

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

15-191
Attachments 1 & 2



ISSUE DATE: August 7, 2015

CASE NO(S): PL110331
PL090779
PL101381
PL120574
PL131287

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants:	See Schedule "1"
Subject:	Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan
Municipality:	City of Hamilton
OMB Case No.:	PL090779
OMB File No.:	PL090779 (See Schedule "1")

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants:	See Schedule "1"
Subject:	Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780); Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781); Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782); Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783); Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784); Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)
Municipality:	City of Hamilton
OMB Case No.:	PL090779
OMB File Nos.:	PL090780-PL090785 (See Schedule "1")

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant:	See Schedule "2"
Subject:	Failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan
Municipality:	City of Hamilton
OMB Case No.:	PL101381
OMB File No.:	PL101381 (See Schedule "2")

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants:	See Schedule "3"
Subject:	The new City of Hamilton Urban Official Plan
Municipality:	City of Hamilton
OMB Case No.:	PL110331
OMB File No.:	PL110331 (See Schedule "3")
OMB Case Name:	Artstone Holdings Limited v. Hamilton (City)

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

Applicant and Appellant:	Auburn Developments Inc.
Subject:	Application to amend Zoning By-law 6593 – Refusal of application by the City of Hamilton
Existing Zoning:	"J" (Light and Limited Heavy Industrial, etc.) District
Proposed Zoning:	"E-3" (High Density Multiple Dwellings) District
Purpose:	To permit a 10 storey student residential building
Property Address/Description:	17 Ewen Road
Municipality:	City of Hamilton
Municipal File No.:	ZAC-07-062
OMB Case No.:	PL120574
OMB File No.:	PL120574

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Auburn Developments Inc.
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Subject:	Request to amend the Official Plan – Refusal of request by the City of Hamilton
Existing Designation:	"Industrial"
Proposed Designation:	"High Density Residential"
Purpose:	To permit a 10 storey student residential building
Property Address/Description:	17 Ewen Road
Municipality:	City of Hamilton
Approval Authority File No.:	OPA-07-016
OMB Case No.:	PL120574
OMB File No.:	PL120575

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	City of Hamilton
Subject:	Failure of Ministry of Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 25-OP-2009
Municipality:	City of Hamilton
OMB Case No.:	PL131287
OMB File No.:	PL131287

Schedule "1"

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

OMB FILE NO.	APPELLANT NAME
PL090784	Shawcor Ltd.

Schedule "2"

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

OMB FILE NO.	APPELLANT NAME
PL101381	A. DeSantis Developments Ltd. LIUNA Group Corp. St. Joseph's Villa

Schedule "3"

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

OMB FILE NO.

PL110331

APPELLANT NAME

2000963 Ontario Inc.
2051206 Ontario Inc.
2084696 Ontario Inc.
2188410 Ontario Inc.
456941 Ontario Ltd., 1263339 Ontario
Ltd., and Lea Silvestri
909940 Ontario Inc.
Artstone Holdings Limited
City of Hamilton
Corpveil Holdings Limited
Freeland Developments Limited
Lynmount Developments Limited
Mondelēz Canada Inc. (formerly Kraft
Canada Inc.)
Mud and First Inc.
Multi-Area Developments Inc.
Norman Vartanian
Paletta International Corporation
Paletta International Corporation (re:
Elfrida)
Spallacci & Sons Limited
Sullstar Twenty Limited
Twenty Road Developments Inc.
Waterdown Bay Ltd.

Heard:

Written Hearing

APPEARANCES:**Parties**

City of Hamilton

St. Joseph's Villa

Counsel

M. Kovacevic

S. Snider

**DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF
THE BOARD**

[1] This written hearing is part of a large case with a number of appeals dealing with several planning instruments.

[2] To make the hearing more efficient and focussed, the parties' requested, and the Board agreed, to divide the case into several hearing segments. This is one such segment.

[3] The Board was advised that the City of Hamilton ("City") and St. Joseph's Villa ("St. Joseph's") have reached a settlement of the St. Joseph's appeal regarding the Urban Hamilton Official Plan ("UHOP").

[4] The Board had before it the affidavit of Joanne Hickey-Evans, a full Member of the Canadian Institute of Planners and a Registered Professional Planner in Ontario. The Board qualified Ms. Hickey-Evans to provide independent expert opinion evidence in land use planning matters in these proceedings.

[5] The St. Joseph's lands are located at the southwest intersection of Ogilvie Street and Governor's Road in the former Town of Dundas, now in the City. The site currently contains a long term care facility and two six-storey residential buildings.

