

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



**ISSUE DATE:** February 14, 2019

**CASE NO(S):**

PL050179  
PL090114

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 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Ponderosa Nature Resort  
Subject: Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment  
Existing Designation: Open Space and Recreation  
Proposed Designation: Residential Mobil Home Park  
Purpose: To permit the existing use of a mobile home park  
Property Address/Description: Part of Lot 34, Concession 7  
Municipality: City of Hamilton  
OMB Case No.: PL050179  
OMB File No.: O050032  
OMB Case Name: Ponderosa Nature Resort v. Hamilton (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Ponderosa Nature Resort  
Subject: Application to amend Zoning By-law No. 90-145-Z – Neglect of application by the City of Hamilton  
Existing Zoning: Recreation Open Space “O3-3” and Conservation Management “CM”  
Proposed Zoning: Residential Mobil Home Park “R-9”  
Purpose: To permit the existing use of a mobile home park  
Property Address/Description: Part of Lot 34, Concession 7

Municipality: City of Hamilton  
 OMB Case No.: PL050179  
 OMB File No.: Z050024

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

Subject: Site Plan  
 Referred by: Ponderosa Nature Resort  
 Property Address/Description: 1218 Concession 8 West, Part of Lot 34,  
 Concession 7  
 Municipality: City of Hamilton  
 OMB Case No.: PL050179  
 OMB File No.: PL171141  
 Appellant: Ponderosa Nature Resort  
 Subject: Rural Hamilton Official Plan  
 Municipality: City of Hamilton  
 OMB Case No.: PL050179  
 OMB File No.: PL090114

**Heard:** January 11, 2019 by telephone conference call

**APPEARANCES:**

**Parties**

Ponderosa Nature Resort  
 City of Hamilton

**Counsel**

Peter Gross  
 Michael Kovacevic

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON  
 JANUARY 11, 2019 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This proceeding consists of site-specific appeals by Ponderosa Nature Resort (“Appellant”) regarding the failure or neglect of the City of Hamilton Council to make a decision with respect to Official Plan and Zoning By-law Amendment applications filed

by the Appellant in order to legalize the existing use of certain lands and facilities in the former Town of Flamborough.

[2] Since the last Pre-hearing Conference (“PHC”), held in October 2018, the Parties have continued to engage in settlement discussions. At the present PHC, the Parties requested on consent that a further PHC be scheduled in roughly six months’ time at which further updates will be provided to the Local Planning Appeal Tribunal (“Tribunal”) on progress in the settlement discussions.

[3] At the last PHC, the Parties requested that this proceeding be consolidated with the Appellant’s official plan amendment appeal proceeding (Tribunal Case No. PL090114) with respect to the Rural Hamilton Official Plan (“RHOP”). The Tribunal denied this request finding that the Tribunal panel in the PL090114 proceeding would be in a better position to make a fair ruling on whether the Appellant’s site-specific appeal in that proceeding should be separated from the other RHOP appeals. A similar request had been made to the Ontario Municipal Board panel in PL090114 in 2010, but no separation Order was formally made.

[4] Since the time of the last PHC, the Parties have appeared before the panel in PL090114 and have requested that the Appellant’s site-specific appeal of the RHOP be separated from the main RHOP hearing. Their request was made at a motion hearing in that proceeding to determine which version of the Growth Plan for the Greater Golden Horseshoe applies to the RHOP appeals. The Parties submitted that the panel in PL090114 orally granted the Parties’ request, but noted that the Parties would need to seek a consolidation Order from this panel to have the site-specific RHOP appeal consolidated with the appeals before the Tribunal in the present proceedings.

[5] None of the parties in the PL090114 proceeding objected to the request that the Appellant’s site-specific appeal of the RHOP be separated from the main RHOP hearing.

[6] The panel in PL090114 did not make any finding on which Growth Plan for the Greater Golden Horseshoe should apply to the Appellant's site-specific appeals.

[7] The renewed request for consolidation at the present PHC was made on consent. The Parties submitted that there are common issues in the appeals in question and they should not be adjudicated separately. The Parties argued that adjudication before a single panel would ensure an efficient process and prevent the possibility of conflicting outcomes.

[8] The Tribunal ordered that the present proceedings and the separated proceeding in PL090114 be consolidated under Rule 16.01 of the Tribunal's *Rules of Practice and Procedure*.

## **ORDER**

[9] The Tribunal orders that the Appellant's Official Plan and Zoning By-law Amendment appeals and the Appellant's site-specific RHOP appeal are consolidated.

[10] The Tribunal orders that a further PHC be held on **Friday, July 5, 2019 at 9 a.m.** by telephone conference call. Individual(s) are directed to call **416-212-8012** or Toll Free **1-866-633-0848** on the assigned date at the correct time. When prompted, enter the code **4779874#** to be connected to the call. If assistance is required at any time, press '0' for the operator. It is the responsibility of the person(s) participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to John Norris, the Tribunal's Case Coordinator, at 416-326-6798.

*"Hugh S. Wilkins"*

HUGH S. WILKINS  
MEMBER

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**Local Planning Appeal Tribunal**

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