

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 29, 2026

CASE NO(S).:

OLT-26-000693

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant:	Slate HWD Inc.
Subject:	Consent - refused by Approval Authority
Description:	Proposal to sever the Subject Property to create a standalone parcel that will facilitate the development of a next-generation technology campus
Reference Number:	B-2026-00011
Property Address:	386 Wilcox Street L8N 3T1
Municipality/UT:	Hamilton/Hamilton
OLT Case No.:	OLT-26-000693
OLT Lead Case No.:	OLT-26-000693
OLT Case Name:	Slate HWD Inc. v. Hamilton (City)

Heard: October 21, 2026, by video hearing

APPEARANCES:

Parties

Counsel/Representative*

Slate HWD Inc.

Daniel Artenosi
Natalie Ast

City of Hamilton

Did not appear

Canadian Civic Infrastructure Alliance

Daniel Shannon*

**MEMORANDUM OF ORAL DECISION DELIVERED BY T.F. NG ON
OCTOBER 21, 2026 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This is the first Case Management Conference (“CMC”) for the above-noted matter. Slate HWD Inc. (“Appellant”) has filed an appeal against the City of Hamilton’s (“City”) refusal of the Appellant’s application to sever the eastern portion of the property at 386 Wilcox Street (“subject property”) to create a standalone parcel that will facilitate the development of a next generation technology campus. The appeal was filed pursuant to s. 53(19) of the *Planning Act* (“Act”).

[2] The Affidavit of Service for Notice on file by Justin Leung was marked as Exhibit A.

[3] This matter has generated a significant amount of interest within the community as the Appellant intends to locate a data centre on the severed portion of the subject property.

[4] The Tribunal explained that the CMC was not a hearing on the merits (“merit hearing”) of the appeal. Rather, it was a conference to identify the parties and participants and to set directions for the process leading to the merit hearing. Having made the necessary clarifications, the Tribunal proceeded with the usual items of a CMC.

[5] Counsel for the Appellant explained the background leading to the consent application that is before the Tribunal. Counsel also explained that the City’s counsel (who did not appear at the CMC) had indicated that the City will not participate in the proceedings going forward.

PARTY AND PARTICIPANT REQUESTS

[6] According to the Tribunal's list, there were 53 Participant status requests and one Party status request.

[7] The Appellant had no objections to the requestors on the list being granted Participant status, but noted that its list showed 54 requestors. On consent, the Tribunal granted Participant status to all listed requestors and will similarly grant status to the fifty-fourth requestor when counsel for the Appellant confirms the name. The updated list of Participants is attached to the Decision as **Appendix 1**. The Tribunal directed the Participants to collaborate in filing a comprehensive Participant Statement to capture all their concerns, to avoid duplicative statements, and aid in an expedient merit hearing. Clarification was given that this was to make the statements reflect Participants' concerns clearly and not meant to exclude individual statements, which will still be considered. Further, the future Procedural Order ("PO") will contain deadlines for statements to be filed, which allows Participants to supplement their statements. The Tribunal suggested that the Participants elect one from their number to collate the statements. Danielle Sheahan, a Participant who sought clarification, indicated that she could attempt the collation.

[8] As regards the Party status request of Canadian Civic Infrastructure Alliance ("CCIA"), counsel for the Appellant, Mr. Artenosi, requested that CCIA's status request be deferred to a second CMC to allow the Appellant to view a list of issues and a list of witnesses from the CCIA. This request would allow the Appellant and CCIA representatives to continue discussions and for the Appellant to decide whether to consent to or oppose the Party status request. Mr. Artenosi said that he had discussed it with CCIA's representatives on October 20, 2026, accordingly.

[9] CCIA's representative, Mr. Shannon, confirmed the discussion but stated that they wish to ask for Party status at this CMC. The Party status request was submitted with a letter stating the grounds for the request.

[10] Mr. Artenosi added that, if CCIA's Party status request was proceeded with, a motion was required to be filed by CCIA. Nevertheless, the Tribunal directed CCIA to proceed with their status request as a formal Party status request had been filed.

[11] CCIA essentially submitted that Party status be granted, as supported by their letter with the grounds stated.

[12] Local residents incorporated CCIA to promote public-interest governance and infrastructural decision-making, putting equity, resilience, and sustainability at the core of its process. CCIA was also incorporated specifically to ensure the voices of local community members could be heard collectively, in order to eliminate duplication and reduce the time and resources necessary to respond to multiple parties and their voices.

[13] CCIA emphasized that it can assist the Tribunal by organizing the community into one cohesive voice with expert testimony, which can help resolve the issues by:

1. Representing the interests and concerns of multiple concerned citizens who want to protect the health, social, mental, economic, and environmental well-being of residents of the City;
2. Offering expert testimony regarding potential planning opportunities/principles for a sustainable, resilient, healthy community and environment, and demonstrating how the Appellant's application is inconsistent with the intent of the City's Official Plan and purposes of the Planning Act;
3. Assisting the Tribunal by presenting these issues in a coordinated and evidence-based manner. Its participation will consolidate the concerns of affected residents, contribute relevant evidence, and ensure that site-specific impacts, particularly those related to contaminated land, air, and water quality, noise, and land use compatibility, are fully canvassed; and

4. Having a direct and substantial interest in the proceeding, CCIA advances the public interest, and will assist the Tribunal in achieving a fair, efficient, and comprehensive adjudication of the issues.

