

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: October 11, 2016

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

Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

Heard: September 28, 2016 in Hamilton, Ontario

APPEARANCES:**Parties****Counsel*/Representative**

Ponderosa Nature Resort

P. Gross*, J. Georgakopoulos*, J. Vince*

City of Hamilton

M. Kovacevic*

Participant

Conservation Halton

K. Jane Harris

**MEMORANDUM OF ORAL DECISION DELIVERED BY H. JACKSON ON
SEPTEMBER 28, 2016 AND ORDER OF THE BOARD**

[1] Ponderosa Nature Resort (the “Applicant”) applied for an official plan amendment and a zoning by-law amendment to legalize an existing mobile home trailer park in the former Town of Flamborough, now the City of Hamilton (the “City”). This facility is comprised of 58 sites, 110 camping sites, leisure and recreational facilities, community hall, and maintenance facilities. It is a year-round use and has been in existence since the mid 1960s. The Applicant appealed the failure of Council to make a decision on the applications within the required time periods under the *Planning Act*.

[2] Mr. Kovacevic explained to the Board that this matter dates back many years. Given the passage of time since the last prehearing conference (“PHC”) held November 17, 2014, the Board directed the Applicant provide Notice of this PHC in accordance with the Board’s direction. The Affidavit of Service was provided in evidence as Exhibit 1.

[3] The main issue holding up the resolution of the matter is sanitary sewer and water supply servicing. Mr. Kovacevic advised that the City and the Applicant have had productive discussions, however, the planning instruments cannot move forward until the servicing issues are resolved. In this vein, the Applicant indicated that an updated sewage report was submitted to the City on July 21, 2016; and the parties have had discussions with the peer reviewers and the technical consultants. The parties jointly requested that a mediation assessment be done in the hopes of reaching further resolution of the matters.

[4] Upon consent of the Applicant, the City requested the Board set a further PHC in February of 2017, and a 10-day hearing be set for the following October.

[5] The Applicant committed to submitting a draft Procedural Order to the City by October 21, 2016. The parties will jointly provide to the Board the draft Procedural Order by November 4, 2016 for issuance. The draft Procedural Order will have an agreed upon date for the exchange of the issues list, to be prior to the next PHC.

Participants

[6] Conservation Halton was granted participant status in 2009 and was represented at the hearing.

[7] Participant status was granted to Bill Horrill on behalf of residents of Antrim Glen who live directly beside the property in question. Participant status was granted to Brenda Joynt and Ed Fernandez who jointly represent the residents of the Ponderosa

Nature Resort. These two groups are directed to provide the Board's case coordinator by the next PHC a list of the individuals that they represent and a letter indicating that they have permission to do so.

[8] Jackie Gordon and Roy Grant were granted participant status on their own behalf.

[9] Numerous members of the public attended the PHC. The names and contact information of those people who wished a copy of the disposition arising from today's PHC were provided to Mr. Kovacevic who committed to forwarding the list to the case coordinator.

[10] The Board orders that a second PHC is scheduled for **Tuesday, February 7, 2017, at 10:30 a.m.** The hearing is scheduled to commence **Monday, October 16, 2017, at 10:30 a.m.** and to continue for ten days until **Friday, October 27, 2017.** The PHC and the hearing will be held at:

**Dundas Town Hall
2nd floor Auditorium/OMB Room
60 Main Street
Dundas, ON L9H 1C6
Need to confirm location**

[11] No further notice will be given.

[12] I am not seized of the next PHC. However, I will case manage the file until the next PHC should further direction be required. The Board case coordinator for this matter is Ms. Leesa Kwong.

"H. Jackson"

H. JACKSON
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
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