

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 17, 2014

CASE NO(S): LC140040

PROCEEDING COMMENCED UNDER subsection 26(b) of the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended

Claimant:	William R. Hume, Marlene Hume & Gord Hume Inc.
Respondent:	Ministry of Transportation
Subject:	Land Compensation
Property Address/ Description:	Part Lot 31, Concession 3, Beverly, City of Hamilton, as in VM206630
Municipality:	City of Hamilton
OMB Case No.:	LC140040
OMB File No.:	LC140040

Heard: November 12, 2014 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

William R. Hume, Marlene Hume and Gord Hume Inc.

Shayne Rayman

Ministry of Transportation

David Vickers

**MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON
NOVEMBER 12, 2014 AND ORDER OF THE BOARD**

INTRODUCTION

[1] William R. Hume, Marlene Hume and Gord Hume Inc. ("Claimants") are requesting compensation for the lands described as 1289, 1303 and 1305 Highway 5 in Dundas, Ontario, known municipally as Part Lot 31, Concession 3, Beverly, City of Hamilton (VM206630).

[2] The subject property is 17.32 acres in size and operates with commercial and residential portions. The subject property area is known as “Peters Corners”. Prior to expropriation, this locale operated as a complicated intersection between Highway 5, Highway 8 and Regional Road 52. The expropriation was undertaken in order to improve Peters Corners through the realignment of the intersecting highways and roads and to construct a roundabout west of the subject property (Registered Plan of Expropriation WE741062) and acquisition of a fee simple interest in 115 square metres of the easterly residential portion of the subject property.

[3] The Claimants originally presented to the Board a Motion for Direction to address the procedural advancement of this matter as well as to ask the Ontario Municipal Board (“Board”) to finalize a Procedural Order to guide the future hearing.

[4] At this prehearing conference, the Board heard from both counsels that the Parties have agreed on a way forward that renders moot the need for adjudication of the Claimants’ motion. Specifically, and on consent, the Board sets a one-day prehearing to be used administratively or for a motion, which will occur on **Tuesday, May 12, 2015 at 10 a. m. at:**

**Ontario Municipal Board
655 Bay Street
16th Floor
Toronto, ON**

[5] The Board also sets a three-week hearing to commence on **Tuesday, September 15 at 10 a. m. on the first day at:**

**Ontario Municipal Board
655 Bay Street
16th Floor
Toronto, ON**

[6] The Parties will finalize their Procedural Order in due course and furnish a hardcopy as well as an electronic copy to the Board's assigned Case Coordinator. No further notice is required and the Member is not seized. For the convenience of both Parties, the Board may be spoken to in order to address any issues that might arise.

"R. Rossi"

R. ROSSI
MEMBER

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
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