

ISSUE DATE:

**March 9, 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:**

**Parties**

**Counsel\*/Agent**

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\* and J. Wice\*

Ministry of Municipal Affairs and Housing

R. Boxma\*

Halton Region Conservation Authority

H. Watson\*

Paletta International Corporation  
C & L Livestock Limited  
Artstone Holdings Limited  
Wiser Investments Limited  
Corpveil Holdings Limited

N. Smith\*

FORCE

N. J. Pepino\*

**Observers/Participants**

Niagara Escarpment Commission

N. Mott-Allen

Elfride Landowners

J. Drake\*

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. HEFFERON ON  
FEBRUARY 25, 2011 AND ORDER OF THE BOARD**

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The hearing into this matter of the new City of Hamilton Rural Official Plan was held on February 25, 2011 at the Municipal Office in Stoney Creek, Ontario.

The Board had earlier been informed by legal counsel for the City of Hamilton ("City") that a settlement would be presented on this day. However, Ms S. Rogers, Counsel for 1694408 Ontario Inc. and Demik Developments, indicated by way of an e-mail dated February 14, 2011 to Counsel for the City and a number of the other parties to these proceedings, that she had not received instructions from her clients to consent to the proposed settlement agreement. The Board was told that negotiations continued until late on February 24, 2011 without success. Ms Rogers did not attend the February 25, 2011 hearing.

A request to adjourn the hearing was received by the Board late in the day on February 24, 2011 but because all of the parties had not consented, the Board's rules prevented the adjournment from being granted without a hearing. On behalf of the City and with the consent of the other parties present, Mr. Kovacevic, at the February 25, 2011 hearing, requested and was granted an adjournment to allow for negotiations towards a settlement to continue.

Ms Pepino, Mr. Watson and Mr. Boxma did not attend the February 25, 2011 proceedings because, the Board was informed, they had been told or had assumed that the hearing had been (or would be) adjourned.

Mr. Kovacevic also requested a date be set to hear a Motion to seek approval for those parts of the new City of Hamilton Rural Official Plan that are not under appeal. The Board sets **10:30 a.m. on Friday, April 8, 2011 at Dundas Council Chambers, 60 Main Street West, Dundas, Ontario** for the Motion to be heard.

Mr. Kovacevic also indicated that at that time (April 8, 2011) the City would request a new date to present the possible settlement agreement.

Notice will be required.

This Member is not seized.

This is the Order of the Board.

"C. Hefferon"

C. HEFFERON  
MEMBER