[6] In 2008, St. Joseph's applied for amendments to the applicable official plan and zoning by-law of the Town of Dundas.

[7] On June 28, 2011, the Board issued its decision on the St. Joseph's appeal of these proposed planning instruments. The Board's decision allowed for a ten-storey, mixed use building at the southwest corner of Ogilvie Street and Governor's Road.

[8] During the consideration of the applications for amendments to the Town of Dundas planning instruments, and the subsequent appeal to this Board, the City completed the UHOP. As a result of this timing, the UHOP did not implement the Board's 2011 decision.

[9] This settlement modifies the UHOP to implement the Board's 2011 decision. Modifications are required to Schedule E-1, Land Use designations, and to Volume 3, Site Specific Policies.

[10] The changes to Schedule E-1 to implement the Board's decision are:

1. From *Institutional* to *Neighbourhoods* to recognize the mixed use building.
2. From *Open Space* to *Institutional* to recognize and implement the results of the Environmental Impact Statement prepared as part of the St. Joseph's development applications.

[11] The changes are shown in the extract from Schedule E-1 found at Attachment 1 to this decision.

[12] In addition to the changes to Schedule E-1, corresponding changes are necessary to Volume 3, Site Specific Policies.

[13] For Volume 3, Site Specific Policies, the St. Joseph's site is divided into Area A and Area A-1.

[14] Area A is the location of the ten-storey mixed use building. In the event the mixed use building is not built, the site-specific policy for Area A permits the site to be developed for institutional uses.

[15] Area A-1 will also be allowed to develop for institutional uses and the wording change provides consistency for all the lands designated *Neighbourhoods* on the St. Joseph's site.

[16] The specific wording for these changes is found in Attachment 2 to this decision.

[17] The Board finds that the proposed changes to Schedule E-1 and the associated text changes to Volume 3, Site Specific Policies have had appropriate regard for matters of provincial interest, as set out in s.2 of the *Planning Act*, R.S.O. 1990 c. P.13, conform to the Growth Plan for the Greater Golden Horseshoe, are consistent with the 2014 Provincial Policy Statement, and conform to the policy regime of the UHOP.

ORDER

[18] The Board orders that:

1. The appeal by St. Joseph's Villa is allowed in part.
2. The Urban Hamilton Official Plan is modified in accordance with Attachment 1 and Attachment 2 to this decision and, as so modified, is approved.

