

ISSUE DATE:

Oct. 13, 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:

| <u>Parties</u> | <u>Counsel/Agent*</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 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 | R. Boxma and S. Lockwood |
| Halton Region Conservation Authority | H. Watson, J. Lawrence* |
| P & L Livestock Ltd. Paletta International Corporation | S. Snider |
| Niagara Escarpment Commission | N. Mott-Allen* |
| FORCE | G. Flint* |

DECISION DELIVERED BY A. CHRISTOU AND ORDER OF THE BOARD

This was the fourth pre-hearing conference (“PHC”) by Teleconference Call (TCC) relating to the appeals to the Rural Hamilton Official Plan (“Rural OP”) to deal with procedural matters. This TCC dealt specifically 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 gave an overview of the discussions of the Aggregate, Conservation Authority, FORCE and Ministry of Municipal Affairs and Housing representatives since the last PHC. Planners from these Parties have met and have successfully concluded a without prejudice agreement on Policy issues. The lawyers will continue the discussion to finalize the resolution.

The City will continue discussions with Mr. Snider's clients and are trying to resolve land use Policy concerns and Natural Policy matters.

Mr. Kovacevic advised the Board that meetings with the Parties have been fruitful and the Parties have agreed that another TCC will be required to advise the Board of a possible settlement. They also request that two hearing days be set aside in December 2010, to deal with any outstanding matters, if required.

DISPOSITION

The Board sets the following:

1. Friday, October 29, 2010, at 3:00 pm, TCC for Groups 1, 2 and 3.
Telephone 416-212-0400 or toll free 1-866-355-2663, code 6251#
2. Monday, December 13, 10:00 am, two day hearing. Mr. Kovacevic is to arrange for a venue and to advise the Parties and the Board accordingly.

No further notice is required.

This is the Order of the Board.

"A. Christou"

A. CHRISTOU
MEMBER