[14] In response, Appellant's counsel stated that his reply submissions will relate to the process. He stated that, in a contested Party status request, the proper way is for the CCIA to take out a motion and submit evidence in an affidavit in support of such motion to seek status. Appellant's counsel argued that, as there was no motion filed, the determination on the status request should be deferred or be denied. The Tribunal notes that the Appellant did not go further to counter any of CCIA's arguments or grounds in CCIA's supporting letter to its Party status request.

[15] The Tribunal finds that the Tribunal's required form for Party status has been filed. The CCIA has also stated grounds for the request.

[16] CCIA is a residents' incorporated body that has a direct interest in the Appellant's proposed application that has the potential to affect them, the area, and the environment in the neighbourhood.

[17] Prejudice may be occasioned to the residents in the neighbourhood of the proposed severance if CCIA is not given the opportunity to participate in these proceedings as a Party.

[18] Given that the City will not be participating in these proceedings, and CCIA is a nonprofit entity, it can provide a perspective on the proposed severance that may well be aligned with the public interest of the residents in the area, particularly the residents that are under the CCIA umbrella.

[19] The Tribunal thus finds that the relevant factors set out in *Oakville (Town), Re* 2010 CarswellOnt 7078 (O.M.B), are met.

[20] The Tribunal finds that it is not necessary for CCIA to file a motion for its Party status request as the formal Party status request form is sufficient.

[21] The Tribunal had directed the Parties to proceed with the status request since it would be premature to require CCIA to provide an Issues List (“IL”) or witness list before determining Party status. Without Party status, that would bring into question CCIA’s standing, for only a party is able to frame issues and participate in a proceeding with witnesses. Thus, it was necessary to determine CCIA’s status before requiring the provision of an Issues List (“IL”) and witness list.

[22] Subsection 9(1) of the *Ontario Land Tribunal Act, 2021* grants authority to the Tribunal to make any order or give any directions as may be necessary. In this instance, there are reasonable grounds for the Tribunal to allow CCIA to be a Party as it can assist the Tribunal to adjudicate this matter effectively and completely.

[23] The Tribunal grants Party status to CCIA. The Parties had requested a second CMC be scheduled to allow determination of the draft PO and the IL for the proceedings.

DRAFT PROCEDURAL ORDER

[24] The Parties will file a draft PO, with IL, prior to the next CMC. CCIA is directed to forward a draft IL and draft proposed witness list to the Appellant by **Tuesday, November 10, 2026**.

[25] At the next CMC, Parties will update the Tribunal and be ready to finalize the PO.

MEDIATION

[26] Counsel for the Appellant indicated that the Appellant would be open to mediation, if it is necessary.

DISPOSITION

[27] The Tribunal will schedule a second CMC. There is no further Notice and the Member is not seized.

[28] The Tribunal directs that the PO, with the IL, be forwarded to the Case Coordinator by **Monday, January 04, 2027**.

SECOND CASE MANAGEMENT CONFERENCE

[29] The second CMC is scheduled to proceed by video on **Monday, January 18, 2027 at 10 a.m.**

[30] Parties and Participants are asked to log in to the event at least **15 minutes** before it begins to test their video and audio connections:

GoTo Meeting: <https://global.gotomeeting.com/join/442599157>

Access code: 442-599-157

[31] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoTo Meeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>

[32] Persons who experience technical difficulties accessing the GoTo Meeting application or who only wish to listen to the event can connect to it by calling in to an audio-only telephone line: **+1-647-497-9391 or (toll-free) +1-888-455-1389**. The access code is: **442-599-157**.

[33] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the event to ensure

that they are properly connected at the correct time. Questions prior to the event may be directed to the Tribunal's Case Coordinator.

[34] As of March 30, 2026, all hearing events are governed by the Tribunal's [Artificial Intelligence Practice Direction](#). This Practice Direction requires a party, participant, or witness to include a declaration within each submitted document if generative AI was used to create or generate content.

ORDER

[35] **THE TRIBUNAL ORDERS THAT:**

1. Party status is granted to Canadian Civic Infrastructure Alliance;
2. Participant status is granted to the individuals listed in **Appendix 1** to this Order;
3. The second Case Management Conference is scheduled, as set out above; and
4. The Procedural Order and Issues List are to be filed by **Monday, January 04, 2027**.

"T.F. Ng"

T.F. NG
VICE-CHAIR

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

APPENDIX 1

OLT-26-000693 – Participant List

1	Angel Romo Cortes	romco.angel@gmail.com
2	Christine Cayuga	christinecayuga@hotmail.com
3	Jennifer Kinnunen	jennifer.kinnunen@gmail.com
4	Seth Floyd	floyd.seth@yahoo.ca
5	Hannah Layton-Uzelac	hannah.uzelac@gmail.com
6	Danielle Sheahan	d.k.sheahan@gmail.com
7	Adriana Weinerth Hernandez	adrianaweinerth1@gmail.com
8	Borys Franiczek	borysfraniczek@gmail.com
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10	Janicka Glasova	janickaglasova01@pm.me
11	Madelyne Maingot	madelyne.maingot@gmail.com
12	Olivia Brown	this.is.olivia.brown@gmail.com
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34	Erin Janus	erininhamilton@gmail.com
35	Cathy Paton	cathyjoypaton@gmail.com
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