

ISSUE DATE:

May 21, 2010



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*

557619 Ontario Inc.	S. Snider and N. Smith
1175819 Ontario Ltd.	
1205953 Ontario Ltd.	
Artstone Holdings Ltd.	
Bella Court Developments Ltd.	
Copetown Lions Development Association	
Corpveil Holdings Ltd.	
Weizer Investments Ltd.	
P & L Livestock Ltd.	S. Snider
Paletta International Corporation	
2000963 Ontario Inc.	M. Noskiewicz
2084696 Ontario Inc.	
2101510 Ontario Inc. (subsumed by Paletta International Corporation)	
2188410 Ontario Inc.	
Paletta International Corporation	
1478742 Ontario Inc.	R. Cheeseman
2157722 Ontario Inc.	
Dicenzo (Golf Club Road) Holdings Inc.	
1507565 Ontario Inc.	D. Tang
City of Hamilton	A. Zuidema and

1694408 Ontario Inc. Demik Developments	M. Kovacevic S. Rogers
Gino and Olindro Dabbello Luigi DeTina, Peter Djeneralovic, Earl and Kirsten Fransden, New Country Investors Ltd., John Paolini, Keith and Brenda Pickles, Quinto Simone, Jim Swick, Bruce Hauser	M. Rudolph
Ancaster Christian Reformed Church	P. Tice
Blackheath Developments Inc. and Future Homes Construction Ltd. c.o.b. as Satellite Golf Centre	J. Corneil
Dufferin Aggregates, a division of Holcim (Canada) Inc., Lafarge Canada Inc., Ontario Stone, Sand and Gravel Association, St. Marys Cement (Canada) Inc.	J. Kahn and K. Wilde
Angelo Giacomelli, Marco Nesci	E. Guyitt
456941 Ontario Ltd. 1263339 Ontario Ltd. Lea Silvestri	J. Leonard
Annette and Stephen Brennan	John Ariens*
Ministry of Municipal Affairs and Housing	M. Singh and P. Matheson-Young
Friends of Rural Communities and the Environment	J. Pepino
Niagara Escarpment Commission	J. Thompson
Georgina Beattie	
Tom Nugent	
David Mercer	

Peter Cartwright

Super Sucker Hydro Vac Services Inc.

Halton Region Conservation Authority

H. Watson

Participants

Ian Bristol

Peter Ormond

DECISION DELIVERED BY A. CHRISTOU AND ORDER OF THE BOARD

This was the third pre-hearing conference (“PHC”) relating to the appeals to the Rural Hamilton Official Plan (“Rural OP”) to deal with procedural matters and to consider adjustments to the list of Parties and Participants to the proceedings (if required).

Mr. Zuidema, Counsel for the City, provided an update to its ongoing discussions with the Parties and presented a housekeeping amendment relating to the Rural OP, to address mapping discrepancies and errors. I will deal with this housekeeping amendment in a separate decision.

Mr. Zuidema presented an agenda for this PHC and a package of materials, including a chart containing the potential hearing groupings which share common themes (which was previously shared with the Parties). Adjustments were recommended to these groupings by various Parties and Participants to better reflect their positions. The revised chart is attached to this decision as Attachment 1.

Mr. Zuidema advised that a number of meetings have taken place, as follows:

- The City has met with the Aggregates Parties and will continue to meet to scope and resolve issues.
- The City has engaged the Ministry in meetings to resolve the Rural and Agricultural policy issues. The effort is on-going.

- The City will be meeting with Paletta International Corporation and Twenty Road Parties and will report further at the next PHC.
- There have been recent interactions between the Parties with respect to Policy D.2.2. The City will be revising wording regarding PPS conformity. More discussions are needed.

The groupings are intended to run on separate tracks. Mr. Zuidema indicated that three teleconference calls (TCC) to deal with the specifics will be required. Further PHC at this time will not be beneficial, until Issues have been established and lists have been consolidated. The TCC's will be used to schedule further PHC as needed.

