

ISSUE DATE:

Mar. 24, 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</u>
City of Hamilton	M. Kovacevic and J. Wice
Ministry of Municipal Affairs and Housing	R. Boxma
Halton Region Conservation Authority	H. Watson
Niagara Escarpment Commission	J. Ginsberg
Paletta International Corporation	S. Snider

DECISION DELIVERED BY A. CHRISTOU AND ORDER OF THE BOARD

The purpose of this pre-hearing conference (PHC) was to advise the Board as to progress in resolving the issues among the Parties relating to the appeals to the Rural Hamilton Official Plan (“Rural OP”). It took place on February 28, 2011, and is one of a series of teleconference hearings (TCC) set to deal with procedural matters pertaining to Groups 1, 2, 3 and 5.

Mr. Kovacevic, Counsel for the City, provided an update to its ongoing discussions with the Parties and matters before the Board. He advised that:

Group 2: Paletta, has no appeals; others have removed their appeals; and the Aggregates matter is being dealt with separately.

Groups 1 and 3: the Parties have been meeting with Paletta's planners, but there are still some difficulties.

Mr. Snider indicated this matter can benefit from Mediation. He will be meeting with the planners and will contact the Board accordingly.

With respect to Group 5, Mr. Kovacevic indicated this is the "Severance Grouping". It would not be possible to settle the issues. He requested five days of hearing time be set by the Board in early fall. Also, a further PHC will be required to set the Procedural Order.

DISPOSITION

The Board sets the following:

1. Tuesday, April 26, 2011, at 9:00 am:

TCC for Group 5, Telephone 416-212-8012 or toll free 1-866-633-0848, code 4779874.
2. The hearing for Group 5 will commence at 10:30 a.m. on October 24, 2011, for a total of five hearing days. The hearing will be held at OMB Hearing Room #6, McMaster Learning Centre, 50 Main Street East, Hamilton ON L8N 3V9.

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