

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



**ISSUE DATE:** February 02, 2021

**CASE NO(S):**

PL090114  
PL110331

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.

**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.:	PL090114

**List of Appellants**

No.	Appellant
1	Ontario Stone, Sand & Gravel Association (OSSGA)
2	Paletta International Corporation
3	P&L Livestock Limited
9	St. Marys Cement (Canada) Inc.
10	Demik Developments
11	1694408 Ontario Inc.
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
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
- 32 DiCenzo (Golf Club Road) Holdings Inc.
- 33 Dufferin Aggregates (a division of Holcim (Canada) Inc.)
- 35 David E. Mercer
- 36 Multi-Area Developments Inc.
- 37 Paletta International Corporation (Elfrida Lands)
  
- 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.

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Hamilton to approve Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan

OMB File No. PL090779 (See Schedule "1")

OMB Case No. PL090779

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Hamilton to approve Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780); Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781); Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782); Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783); Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784); Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)

OMB File Nos. PL090780-PL090785 (See Schedule "1")

OMB Case No. PL090779

The Ontario Municipal Board has received appeals under subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan

OMB File No. PL101381 (See Schedule "2")

OMB Case No. PL101381

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from the decision of the Minister of Municipal Affairs and Housing to approve the new City of Hamilton Urban Official Plan OMB File No. PL110331 (See Schedule “3”)  
OMB Case No. PL110331

Auburn Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council’s refusal to enact a proposed amendment to Zoning By-law 6593 of the City of Hamilton to rezone lands respecting 17 Ewen Road from “J” (Light and Limited Heavy Industrial, etc.) District to the “E-3” (High Density Multiple Dwellings) District to permit a 10 storey student residential building  
Approval Authority File No. ZAC-07-062  
OMB File No. PL120574  
OMB Case No. PL120574

Auburn Developments Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal to enact a proposed amendment to the Official Plan for the City of Hamilton to redesignate land at 17 Ewen Road from “Industrial” to “High Density Residential” to permit a 10 storey student residential building  
Approval Authority File No. OPA-07-016  
OMB File No. PL120575  
OMB Case No. PL120574

### **Schedule “1”**

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

<b>OMB FILE NO.</b>	<b>APPELLANT NAME</b>
PL090784	Shawcor Ltd.

### **Schedule “2”**

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

<b>OMB FILE NO.</b>	<b>APPELLANT NAME</b>
PL101381	A. DeSantis Developments Ltd. LIUNA Group Corp. St. Joseph’s Villa

**Schedule “3”**

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

<b>OMB FILE NO.</b>	<b>APPELLANT NAME</b>
PL110331	2000963 Ontario Inc.
	2051206 Ontario Inc.
	2084696 Ontario Inc.
	2188410 Ontario Inc.
	456941 Ontario Ltd., 1263339 Ontario Ltd., and Lea Silvestri
	909940 Ontario Inc.
	Artstone Holdings Limited
	Carmen Chiaravelle, 1694408 Ontario Ltd., John Edward
	Demik, Peter Demik, Demik Brothers Hamilton Ltd., and
	Elaine Vyn
	City of Hamilton
	Corpveil Holdings Limited
	Flamborough Power Centre Inc., Flamborough South Centre
	Inc., Clappison Five Six Properties Inc.
	Freeland Developments Limited
	Gino and Olindo DalBello
	Lynmount Developments Limited
	Mondelēz Canada Inc. (formerly Kraft Canada Inc.)
	Mud and First Inc.
	Multi-Area Developments Inc.
	Norman Vartanian
	Paletta International Corporation
	Paletta International Corporation (re: Elfrida)
	Spallacci & Sons Limited
	Sullstar Twenty Limited
	Twenty Road Developments Inc.
	Upper Centennial Developments Ltd.
	Waterdown Bay Ltd.

**Heard:** November 17, 2020 by video hearing

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON NOVEMBER 17, 2020 AND ORDER OF THE TRIBUNAL**

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[1] This Case Management Conference (“CMC”) was convened by the Tribunal for the purpose of obtaining an update regarding the status of the remaining appeals of the City of Hamilton (“City”) Rural Hamilton Official Plan (“RHOP”) and the Urban Hamilton

Official Plan (“UHOP”).

[2] Michael Kovacevic, legal counsel to the City, reported that the Land Needs Assessment (“LNA”) undertaken by the City as part of its Municipal Comprehensive Review process has now been completed and is expected to be released to the public on November 16, 2020.

[3] The LNA and various staff reports will be considered at a special meeting of the General Issues Committee on December 14, 2020. It is anticipated that a number of the parties to the UHOP/RHOP appeals are likely to appear as delegations at the meeting. Staff are of the opinion that the LNA will assist in resolving the appeals. Mr. Kovacevic confirmed his intent to seek instruction from Council at its December 2020 meeting.

[4] The Tribunal acknowledges there is frustration among the parties about the length of time it is taking to resolve these appeals - the Tribunal shares that concern. Now that the LNA has been completed, it is the expectation of the Tribunal that the City and the parties will work collaboratively and diligently towards resolution of the outstanding appeals.

[5] A CMC by video hearing is scheduled for **Monday, March 8, 2021** beginning at **10 a.m.**

[6] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/476794325>

**Access code: 476 794 325**

[7] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be

downloaded at [GoToMeeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>.

[8] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: (Toll Free): [1 888 455 1389](tel:18884551389) or [+1 \(647\) 497-9391](tel:+16474979391). The access code is **476 794 325**.

[9] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[10] In advance of the CMC, the City is to prepare and circulate an updated list of the remaining Appellants and their respective representative(s), and an agenda setting out the matters to be dealt with at the CMC.

[11] No further notice will be provided.

[12] This Member is not seized.

*"M. A. Sills"*

M. A. SILLS  
VICE-CHAIR

If there is an attachment referred to in this document,  
please visit [www.olt.gov.on.ca](http://www.olt.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

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