

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



ISSUE DATE: October 18, 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 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

Heard: October 5 and 9, 2018 by telephone
 conference call

APPEARANCES:

Parties

Ponderosa Nature Resort

City of Hamilton

Counsel

Peter Gross
 John Georgakopoulos and
 Joanna Vince

Michael Kovacevic

DECISION DELIVERED BY HUGH S. WILKINS AND ORDER OF THE TRIBUNAL

INTRODUCTION

[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] The last Pre-hearing Conference (“PHC”) in this proceeding was held in March 2018. Since that time, the parties have continued to engage in settlement discussions. At the present PHC, the Parties requested on consent that a further PHC be scheduled at which further updates will be provided to the Tribunal on progress in the settlement discussions.

[3] The Parties also 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 Parties note that the Ontario Municipal Board in a decision dated May 21, 2010 in Case No. PL090114 stated that the Parties in that proceeding had agreed to have the Appellant’s RHOP appeal proceeding consolidated with its appeals in the present proceeding in Case No. PL050179. It appears, however, that an Order to this effect was never made.

[4] I acknowledge that the Parties in the Case No. PL090114 proceeding agreed to consolidation in 2010; however, I find that given the passage of time, it would be inappropriate for me to consolidate the proceedings at this time without hearing from the other Parties in Case No. PL090114. Based on the submissions from the Parties before me, there is merit to their consolidation request; however, I find that the Parties and the Tribunal panel in the Case No. PL090114 proceeding should be involved in the determination of this issue. Therefore, I decline to make a ruling on the request for consolidation at the present time. I understand that a motion is scheduled before the Tribunal in the Case No. PL090114 proceeding later in October 2018. At that time, the Parties may wish to raise this issue. The Tribunal panel in the PL090114 proceeding would have an opportunity to hear from all the Parties in the various proceedings, have a clearer view of the issues at play, and will be in a better position to make a fair ruling on the issue.

[5] The Tribunal orders that a further PHC be held on **Friday, January 11, 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

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

Local Planning Appeal Tribunal

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