

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



ISSUE DATE: June 30, 2020

CASE NO(S): DC000032
D000121

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(10) of the *Development Charges Act*, 1997, S.O. 1997, c. 27

Appellant: Bronte Creek Developments Inc.
Subject: Complaint against a Council’s refusal to recognize a credit claim for a development charge imposed

Property Address/ Description: Lot 4, Concession 11
Municipality: City of Hamilton
OMB Case No.: DC000032-D000121
OMB File No.: D000121

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject: Site Plan
Referred by: Sierra Lane (2000) Developments Inc.
Property Address/Description: Lot 4, Concession 11
Municipality: City of Hamilton
OMB Case No.: DC000032-D000121
OMB File No.: PL090412

PROCEEDING COMMENCED UNDER subsection 51(43) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Sierra Lane (2000) Developments Inc.
Subject: Conditions of approval of draft plan of subdivision

Property Address/ Description: Lot 4, Concession 11
Municipality: City of Hamilton

Municipal File No.: 25 CDM 99004
OMB Case No.: DC000032-D000121
OMB File No.: PL090740

Heard: June 25, 2020 by telephone conference call

APPEARANCES:

Parties

Counsel

Sierra Lane (2000) Developments Inc. Scott Snider

City of Hamilton Michael Kovacevic

MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON JUNE 25, 2020 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The matter before the Tribunal is the appeal by Sierra Lane (2000) Developments Inc. (the “Appellant”) from the failure of the City of Hamilton (the “City”) to make a decision in respect to an Application for Site Plan Approval (the “Appeal”).

[2] This Appeal was originally scheduled with a Development Charges appeal under section 17(10) of the *Development Charges Act* and an appeal of conditions of draft plan of subdivision under section 51(43) of the *Planning Act*. The *Development Charges Act* appeal was withdrawn and the *Planning Act* appeal was subject of a settlement approved by the Ontario Municipal Board in an Order issued January 23, 2015. The Appeal was adjourned *sine die* and remains unresolved.

[3] The hearing is a Case Management Conference (“CMC”) conducted pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act, 2017* in respect of this matter. The

Appeal has been inactive for a lengthy period of time and the hearing arose to determine if the Appellant still intends to pursue this matter.

CASE MANAGEMENT CONFERENCE

[4] Mr. Snider provided a brief summary of the Appeal and advised that the Appellant is working with the City to clear the conditions of the Draft Plan of Subdivision approval. The timeframe for the clearance of the current Draft Plan conditions was extended by the City for a further one-year period which expires in January 2021. There are engineering challenges that the Appellant and the City have been working to resolve and these issues are preventing the approval of the Site Plan Approval application. Mr. Snider requested an adjournment of a further six months to allow the resolution of the conditions of the Draft Plan of Subdivision and the enable City to approve the Site Plan Approval application.

[5] Mr. Kovacevic advised the Tribunal that he has no objection to the further adjournment.

DECISION

[6] The Tribunal, in considering the submissions, grants a further adjournment of the Appeal to December 18, 2020, at which time the Appellant will provide an update in writing to the Tribunal to advise of the status of the Appeal.

[7] In the event, that this matter is not concluded by December 18, 2020, the Tribunal will schedule a further CMC to determine the continuing status of the Appeal.

[8] The Member is not seized of this matter.

[9] This is the Order of the Tribunal.

“David Brown”

DAVID BROWN
MEMBER

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

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