The following changes have been agreed to by the Parties:

- Pleasantview will not be participating in the TCC as its land is within the Parkway West Plan, which is currently in front of the Minister.
- Appellant No. 4, Copetown Lions Development Association is a site-specific appeal and will not be participating in this TCC. They have submitted development applications and Council has not made a decision yet. Counsel is agreeable to adjourn the appeal *sine die* until a decision has been made or an appeal has been filed.
- The City and Appellant No. 24, New County Investors Limited, have agreed that its appeal be consolidated with appeals for existing applications which predate the Rural OP – OMB File PL050179, File Z 050024 and O 050032.
- Appellant No. 22, Keith Pickles and Brenda Pickles, have filed development applications that are deemed incomplete by the City.
- Georgina Beattie is an appellant on site specific OPA. Has requested to be identified as Placeholder Interest. The City will continue to meet with Ms Beattie to resolve outstanding issues.

- Super Sucker Hydro Vac Services Inc. is requesting Party status and the City consents to this request.
- Ms Rogers, Counsel for 1694408 Ontario Inc. Demik Developments (Group 1), indicated that her client's appeal is very specific regarding Natural Heritage. She will not be participating at the TCC.
- Mr. Cheeseman, Counsel for 1478742 Ontario Inc., 2157722 Ontario Inc. and Dizenzo (Golf Club Road) Holdings Inc., indicated his clients were not included in any grouping. They are now added to Groupings 4 and 9.
- Mr. Kahn, Counsel for Ontario Stone, Sand and Gravel Association, St. Marys Cement (Canada) Inc., Lafarge Canada Inc., and Dufferin Aggregates, indicated that his clients concur with Groupings 1, 2 and 3. However, they are also interested in Aggregate and Natural Heritage Policies.
- Tom Nugent indicated he would be more suited to individual grouping 9. The City concurs.

DISPOSITION

The Board sets the following:

1. Friday, September 24, 2010, at 9:30 am, TCC for Groups 1, 2 and 3.
Telephone 416-212-0400 or toll free 1-866-355-2663, code 6251#
2. Friday, October 22, 2010, at 9:30 am, TCC for Groups 4, 6, 8 and 10.
Telephone 416-212-0400 or toll free 1-866-355-2663, code 6251#
3. Friday, October 29, 2010, at 9:30 am, TCC for Group 5.
Telephone 416-212-0400 or toll free 1-866-355-2663, code 6251#

This Member 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



ATTACHMENT “1”

Potential Hearing Groupings – Rural Hamilton Official Plan Appeals

May 5, 2010

*City of Hamilton and Ministry of Municipal Affairs and Housing are parties in all groupings

*References apply to Volume 1 unless otherwise specified

PHG	Grouping/Topic	Parties/Participants
1	<p>Natural Heritage Policies & Mapping</p> <ul style="list-style-type: none"> • C.2 - Natural Heritage Policies • Related definitions • Schedules B, B2, B4, B6, B7, B8 • F.3.2* (select parties only) 	<ul style="list-style-type: none"> • Paletta, P & L Livestock* • Aggregate Producers* • FORCE* • Niagara Escarpment Commission • Halton Region Conservation Authority • Participants: Judy Edwards, Freeland Development Ltd., Al Ernest
2	<p>Infrastructure (Servicing) Policies</p> <ul style="list-style-type: none"> • C.5 – Various water / wastewater sections 	<ul style="list-style-type: none"> • Aggregate Producers • Niagara Escarpment Commission • FORCE • Halton Region Conservation Authority • Participants: Al Ernest, Freeland Development Ltd.
3	<p>Land Use Designation Policies and Related OP Policies</p> <ul style="list-style-type: none"> • Sections C.1, C.3 & Chapter D (except D.2.2.1) • Related definitions • Volume 2, A.1.2.5 – Rural Settlement Area policy¹ (select parties only) • Appendix C² (select parties only) • Related site specific concerns (88 & 92 Highland Road East)³ • Schedule D 	<ul style="list-style-type: none"> • Paletta, P&L Livestock^{1,3} • Aggregate Producers² • Brennan^{1 only} • FORCE² • Niagara Escarpment Commission¹ • Halton Region Conservation Authority • Participants: Freeland Development Ltd., Al Ernest, Ian Bristol¹
4	<p>Policy D.2.2.1</p>	<ul style="list-style-type: none"> • 1507565 Ontario Inc. • 16944080 Ontario Inc. • Demik Developments • Tom Nugent • Elfrida Landowners • Paletta, P&L Livestock

