

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: March 21, 2017

CASE NO(S): PL050179

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

Heard: February 7, 2017 in Dundas, Ontario

APPEARANCES:

Parties

Counsel/Representative*

Ponderosa Nature Resort

Peter Gross
John Georgakopoulos
Joanna Vince*

City of Hamilton

Michael Kovacevic*

**MEMORANDUM OF ORAL DECISION DELIVERED BY SHARYN VINCENT ON
FEBRUARY 7, 2017 AND ORDER OF THE BOARD**

INTRODUCTION

[1] This is the second in this round of Prehearing Conferences (“PHC”) dealing with the appeals by Ponderosa Nature Resort (“Appellant”) of the failure on the part of the Council of the City of Hamilton (the “City”) to make a decision with respect to the Official Plan and Zoning By-law applications filed in order to legalize the existing longstanding use of the lands and facilities.

[2] The Board was advised that since the last PHC, and as recently as January 31st, the technical expertise on behalf of both parties had met with the Ministry of the Environment and Climate Control (“MOECC”) and expect to have follow-up meetings at the end of February and March respectively with a view to narrowing, if not resolving, the breadth of the servicing issues.

[3] Counsel for the Appellant advised that a revised Environmental Impact Statement (EIS) was in the works and expected to be submitted to the City by the end of February 2017.

[4] The parties have agreed to pursue Board led mediation following the upcoming meetings with MOECC. The mediation has now been scheduled for one day, June 12, 2017 at 10 a.m. at the Dundas Municipal Centre. The parties were directed to redraft

their respective draft issues lists after the MOECC meetings into a form appropriate for submission as part of a mediation brief.

[5] Following the mediation and in the absence of a settlement in principle, the Parties are directed to scope the issues list and to more particularly identify which policies and sections of the 2014 Provincial Policy Statement remain as issues in a contested hearing.

[6] The parties are directed to jointly advise the participants of the outcome of the mediation and the associated impacts on the resolution of the appeals. At that point, the parties should co-ordinate with the Board through the case co-ordinator the scheduling of a telephone conference call ("TCC") to update any procedural matters, including any necessary revisions to the PO arising from the mediation.

[7] In the event that the mediation is sufficiently successful to move towards settlement, the parties, after having consulted with the participants, will seek the direction of the Board as to whether the settlement can be heard on consent via TCC.

[8] With respect to the Board's direction to the participants at the last PHC, Paul Horill appeared on behalf of the Antrim Glen homeowners, requested that Peter Woodthorpe also be granted participant status as an alternate for the group and submitted the contact information and authorization of the homeowners group. On consent, Peter Woodthorpe was also granted participant status.

[9] Mr. James Keary, the Director of Operations for Ponderosa Nature Resort appeared in lieu of Brenda Joynt and Ed Fernandez, who had sought participant status at the previous PHC. Mr. Keary had not been provided the authorization required and requested in the Boards memorandum summarizing the September 28th, 2016 PHC.

[10] The written authorization is required to crystalize the participant status of these two individuals and to clarify who they are authorized to speak on behalf of when making submissions to the Board. Mr. Keary indicated that he would take the request

back and Board directs that the authorization be submitted to the case co-ordinator.

[11] The Board so orders.

“Sharyn Vincent”

SHARYN VINCENT
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248