

ISSUE DATE:

Feb. 01, 2011



PL090114

Ontario
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. 1800615 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:

<u>Parties</u>	<u>Counsel/Agent*</u>
Dufferin Aggregates, a division of Holcim (Canada) Inc., Lafarge Canada Inc., Ontario Stone, Sand and Gravel Association, St. Marys Cement (Canada) Inc.	J. Kahn
City of Hamilton	M. Kovacevic
Ministry of Municipal Affairs and Housing	R. Boxma and S. Lockwood
NAC	J. Thompson and J. Mott-Allen*
Halton Region Conservation Authority	H. Watson
Paletta International Corporation and P & L Livestock Limiteds	S. Snider

DECISION DELIVERED BY A. CHRISTOU AND ORDER OF THE BOARD

This was the seventh Pre-hearing Conference by Teleconference TCC, on January 6, 2011, relating to the appeals to the Rural Hamilton Official Plan (“Rural OP”), and it was specifically to deal with a settlement for those Parties identified as Groups 1 – Natural Heritage Policy & Mapping, 2 – Infrastructure (Servicing) Policies and 3 – Land Use Designation Policies and Related OP Policies.

At the start of the hearing Mr. Kovacevic informed the Board that the City has been in discussions with the "Aggregates" Parties and with Paletta, but the planner became ill and the Parties have not had an opportunity to continue discussions. Therefore, there is not much to report.

The Parties have agreed that they need a future date to return for an update in late, February 2011.

Mr. Kovacevic indicated that the City may be able to narrow issues and settlement discussions with Paletta and will be seeking hearing dates. Mr. Snyder concurred that some progress has been made and issues will be narrowed.

The Board will set aside a further TCC hearing date for this grouping. However, given the impasse reported, the Board must request that if the Parties do not reach a timely resolution on these matters, the Board should be advised accordingly on whether the hearing should proceed as scheduled.

DISPOSITION

The Board sets the following:

Monday, February 28, 2011, at 9:30 a.m.

Parties are to call 416-212-8012, ID# 4779874.

This Member is not seized, but will continue to case manage this matter subject to the requirements of the Board's calendar.

This is the Order of the Board.

"A. Christou"

A. CHRISTOU
MEMBER