

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: December 24, 2018

CASE NO(S): PL171450

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1826210 Ontario Inc.
Appellant: Centurion (Dundas) Holdings Ltd.
Appellant: Marz Homes Holdings Inc.
Appellant: Ministry of Municipal Affairs; and others
Subject: Proposed Official Plan Amendment No. 69
Municipality: City of Hamilton
OMB Case No.: PL171450
OMB File No.: PL171450
OMB Case Name: Centurion (Dundas) Holdings Ltd. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1804487 Ontario Inc.
Appellant: 1826210 Ontario Inc.
Appellant: 2294643 Ontario Inc.
Appellant: 2531083 Ontario Inc.; and others
Subject: By-law No. 17-240
Municipality: City of Hamilton
OMB Case No.: PL171450
OMB File No.: PL171451

Heard: November 30, 2018 in Hamilton, Ontario

APPEARANCES:**Parties****Counsel**

City of Hamilton ("City")	J. Wice
64 Main Street East Hamilton Inc.	No appearance
939158 Ontario Inc.	No appearance
1804487 Ontario Inc.	No appearance
1826210 Ontario Inc.	No appearance
2294643 Ontario Inc.	R. Kehar
2531083 Ontario Inc.	No appearance
Canadian Tire Real Estate Limited (CTREL)	M. Winch
Centurion (Dundas) Holdings Ltd.	A.Toumanians
Choice Properties Real Estate Investment Trust (CP REIT) and Loblaw Properties Limited	M. Barrett
Hamilton-Halton Home Builders' Association	A. Flarity
King Stuart Developments Inc.	M. Kemerer
LJM Developments Inc.	R. Cheeseman
Marfad Holdings Inc.	A. Toumanians
Marz Homes Holdings Inc.	D. Ionico
Ministry of Municipal Affairs and Housing	U. Popadic
Rolanco Network Inc.	No appearance
Rose Hamilton Homes Inc.	R. Cheeseman
Royal Connaught Inc.	No appearance

Slate Asset Management	R. Kehar
1804482 Ontario Limited	A. Flarity
CF Realty Holdings Inc.	A. Flarity
Duff's Corners Development Inc.	A. Toumanians
Basingstoke Enterprises Inc.	K. Sutton

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON
NOVEMBER 30, 2018 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] The Tribunal held its second Prehearing Conference (“PHC”) concerning the City’s Official Plan Amendment No. 69 and Zoning By-law Amendment No. 17-240.

[2] In advance of the PHC, the City had circulated a draft agenda, updated Appellant/Party List, a Consolidated Issues List, a draft Proposed Appellant Groupings List, a draft Procedural Order for the proposed Built Form hearing, a draft Procedural Order for the proposed Parking Hearing, and a list of proposed independent hearings, all of which was of assistance in organizing the PHC.

[3] The Tribunal heard an update from the City, dealt with a number of requests for party status on consent, reviewed the draft Procedural Orders and gave directions with regard to meetings of like experts, adjourned a number of appeals sine die, set a Motion date for Basingstoke Enterprises Inc.’s request for party status, and set a date for a third PHC, all for the reasons set out below.

DECISION

[4] With regard to Waterdown Bay Ltd., it withdrew from the hearing.

[5] With regard to the request for party status by Penady, this was withdrawn.

[6] With regard to the request for party status by Leggat Automotive Group, the Tribunal was advised that the proper name of the owner was Duff's Corners Development Inc., and on consent, party status was granted to Duff's Corners Development Inc.

[7] Also on consent, party status was granted to 1804482 Ontario Limited and CF Realty Holdings Inc.

[8] With regard to the request for party status by Basingstoke Enterprises Inc., this was objected to by the City. The Tribunal set a Motion date as set out below.

[9] With regard to the two draft Procedural Orders prepared by the City for the proposed Building Form hearing and the proposed Parking hearing, the Tribunal directed that the Procedural Order will include mandatory meetings of like experts and the preparation of agreed statements of fact. At the suggestion of counsel, the Tribunal agreed that those meetings should take place in advance of the preparation of expert witness statements. The hope and expectation is that the experts will be able to narrow or scope the issues for consideration by the Tribunal thus allowing for a more efficient hearing.

[10] The Tribunal was advised that there were four appeals (that were essentially place holder appeals), which the City requested be adjourned *sine die*. With no objections, the appeals of 1804487 Ontario Inc., 2531083 Ontario Inc., Centurion (Dundas) Holdings Ltd., and Marfad Holdings Inc. were all adjourned *sine die*.

[11] For the Basingstoke Enterprises Inc. Motion for party status, the Tribunal set the date of **Thursday, March 28, 2019 at 10 a.m.** at:

**Dundas Town Hall (Hamilton)
2nd Floor Auditorium
60 Main Street East Dundas,
Hamilton, ON L9H 2P8**

[12] There will be no further notice of the Motion.

[13] I am not seized of the Motion.

[14] The Tribunal also set a third PHC for **Wednesday, April 10, 2019 at 10 am.** at:

**Dundas Town Hall (Hamilton)
2nd Floor Auditorium
60 Main Street East Dundas,
Hamilton, ON L9H 2P8**

[15] There will be no further notice of the third PHC.

[16] I am not seized of the third PHC.

[17] Scheduling permitting, I may be available for case management purposes.

[18] This is the Order of the Tribunal.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

If there is an attachment referred to in this document,
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Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario
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