

ISSUE DATE:

May 06, 2010



PL090885

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Canadian Niagara Hotels Inc.
Appellant: Harvey Gordon
Subject: By-law No. 2009-139
Municipality: City of Niagara Falls
OMB Case No.: PL090885
OMB File No.: PL090885

APPEARANCES:

Parties

Counsel*/Agent

City of Niagara Falls

K. L. Beaman*

Hospitality Resorts Inc.

E. P. Lustig

Canadian Niagara Hotels Inc.

N. J. Pepino*

Harvey Gordon

Representing Himself

**MEMORANDUM OF ORAL DECISION DELIVERED BY J.V. ZUIDEMA
ON APRIL 26, 2010**

At this Pre-Hearing, the parties informed the Board that they were very hopeful that a settlement, which they have been negotiating since January 2010, was almost complete. There has been an exchange of draft Minutes of Settlement and the Board was told that the City has prepared a draft zoning by-law for the Board's consideration in due course.

The Parties still required a few weeks to finalize the settlement documents and planning instruments and to obtain instructions from their respective clients. Mr. Gordon indicated that he would likely be in a position to withdraw his appeal assuming the settlement would materialize, as he believed it would.

Therefore the Board scheduled Friday May 14, 2010 at 9:00 am for a Settlement Telephone Conference Call at 416-212-0400 or Toll Free 1-866-355-2663. The code will be 6251# and there will be no further notice.

Affidavit and any other relevant supporting materials are to be provided to the Board in advance of this Settlement TCC. Should the Parties not have a settlement finalized by this date, the Board is to be informed so that this date can be used to finalize issues, if necessary.

“J.V. Zuidema”

J.V. ZUIDEMA
VICE CHAIR