

ISSUE DATE:

Oct. 06, 2009



PL090114

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
17.	Health 2 Farm Certified Organics
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.
26.	Todd Walker
27.	Lafarge Canada Inc.
28.	Peter Cartwright
29.	City of Hamilton
30.	Dr. Tom Nugent
31.	1478742 Ontario Inc. and 2157722 Ontario Inc.
32.	DiCenzo (Golf Club Road) Holdings Inc.
33.	Dufferin Aggregates
34.	Albert Benvenuti, Estate of Angelo Benvenuti and Isabella Benvenuti, Victoria Benvenuti and Stefano Cascioli
35.	David E. Mercer
36.	Multi-Area Developments Inc.
37.	Paletta International Corporation
38.	637414 Ontario Inc.
39.	2101510 Ontario Inc.
40.	2000963 Ontario Inc.
41.	Mud & First Inc.
42.	2084696 Ontario Inc.
43.	2188410 Ontario Inc.

APPEARANCES:

Parties

Counsel/Agent*

557619 Ontario Inc.
1175819 Ontario Ltd.
1205953 Ontario Ltd.
Artstone Holdings Ltd.
Bella Court Developments Ltd.
Copetown Lions Development Association
Corpveil Holdings Ltd.
P & L Livestock Ltd.
Paletta International Corporation
Weizer Investments Ltd.

S. Kaufman

637414 Ontario Inc.

M. Noskiewicz

2000963 Ontario Inc.
2084696 Ontario Inc.
2101510 Ontario Inc.
2188410 Ontario Inc.
Mud and First Inc.
Multi-Area Developments Inc.
Paletta International Corporation

1478742 Ontario Inc.
2157722 Ontario Inc.
Dicenzo (Golf Club Road) Holdings Inc.

R. Cheeseman

1507565 Ontario Inc.

D. Tang

City of Hamilton

A. Zuidema and
M. Kovacevic

1694408 Ontario Inc.
Demik Developments

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

F. Bennick*

Blackheath Developments Inc. and Future
Homes Construction Ltd. c.o.b. as Satellite
Golf Centre

J. Corneil

Peter Cartwright

Unrepresented

Dufferin Aggregates, a division of Halcim
(Canada) Inc., Lafarge Canada Inc., Ontario
Stone, Sand and Gravel Association, St.
Marys Cement (Canada) Inc.

J. Kahn

Angelo Giacomelli, Marco Nesci

E. Guyitt

456941 Ontario Ltd 1263339 Ontario Ltd. Lea Silvestri	J. Leonard
Todd Walker	B. Zeman*
Georgina Beattio	Unrepresented
Tom Nugent	Unrepresented
David Mercer	Unrepresented

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. J. STEFANKO
ON SEPTEMBER 23, 2009 AND ORDER OF THE BOARD**

During this first pre-hearing relating to the Rural Hamilton Official Plan a number of matters were discussed including additional parties and participants, appeals which have been withdrawn, establishing appropriate methods of communication among the parties, creating preliminary issue lists and establishing a format for the next pre-hearing. Based on the submissions made:

- (1) The following individuals and entities have been made parties:
 - (a) Annette and Stephen Brennan
c/o John Ariens
IBI Group
360 James Street North
Hamilton ON L8L 1H5
 - (b) Ministry of Municipal Affairs and Housing
c/o Ms Singh and Mr. Matheson-Young
777 Bay Street
16th Floor
Toronto ON M5G 2E5
 - (c) Friends of Rural Communities and the Environment
c/o Graham Flint, Chairman
Lawson Park Ltd.
Box 15
R.R. #1
Freelton ON L0R 1K0

- (d) Niagara Escarpment Commission
c/o Ms Thompson
Room 3420
Whitney Block
Queen's Park
Toronto ON M7A 1W3
- (2) The following individuals and entities were given participant status:
- (a) Conserver Society of Hamilton and District
c/o Rashmé Baetz
245 Park Street West
Dundas ON L9H 1Y4
 - (b) Hamilton Naturalist Club
c/o Michael Fischer
P.O. Box 89052
Hamilton ON L8S 4R5
 - (c) Environment Hamilton Inc.
1130 Barton Street East
Suite 207
Hamilton ON L8H 7P9
 - (d) Art Samson
256 York Road
Dundas ON L9H 1M7
 - (e) Al Earnest
381 Carlisle Road
Carlisle ON L0R 1H1
 - (f) Don Charlong
c/o Ms Croome
10 King Street East
Suite 600
Toronto ON M5C 1C3
 - (g) Judy Edwards and Freeland Developments Inc.
c/o Manfred Rudolph
One James Street South
11th Floor
Hamilton ON L8P 4R5

(3) Each of the parties and participants, shall notify the City of Hamilton Legal Department ("City") by October 5, 2009, of any changes to be made to the information currently in the possession of the City and such parties and participants shall also provide their e-mail addresses. The City shall then prepare revised mailing lists for all parties and participants.

(4) On or before October 9, 2009, each party shall provide the City and all other parties with a detailed issues list. On or before November 13, 2009 the City shall provide responses to those lists.

(5) The second pre-hearing in this matter shall be held on December 1, 2 and 3 beginning at 10:00 a.m. and the City shall make the necessary hearing room arrangements. If the pre-hearing is to be held at premises other than the Hamilton Sheraton Hotel, the City shall provide prior notice to all parties, participants and the Board as soon as possible. Subject to the foregoing, no further notice is required.

(6) At the next pre-hearing, the following matters shall be dealt with:

- (a) finalize issues and resolve any related disputes;
- (b) schedule any motions to be brought;
- (c) group issues in a concise and logical fashion;
- (d) resolve any "housekeeping" amendments;
- (e) discuss the order and structure of the appeals to be heard; and
- (f) schedule additional pre-hearing(s) and hearing.

(7) Over the next two days the City will meet with the various parties, in groups, to discuss, *inter alia*, common issues and designations.

During this pre-hearing the City also advised that the appeals of Stephano Cascioli, Albert Benvenuti, on behalf of the Estate of Angelo Benvenuti, Isabella Benvenuti and Victoria Benvenuti have been withdrawn.

I am not seized and it is so Ordered.

“S. J. Stefanko”

S. J. STEFANKO
MEMBER