWITZER**

Respondents  
(Appellants)

**AFFIDAVIT OF PETER KOZELJ**

I, **PETER KOZELJ**, of the Town of Oakville, in the Regional Municipality of Halton, MAKE OATH AND SAY AS FOLLOWS:

I am a Senior Zoning Officer, Building Services, with the Corporation of the Town of Oakville (the "Town"), the main Appellant herein. I have been employed by the Town since 1995 and have held the position of Senior Zoning Officer since 2003.

In his Reasons for Decision dated January 18, 2008, a copy of which is attached as Exhibit "B" to the Affidavit of Phillip Bouillon sworn February 4, 2008, Justice Gray ordered the Town to "grant permits to the applicant [Vann Media Inc. ("Vann")] to erect billboards, of 80 square feet or less, at all locations for which it has made application that are within E2 Employment Zones".

On Monday, February 4<sup>th</sup>, I and other members of Town Staff attended a meeting with all with Larry Vann and Ken Neufeld, two representatives of Vann. The purpose of

the meeting was an attempt to verify which of the locations in respect of which Vann has applied for sign permits are situated within an E2 Zone.

4. Attached and marked as Exhibit "A" to this Affidavit is a copy of a Town zoning map dated January 25, 2007, which shows the different zones established under the Town's comprehensive zoning by-law. On that map, Vann has marked all of its proposed sign locations which it contends are located within an E2 Zone. These have been highlighted for ease of reference.

5. Vann now contends that there are 26 proposed sign locations within E2 Zones, most of which are proposed to have two sign faces, for a total of 47 proposed signs. The 26 proposed sign locations stand in contrast with the total of 11 E2 Zone locations referred to in Justice Gray's Reasons, as set out in paragraph 66 thereof.

6. The numbers appearing on the zoning map correspond to the sign locations proposed by Vann in July 2007. Attached and marked as Exhibit "B" is a list prepared by Vann which contains the 26 proposed sign locations. Of those 26 locations, 5 were in fact the subject of new applications which were submitted at that time, and they have been highlighted in yellow.

7. At present, it is impossible for Town Staff to determine with certainty which of the proposed 26 sign locations are in fact situated within an E2 Zone. This cannot be done until Vann submits the formal drawings which are part of the applications and which should contain precise measurements for locations and setback distances. Town Staff will then have an opportunity to verify the exact locations, and the zones in which they are situated, through the use of GIS mapping.

8. I believe it will then be possible to verify whether the reason for the increase in proposed sign locations from the 11 indicated in Justice Gray's Reasons to the 26 Vann now proposes is that, by not having to comply with the setback requirements contained in section 39 of the Sign By-law, Vann is able to bring its signs closer to the streetline, which in turn brings the proposed locations within an E2 Zone. In other words, it is possible that if those setback requirements applied, Vann would not be able to locate some of the 26 proposed sign locations within an E2 zone.

