

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 30, 2021

CASE NO(S): PL090114
PL110331

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
456941 Ontario Ltd., 1263339 Ontario Ltd. and Lea Silvestri ("Silvestri
Investments")
- 19 Angelo Giacomelli and Mario Nesci
- 22 Keith Pickles and Brenda Pickles
John Paolini, Gino DalBello, Olindo DalBello, Luigi DeTina, Peter Djeneralovic,
- 23 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)

OMB FILE NO.	APPELLANT NAME
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PL090784	Shawcor Ltd.
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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)

OMB FILE NO.	APPELLANT NAME
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PL101381	A. DeSantis Developments Ltd. LIUNA Group Corp. St. Joseph's Villa
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Schedule “3”

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

OMB FILE NO.	APPELLANT NAME
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: June 22, 2021 by video hearing

APPEARANCES:**Parties**

See List in Attachment 1

MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON JUNE 22, 2021 AND ORDER OF THE TRIBUNAL

[1] This Decision arises from a Case Management Conference (“CMC”) regarding appeals of the Rural Hamilton Official Plan and of the Urban Hamilton Official Plan. The CMC was held on June 22, 2021.

[2] At the CMC, the Parties provided the Tribunal with an update on the status of the proceedings. The City of Hamilton (“City”) stated that it is undertaking a municipal comprehensive review, which may result in an urban boundary expansion that could resolve many of the appeals. The City stated that it expects to have direction from City Council in October 2021 regarding these possible changes.

[3] Several of the Parties stated that the proceedings have been ongoing for years and requested that the Tribunal set hearing dates immediately. It was suggested that an eight to 13-week hearing would be needed. There were diverging views regarding whether the issues have been identified and whether the hearing should be held in phases.

[4] The Tribunal directed that a further CMC will be held in November 2021 at which time it will be clearer whether there will be an urban boundary expansion. This will also allow time for the Parties to identify issues, consult on the structure of the hearing, and prepare an updated draft Issues List and draft Procedural Order.

[5] The Tribunal asks that the Parties consult on these matters and file an updated draft Procedural Order and Issues List with the Tribunal prior to the next CMC.

ORDER

[6] The Tribunal directs that a further CMC will be held by video hearing on **Thursday, November 4, 2021** commencing at **10 a.m.** One day has been set aside.

[7] 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/988522261>

Access code: 988 522 261

[8] Parties and Participants are asked to set up the video hearing 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>.

[9] 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: (Toll Free): [1 888 455 1389](tel:18884551389) or [+1 \(647\) 497-9391](tel:+16474979391). The access code **988 522 261**.

[10] 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.

[11] There will be no further notice.

[12] This Member is not seized.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

PARTIES FOR UHOP/RHOP		
Party	Counsel	Counsel email address
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