

ISSUE DATE:

Nov. 10, 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.: PL090114

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

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

Ministry of Municipal Affairs and Housing

Claire Young

DECISION DELIVERED BY A. CHRISTOU AND ORDER OF THE BOARD

This was the fifth pre-hearing conference ("PHC") by Teleconference (TCC) on October 29, 2010, relating to the appeals to the Rural Hamilton Official Plan ("Rural OP"), and specifically to deal with procedural matters. This TCC dealt in particular with those Parties identified as Groups 1 – **Natural Heritage Policy & Mapping**, 2 – **Infrastructure (Servicing) Policies** and 3 – **Land Use Designation Policies and Related OP Policies**.

Mr. Kovacevic advised the Board that all the parties are considering amended wording to the policies at issue in Groups 1, 2 and 3 on a without prejudice basis in the hopes of settling a substantial number of issues. Council had deferred considering the wording until after the elections and it will be considering the amended wording on December 7, 2010.

Accordingly, all the parties have agreed that the next steps should be for Mr. Kovacevic to report back to the Board on December 8, 2010, as to Council's decision and whether a settlement has been reached. If there is a settlement, the Board hearing days reserved at the last prehearing conference for December 13 and 14, 2010, would be used to present the settlement to the Board and have the Board approve it. If a settlement has not been reached, December 13 and 14, 2010 would be released and the parties would request a further PHC to discuss available hearing dates.

Mr. Kovacevic advised that Mr. Snider, Counsel of Paletta and P & L Livestock, was unavailable for today's TCC but he had asked that Mr. Kovacevic convey his consent to the process, which included the TCC for all parties in the last week of November or first week of December 2010. An email communication has been send to Mr. Snider regarding the abovementioned revisions to the process.

In the morning of the same day, October 29, 2010, there was apparently another PHC scheduled for Group 5. There appears to have been a scheduling problem, with that TCC having inadvertently been cancelled and the Parties were apparently not advised. The Board considered this matter at its afternoon TCC, and was advised by Mr. Kovacevic that all the parties who were to participate in this morning's TCC had consented to adjourning to the first week of January 2011. Discussions between the City's planners and the appellant's planner in respect of Group 5 issues have taken place and further discussions are to take place. The goal of these discussions is to resolve and scope issues. Accordingly, an adjournment of the TCC to the first week of January is supported by all the parties involved in Group 5 and Mr. Kovacevic requested that the Board schedule a TCC during the first week of January 2011

DISPOSITION

The Board sets the following:

- Thursday, January 6, 2011, at 9:30 a.m., TCC for Groups 1, 2 and 3 and Group 5. Telephone 416-212-0400 or toll free 1-866-355-2663, code 6251#

No further notice required.

This is the Order of the Board.

"A. Christou"

A. CHRISTOU
MEMBER