		<ul style="list-style-type: none"> • Effort Trust (Corpveil & Artstone) • Blackheath Developments & Future Homes (Satellite Golf Centre) • DiCenzo Gold Club Road Inc. • Weizer Investments • Silvestri Investments • Niagara Escarpment Commission • 2157722 Ontario Inc. • 1800615 Ontario Inc. <p>• Participants: Freeland Development Ltd.</p>
5	F.1.13 - Severance Policies and Related Definitions	<ul style="list-style-type: none"> • Paletta, P&L Livestock • Niagara Escarpment Commission • Halton Region Conservation Authority <p>• Participants: Judy Edwards</p>
6	Schedule D - (Modification 33b only – LEAR focus)	<ul style="list-style-type: none"> • City of Hamilton • 1507565 Ontario Inc. • 16944080 Ontario Inc. • Demik Developments • Tom Nugent • Elfrida Landowners • DiCenzo Gold Club Road Inc. • Paletta, P&L Livestock • David Mercer • Peter Cartwright • Effort Trust (Corpveil & Artstone) • Blackheath Developments & Future Homes (Satellite Golf Centre) • Weizer Investments • Silvestri Investments (Garner Rd. lands) • Nesci & Giacomelli • Ancaster Christian Reformed Church • Super Sucker Hydro Vac Service Inc. <p>• Participants: Freeland Development Ltd.</p>
7	Volume 3 - Special Policy Area A - Pleasantview	<ul style="list-style-type: none"> • Bella Court Developments • 557619 Ontario Inc. • 11175819 Ontario Ltd. • 1205953 Ontario Ltd. • Niagara Escarpment Commission • Halton Region Conservation Authority

		<ul style="list-style-type: none"> • Participants: Judy Edwards, Al Ernest, Conserver Society of Hamilton & District, Hamilton Naturalists Club, Don Charlong, Environment Hamilton
8	Volume 3 - Special Policy Area B - Future Urban Growth Node, including Map A – Special Policy Areas and Twenty Road Issues	<ul style="list-style-type: none"> • Elfrida Landowners • 1507565 Ontario Inc. • 16944080 Ontario Inc. • Demik Developments • Tom Nugent • Paletta, P&L Livestock • Nesci & Giacomelli • Effort Trust (Corpveil & Artstone) • Blackheath Developments & Future Homes (Satellite Golf Centre) • DiCenzo Gold Club Road Inc. • Silvestri Investments <ul style="list-style-type: none"> • Participants: Freeland Development Ltd.
9	Site Specific Issues <ul style="list-style-type: none"> • 88 & 92 Highland Road East • Copetown Lions application site • 341 Mountsberg Rd. • Ponderosa Nature Reserve <ul style="list-style-type: none"> • Site Specific Natural Heritage concerns <ul style="list-style-type: none"> • Urban Boundary Stoney Creek 	<ul style="list-style-type: none"> • Paletta, P&L Livestock • Copetown Lions Development Association • Keith and Brenda Pickles • New Country Investors Limited <ul style="list-style-type: none"> • 16944080 Ontario Inc. • Demik Developments • Tom Nugent <ul style="list-style-type: none"> • 2157722 Ontario Inc. • 1800615 Ontario Inc.
10	Volume 3 - Special Policy Area C – Airport Employment Growth District <ul style="list-style-type: none"> • wording 	<ul style="list-style-type: none"> • Silvestri Investments <ul style="list-style-type: none"> • Participants: Freeland Development Ltd.
11	OPA's	<ul style="list-style-type: none"> • Georgina Beattie