

ISSUE DATE:

**October 21, 2011**



PL070386

Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Hamilton Metal Trading Corporation and Aberdeen  
(Hamilton) Holdings Inc.  
Subject: Proposed Official Plan Amendment No. 210  
Municipality: City of Hamilton  
OMB Case No.: PL070386-O070052  
OMB File No.: PL070386-O070052

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Hamilton Metal Trading Corporation and Aberdeen  
(Hamilton) Holdings Inc.  
Subject: Zoning By-law No. 07-043  
Municipality: City of Hamilton  
OMB Case No.: PL070386-O070052  
OMB File No.: PL070386-R070071

**APPEARANCES:**

**Parties**

**Counsel**

Hamilton Metal Trading Corporation and  
Aberdeen (Hamilton) Holdings Inc.

City of Hamilton

Nancy Smith

**MEMORANDUM OF ORAL DECISION RESULTING FROM A TELEPHONE  
CONFERENCE DELIVERED BY J. P. ATCHESON ON SEPTEMBER 30,  
2011 AND ORDER OF THE BOARD**

This was to be a hearing in the matter of appeals by Hamilton Metal Trading Corporation and Aberdeen (Hamilton) Holdings Inc., the Appellants, from the City of Hamilton passing of Official Plan Amendment No. 210 and proposed Zoning By-law Amendment No. 07-043. These matters have been ongoing, dating back to 2007. A number of Parties to the original appeals have settled their appeals, which have been approved by the Board in various Orders.

The appeals of Hamilton Metal Trading Corporation and Aberdeen (Hamilton) Holdings Inc. were the last outstanding matter to be dealt with by the Board.

The Board was notified by an e-mail dated September 28, 2011, that the Appellant, Hamilton Metal Trading Corporation, had withdrawn its appeal.

The City of Hamilton on August 2, 2011, served a motion (Exhibit 2) on the Appellants seeking:

1. An Order repealing Interim Control By-law 05-041 as amended by By-law 06-0028 as it applies to all lands save and except lands owned by Hamilton Metal Trading Corporation municipally known as 606 Aberdeen Avenue, in the City of Hamilton;
2. An Order confirming that Official Plan Amendment No. 210 and Zoning By-law Amendment No. 07-043 are in full force and effect as they apply to all lands save and except lands owned by Hamilton Metal Trading Corporation municipally known as 606 Aberdeen Avenue, in the City of Hamilton;
3. An Order setting a Procedural Order and setting a hearing date for the Hamilton Metal Trading Corporation appeals.

In light of Hamilton Metal Trading Corporation's withdrawal of its appeal, the hearing was converted to a Telephone Conference Call (TCC).

Counsel for the Municipality advised the Board that Hamilton Metal Trading Corporation, whose lands are shown in Blue on Exhibit 2, Tab G (the motion document), has withdrawn its appeal and further, that the City of Hamilton has acquired the lands owned by Aberdeen (Hamilton) Holdings Inc. shown in yellow on Exhibit 2, Tab G.

Counsel for the City requested that the Board confirm its early decisions with respect to the appeals of Lafarge Canada Inc. and The Gore District Land Trustee Corp. with respect to Official Plan Amendment No. 210 and Zoning By-law Amendment No. 07-043, and further as a result of the appeal being withdrawn by Hamilton Metal Trading Corporation and the City's acquisition of the Aberdeen (Hamilton) Holdings Inc. lands that the Board issue an order that Official Plan Amendment No. 210 and Zoning By-law

Amendment No. 07-043 as they pertain to the lands of Hamilton Metal Trading Corp and Aberdeen (Hamilton) Holdings Inc. be further approved.

The Board has reviewed the motion material and considered the submission of Counsel and finds the requests technical in nature and necessary to bring clarity and a final conclusion to the appeals.

Accordingly;

1. **The Board Orders** that Official Plan Amendment No. 210 and Zoning By-law Amendment No. 07-043 as amended by the Board in its Orders dated November 21, 2007, and January 18, 2008, are in full force and effect, and further,
2. **The Board Orders** that the appeals to Official Plan Amendment No. 210 and Zoning By-law Amendment No. 07-043 of the City of Hamilton as they pertain to the lands of Hamilton Metal Trading Corporation and Aberdeen (Hamilton) Holdings Inc. are dismissed, and Official Plan Amendment No. 210 and Zoning By-law Amendment No. 07-043 of the City of Hamilton as they pertain to the lands of Hamilton Metal Trading Corporation and Aberdeen (Hamilton) Holdings Inc. are further approved and are deemed to come into full force and effect on September 30, 2011.

This is the Order of the Board.

“J. P. Atcheson”

J. P. ATCHESON  
MEMBER