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
VICE-CHAIR

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

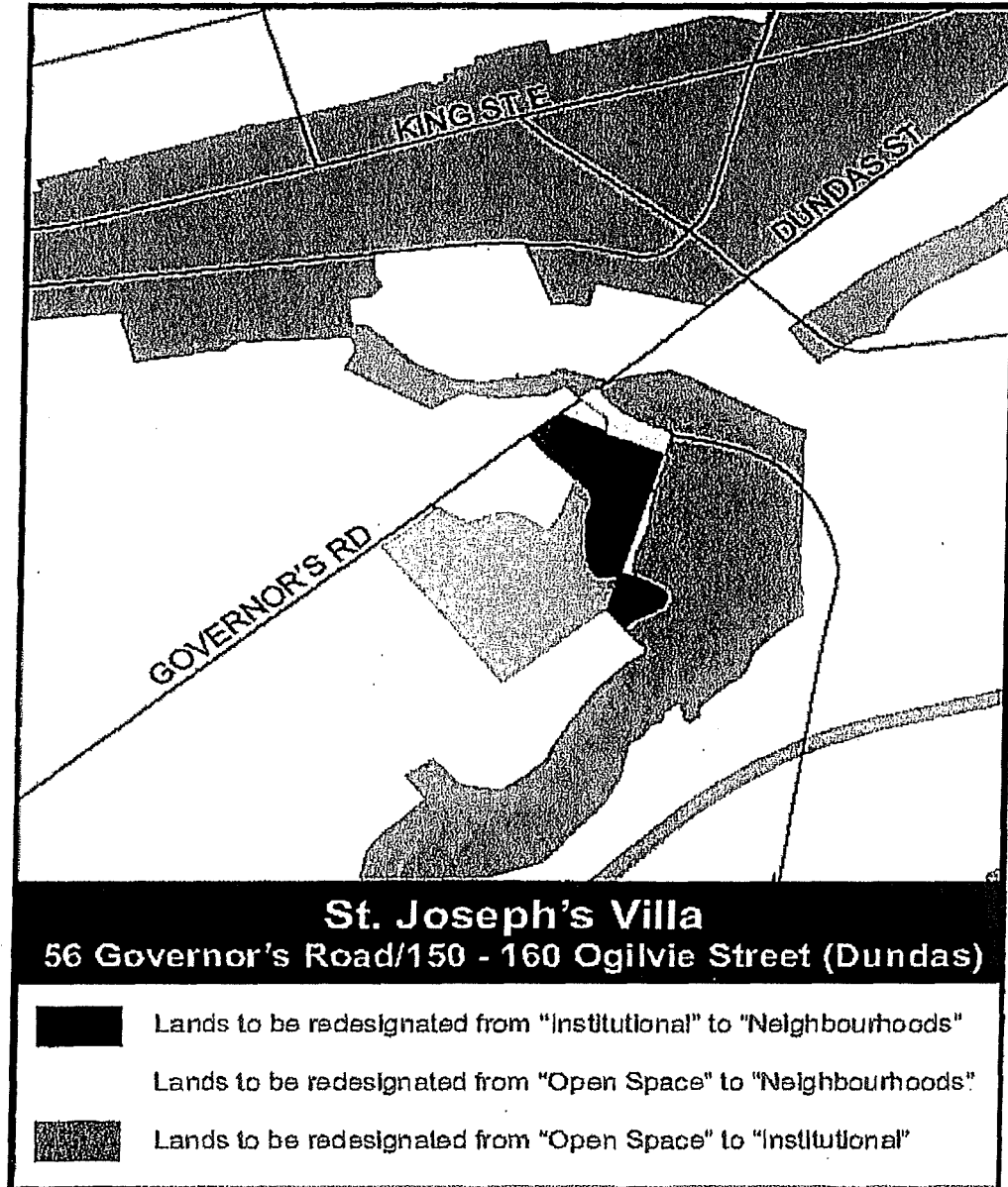
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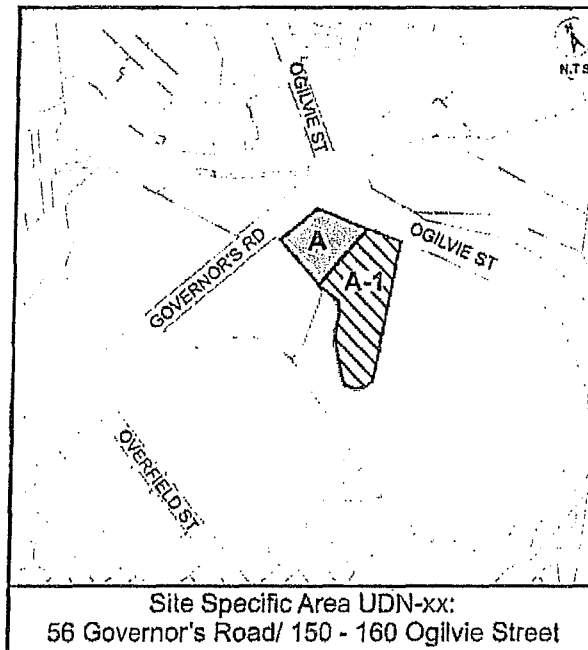
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

Group 11
Urban Hamilton Official Plan Appeal
Case No. PL110331
Clip of Urban Official Plan Schedule E-1



Urban Hamilton Official Plan Appeal
Case No. PL110331
Urban Official Plan Site Specific (Group 11)



UDN-X A portion of the lands located at 56 Governor's Road and 150-160 Ogilvie Street, former Town of Dundas

- 1.0 On the lands located on the southwest corner of the Governor's Road and Ogilvie Street, identified as Area A in Site specific Area UDN-x and designated Neighbourhoods on Schedule "E-1", the following policies shall apply:
- a) Notwithstanding Sections E.3.6.3 and E.3.8.4 d), a 10 storey mixed use building with commercial uses limited to the ground and second floors shall be permitted; and,
 - b) In addition to the permitted uses in Section E.3.0, institutional uses shall be permitted in accordance with the provisions of Section E.6 - Institutional Designation.
- 2.0 On the lands located on at 56 Governor's Road and 150-160 Ogilvie Street, identified as Area A-1 in Site specific Area UDN-x and designated Neighbourhoods on Schedule "E-1", the following policies shall apply:
- a) In addition to the permitted uses in Section E.3.0, institutional uses shall be permitted in accordance with the provisions of Section E.6 - Institutional Designation.