

ISSUE DATE:

January 18, 2008



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL070386

08-141

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: Hamilton Metal Trading Corp and Aberdeen Holdings Inc.  
Appellant: The Gore District Land Trustee Corporation on behalf of The  
Gore District Land Trust  
Appellant: Lafarge Canada Inc.  
Subject: Proposed Official Plan Amendment No. 210  
Municipality: City of Hamilton  
OMB Case No.: PL070386  
OMB File No.: O070052

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Hamilton Metal Trading Corp and Aberdeen Holdings Inc.  
Lafarge Canada Inc.  
Subject: By-law No. 07-043  
Municipality: City of Hamilton  
OMB Case No.: PL070386  
OMB File No.: R070071

**APPEARANCES:**

**Parties**

Hamilton Metal Trading Corporation  
Aberdeen Holdings Inc.  
Trinity Property Investments Inc.

The Gore District Land Trust Corporation  
(McMaster Innovation Park)

City of Hamilton

**Counsel**

Joel Farber  
Matthew Soble (student at law)

Russell Cheeseman  
Randall Bocock

Nancy Smith

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON 18  
DECEMBER 2007 AND PARTIAL ORDERS OF THE BOARD**

This is the fourth pre-hearing conference for these matters. Initially, the Board traveled to Hamilton to review the details of a settlement between The Gore District Land Trust Corporation, otherwise known as the McMaster Innovation Park (MIP) and

the City of Hamilton, as well as to consider a motion by Hamilton Metal Trading Corporation, Aberdeen Holdings Inc. and Trinity Property Investments Inc. ("Trinity") objecting to the settlement agreement. If the Board approved the settlement, the proposed Amendment to Official Plan No. 210 would come into full force and effect on the MIP lands.

The Parties engaged in comprehensive and fruitful discussions prior to the commencement of the hearing that resulted in Trinity withdrawing its opposition to the agreement. On behalf of his clients, Mr. Farber consented to the matter on terms all Parties have negotiated.

The Board heard details of the settlement agreement as provided by planner Glenn Scheels. Mr. Scheels was qualified to give his professional opinion on the agreement as well as to provide a contextual overview of these matters. Mr. Scheels opined that the proposed Official Plan Amendment assists in creating an urban research neighbourhood. He told the Board that it was appropriate to proceed with the MIP approvals at this time. He added that the Trinity matters deal with development on their lands that can be adjudicated at a later date. The proposed amendment for the MIP lands does not prejudice the Trinity matters from proceeding. Finally, Mr. Scheels opined that the proposed Amendment to the Official Plan constitutes good planning and is consistent with provincial policy direction as well as with the City of Hamilton's economic development strategy.

As all Parties accepted the planner's evidence, and noting no opposition to the settlement, the Board orders that By-law 05-200 will be amended in accordance with Official Plan 210 and orders that its force take effect on the date that Official Plan 210 was passed.

The Board orders further that Interim Control By-law 05-041 (as extended by By-law 06-028) is repealed over 175 and 270 Longwood Road South and of no further force and effect as of the date of this Order, but the ICB will remain in full force and effect over the other properties within the West Hamilton Innovation District as outlined in Official Plan 210.

The Board also orders that Official Plan 210, as amended by this Order and the Zoning By-law, is fully implemented over 175 and 270 Longwood Road south, effective

as of the date of this Order. The final Order will be provided to the Board at the 5<sup>th</sup> prehearing conference.

As the City informed the Board that it requires a particular form for the outline of the final agreement, the Board will issue its final Order upon receipt of that document, giving full force and effect to the settlement. The wording of this Order will reflect the City's requirements for wording.

The pre-hearing conference date of Tuesday, 15 January 2008 at 10:00 am in Hamilton is retained for the Trinity matters, as are the April 2008 hearing dates. The Board trusts both Trinity and the City will work diligently toward substantive discussions that might reduce the issues to be heard at the April hearing. No further notice will be given of those dates. The Member is seized for the administrative management of this file only.

So Orders the Board.

"R. Rossi"

R. ROSSI  
MEMBER

OFFICE OF THE CITY CLERK  
JAN 21 2008

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ACTION: N Smith  
L BARRSO  
T. McLabe  
P Mallard  
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