

ISSUE DATE:

**June 1, 2012**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

DC090025

DC110008

IN THE MATTER OF section 14 of the *Development Charges Act*, S.O. 1997, c. 27

Appellant: 2054971 Ontario Inc.  
Appellant: Losani Homes (1998) Ltd.  
Appellant: Paletta International (2000) Inc.  
Appellant: Parkside Hills Inc.; and others  
Subject: Development Charges By-law No. 09-143  
Municipality: City of Hamilton  
OMB Case No.: DC090025  
OMB File No.: DC090025

IN THE MATTER OF section 14 of the *Development Charges Act*, S.O. 1997, c. 27

Appellant: 2054971 Ontario Inc.  
Appellant: Paletta International (2000) Inc.  
Appellant: Parkside Hills Inc.  
Appellant: Silverwood Homes Limited; and others  
Subject: Development Charges By-law No. 09-144  
Municipality: City of Hamilton  
OMB Case No.: DC090025  
OMB File No.: DC090026

IN THE MATTER OF section 14 of the *Development Charges Act*, S.O. 1997, c. 27

Appellant: Losani Homes (1998) Ltd.  
Appellant: Paletta International (2000) Inc.  
Appellant: Parkside Hills Inc.  
Appellant: Silverwood Homes Limited  
Subject: Development Charges By-law No. 11-173  
Municipality: City of Hamilton  
OMB Case No.: DC110008  
OMB File No.: DC110008

IN THE MATTER OF section 14 of the *Development Charges Act*, S.O. 1997, c. 27

Appellant: Losani Homes (1998) Ltd.  
Subject: Development Charges By-law No. 11-174  
Municipality: City of Hamilton  
OMB Case No.: DC110008  
OMB File No.: DC110009

IN THE MATTER OF section 14 of the *Development Charges Act*, S.O. 1997, c. 27

Appellant: Hamilton Halton Home Builders' Association  
 Appellant: Losani Homes (1998) Ltd.  
 Appellant: Paletta International (2000) Inc.  
 Appellant: Parkside Hills Inc.; and others  
 Subject: Development Charges By-law No. 11-175  
 Municipality: City of Hamilton  
 OMB Case No.: DC110008  
 OMB File No.: DC110010

**APPEARANCES:**

<u>Parties</u>	<u>Counsel</u>
2054971 Ontario Inc.	S. Snider
Paletta International (2000) Inc.	S. Snider
Waterdown Bay Ltd.	S. Snider
Silverwood Homes Limited	B. Taylor
Parkside Hills Inc.	B. Taylor
Losani Homes (1998) Ltd.	C. Barnett
Hamilton Halton Homebuilders' Association	L. Townsend
City of Hamilton	R. Doumani J. Johnston
City of Burlington	B. Hurley

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING  
ON MAY 22, 2012 AND ORDER OF THE BOARD**

This is the first pre-hearing conference (PHC) into these matters. These matters relate to multiple appeals filed against the City of Hamilton's (City) Development Charge (DC) By-laws Nos. 09-143, 09-144, 11-173, 11-174, and 11-175. The parties requested a consolidation of these appeals as they relate to the City's proposed DC By-laws. The Board granted consolidation of the DC090025 and DC110008 appeals.

Counsel for the City (Mr. Doumani) advised the Board that a draft Procedural Order has been prepared but the Issues List is still under discussion. Mr. Doumani also advised that the City is having ongoing settlement discussions with the appellants. With the consent of all the parties, he requested a further PHC to be set for June 21, 2012, at which time the revised Procedural Order and Issues List will be presented. This PHC may be converted to a telephone conference call at the parties' request.

The intent of today's PHC was to also hear a motion brought by Silverwood Homes Limited (Silverwood) and Parkside Hills Inc. (Parkside) against the City with respect to per unit charges made by Silverwood and Parkside to the City. Mr. Taylor, counsel for both entities, requested that the Board adjourn the motion hearing *sine die*. The City has consented to the request provided that the motion, if reinstated by the moving parties, is returnable within 30 days. The Board granted the adjournment of the motion hearing *sine die*.

Therefore, the **BOARD ORDERS** that:

1. The next PHC is set for June 21, 2012, at 10:30 a.m. The venue will be at the City Centre, 77 James Street North, Suite 250A, Hamilton, ON L8R 2K3.
2. These appeals are consolidated.
3. The motion brought by Silverwood and Parkside is adjourned *sine die*.

No further notice is required and I am not seized of these matters.

So Orders the Board.

"Jason Chee-Hing"

JASON CHEE-HING  
MEMBER