

ISSUE DATE:

May 2, 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

557619 Ontario Inc.
1175819 Ontario Ltd.
1205953 Ontario Ltd.
Artstone Holdings Ltd.
Bella Court Developments Ltd.
Copetown Lions Development Association
Corpveil Holdings Ltd.
Weizer Investments Ltd.
Super Sucker Hydro Vac Services Inc.
City of Hamilton (Airport Employment Area)

N. Smith

2000963 Ontario Inc.
2084696 Ontario Inc.
2101510 Ontario Inc. (subsumed by Paletta
International Corporation)
2188410 Ontario Inc.
Paletta International Corporation
Multi-Area Developments Inc.
Mud & First Inc.

M. Noskiewicz and J. Drake

1800615 Ontario Inc.
2157722 Ontario Inc.
Dicenzo (Golf Club Road) Holdings Inc.

R. Cheeseman

1507565 Ontario Inc.

D. Tang

City of Hamilton	J. Wice and M. Minkowski
Ministry of Municipal Affairs and Housing	J. R. Boxma
Ancaster Christian Reformed Church	P. Tice
Blackheath Developments Inc. and Future Homes Construction Ltd. c. o. b. as Satellite Golf Centre	J. Restivo
Halton Region Conservation Authority	H. Watson
Niagara Escarpment Commission	J. Ginsberg
Dr. Tom Nugent	
Paletta International Corporation P&L Livestock Limited	S. Snider
David E. Mercer	

Participants

Lee Investments Silvestri Investments	P. Pickfield and V. Bacher
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DECISION DELIVERED BY A. CHRISTOU AND ORDER OF THE BOARD

This Pre-hearing Conference (PHC) by Teleconference (TCC) on April 26, 2011, relates to the appeals to the Rural Hamilton Official Plan (“Rural OP”), and it was specifically to discuss procedural matters with respect to those Parties previously identified as Groups:

- 4 – Policy D.2.2.1;
- 5 – Severance Policies and Related Definitions;
- 6 – Schedule D (Modification 33b only);
- 8 – Special Policy Area B; and
- 10 - Special Policy Area C (Airport Employment Growth District).

At the start of the hearing, Ms Wice, Counsel for the City, advised the Board that the Parties have been discussing the various issues for Groups 4, 5 and 6, and believe that the hearing may last three weeks and requested it be tentatively scheduled for January 2012. A further PHC set for late August 2011 would be of assistance to the Parties.

Ms Wice also requested the Board direct the Parties in Group 6 to advise the City which lands their clients have specifically appealed. Counsel representing the Group 6 appellants agreed to provide this information to the City by June 20, 2011.

There was discussion on whether or not Group 8 should have a separate TCC and the parties agreed to have further discussions among themselves before the October 2011 PHC. They will advise the Board of any resolutions at that time.

Ms Smith advised there is a separate PHC for Silvestri Investments, in Group 10, on August 8, 2011.

Ms Wice advised that they are looking to start mediation proceedings for Group 5.

On consent of all the Parties, the Board sets the following:

- A PHC will take place on August 29, 2011, at 10:30 a.m., at the City of Hamilton, OMB Hearing Room #6, McMaster Learning Centre, 50 Main Street East, Main Floor, Hamilton Ontario.
- The hearing will start on Monday, January 30, 2012, at 10:30 a.m. at the City of Hamilton, OMB Hearing Room #6, McMaster Learning Centre, 50 Main Street East, Main Floor, Hamilton Ontario for 15 hearing days. Ms Wice is to confirm the venue and advise the Board and the Parties accordingly.

No further Notice is required.

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