

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



**ISSUE DATE:** May 08, 2018

**CASE NO(S):** PL050179

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 Mobile 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 Mobile 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

**Heard:** March 1, 2018 in Dundas, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

Ponderosa Nature Resort

Sharmini Mahadevan,  
John Georgakopoulos and  
Joanna Vince

City of Hamilton

Michael Kovacevic

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON  
MARCH 1, 2018 AND ORDER OF THE TRIBUNAL**

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[1] This proceeding consists of 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”) in this proceeding, the parties have engaged in mediation and are continuing settlement discussions. Both parties agreed that discussions have been positive but that more time is needed before certain technical issues can be resolved. They requested on consent that a further PHC be scheduled at which the parties will provide further updates to the Tribunal on their progress in reaching a settlement. The parties also requested on consent that this

proceeding be consolidated with the Appellant's site plan appeal proceeding (Tribunal Case No. PL171141).

[3] The Tribunal ordered that a further PHC be held on **Friday, October 5, 2018 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.

[4] The Tribunal further ordered that this proceeding and the proceeding in Tribunal Case No. PL171141 are consolidated.

*"Hugh S. Wilkins"*

HUGH S. WILKINS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

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