

ISSUE DATE:

**Dec. 16, 2009**



PL090114

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants: See below  
Subject: Rural Hamilton Official Plan  
Municipality: City of Hamilton  
OMB Case No.: PL090114  
OMB File No.: PL080114

**List of Appellants**

No.	Appellant
1.	Ontario Stone, Sand & Gravel Association (OSSGA)
2.	Paletta International Corporation
3.	P&L Livestock Limited
4.	Copetown Lions Development Association
5.	Bella Court Developments Limited
6.	557619 Ontario Inc.
7.	1175819 Ontario Ltd.
8.	1205953 Ontario Limited
9.	St. Marys Cement (Canada) Inc.
10.	Demik Developments
11.	1694408 Ontario Inc.
12.	Blackheath Developments Inc. and Future Homes Construction Limited (c.o.b. Satellite Golf Centre)
13.	Artstone Holdings Limited
14.	Artstone Holdings Limited
15.	Weizer Investments Limited
16.	Corpveil Holdings Limited
18.	Ancaster Christian Reform Church
19.	456941 Ontario Ltd., 1263339 Ontario Ltd. and Lea Silvestri ("Silvestri Investments")
20.	Angelo Giacomelli and Mario Nesci
21.	Earl Fransden and Kirsten Fransden
22.	Keith Pickles and Brenda Pickles
23.	John Paolini, Gino DalBello, Olindo DalBello, Luigi DeTina, Peter Djeneralovic, Jim Swick and Quinto Simone
24.	New Country Investors Limited

25.	1507565 Ontario Inc.
27.	Lafarge Canada Inc.
28.	Peter Cartwright
29.	City of Hamilton
30.	Dr. Tom Nugent
31.	1478742 Ontario Inc. and 2157722 Ontario Inc.
32.	DiCenzo (Golf Club Road) Holdings Inc.
33.	Dufferin Aggregates
35.	David E. Mercer
36.	Multi-Area Developments Inc.
37.	Paletta International Corporation
39.	2101510 Ontario Inc. (subsumed by Paletta International Corporation)
40.	2000963 Ontario Inc.
41.	Mud & First Inc.
42.	2084696 Ontario Inc.
43.	2188410 Ontario Inc.

**APPEARANCES:**

**Parties**

**Counsel/Agent\***

557619 Ontario Inc.  
1175819 Ontario Ltd.  
1205953 Ontario Ltd.  
Artstone Holdings Ltd.  
Bella Court Developments Ltd.  
Copetown Lions Development Association  
Corpveil Holdings Ltd.  
Weizer Investments Ltd.

S. Snider and N. Smith

P & L Livestock Ltd.  
Paletta International Corporation

S. Snider

2000963 Ontario Inc.  
2084696 Ontario Inc.  
2101510 Ontario Inc. (subsumed by Paletta International Corporation)  
2188410 Ontario Inc.  
Mud and First Inc.

M. Noskiewicz

Multi-Area Developments Inc.  
Paletta International Corporation

1478742 Ontario Inc.  
2157722 Ontario Inc.  
Dicenzo (Golf Club Road) Holdings Inc.

R. Cheeseman

1507565 Ontario Inc.

D. Tang

City of Hamilton

A. Zuidema and  
M. Kovacevic

1694408 Ontario Inc.  
Demik Developments

S. Rogers

Gino and Olindro Dabbello  
Luigi DeTina, Peter Djeneralovic, Earl and  
Kirsten Fransden, New Country Investors  
Ltd., John Paolini, Keith and Brenda Pickles,  
Quinto Simone, Jim Swick, Bruce Hauser

M. Rudolph

Ancaster Christian Reformed Church

P. Tice

Blackheath Developments Inc. and Future  
Homes Construction Ltd. c.o.b. as Satellite  
Golf Centre

J. Corneil

Dufferin Aggregates, a division of Holcim  
(Canada) Inc., Lafarge Canada Inc., Ontario  
Stone, Sand and Gravel Association, St.  
Marys Cement (Canada) Inc.

J. Kahn and K. Wilde

Angelo Giacomelli, Marco Nesci

E. Guyitt

456941 Ontario Ltd  
1263339 Ontario Ltd.  
Lea Silvestri

J. Leonard

Annette and Stephen Brennan

John Ariens\*

Ministry of Municipal Affairs and Housing

M. Singh and P. Matheson-Young

Friends of Rural Communities and the

J. Pepino

Environment

Niagara Escarpment Commission

J. Thompson

Georgina Beattie

Unrepresented

Tom Nugent

Unrepresented

David Mercer

Unrepresented

Peter Cartwright

Unrepresented

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. CHEE-HING  
ON DECEMBER 1, 2009 AND ORDER OF THE BOARD**

This is the second pre-hearing conference (“PHC”) relating to the appeals of the Rural Hamilton Official Plan (“Rural OP”). The Board heard from various Counsels who provided an update/corrections to the clients that they represent. The Appearances’ list represent the most recent updates. This list is in a state of flux as there is likelihood that more Appellants to these proceedings will withdraw their appeals through ongoing discussions with the City. Mr. Zuidema, counsel for the City, provided the Board with an update to the City’s ongoing discussions with the Parties. Additional Appellants have withdrawn their appeals and the List of Appeals to the Rural OP which the City has carriage of will be updated to reflect the ongoing changes. The City intends to continue meeting with the Parties with the purpose of grouping the outstanding issues and resolving where possible outstanding concerns. Mr. Zuidema expects to present some house cleaning items relating to the Rural OP at the next PHC. The Halton Region Conservation Authority was granted party status. Mr. Ian Bristol was granted participant status.

Accordingly, the **BOARD ORDERS** that:

1. The next PHC shall be held on April 28 and 29<sup>th</sup> 2010, commencing at 10:30am. The venue is OMB Hearing Room #6, McMaster Learning Centre (old Court House Hamilton), 50 Main Street East, Main Floor,

Hamilton ON L8N 3V9. The City will undertake to contact all the Parties and Participants. No further Notice is required.

2. The Halton Region Conservation Authority has been accorded party status.
3. Mr. Ian Bristol has been accorded Participant status.
4. The Board will consider Mr. Peter Ormond's request for Participant status at the next PHC.
5. The Parties and Participants are to forthwith contact the City with any changes to their address and other contact information.
6. The City will undertake to send electronically the consolidated Issues List when available to the Participants.

The Board encourages the ongoing discussions among the Parties with a view to resolving the outstanding concerns and issues. I am not seized.

It is so Ordered.

"J. Chee-Hing"

J. CHEE-HING  
MEMBER