

ISSUE DATE:

May 1, 2012



PL110331
PL090779
PL101381

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from the decision of the Minister of Municipal Affairs and Housing to approve the new City of Hamilton Urban Official Plan
OMB File No. PL110331 (See Schedule 3)
OMB Case No. PL110331

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Hamilton to approve Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan
OMB File No. PL090779 (See Schedule 1)
OMB Case No. PL090779

The Ontario Municipal Board has received appeals under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Hamilton to approve Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780); Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781); Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782); Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783); Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784); Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)
OMB File Nos. PL090780-PL090785 (See Schedule 1)
OMB Case No. PL090779

The Ontario Municipal Board has received appeals under subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan
OMB File No. PL101381 (See Schedule 2)
OMB Case No. PL101381

Schedule 1

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

OMB FILE NO.	APPELLANT NAME
PL090779	TDL Group Corp. Upper Centennial Developments Ltd.
PL090780	TDL Group Corp.
PL090781	Lawrence Kaempffer TDL Group Corp.
PL090782	TDL Group Corp.
PL090783	TDL Group Corp.
PL090784	Harbour West Neighbours Inc. Shawcor Ltd. TDL Group Corp.
PL090785	TDL Group Corp. Upper Centennial Developments Ltd.

Schedule 2

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

OMB FILE NO.	APPELLANT NAME
PL101381	A. DeSantis Developments Ltd. LIUNA Group Corp. St. Joseph's Villa

Schedule 3

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

OMB FILE NO.	APPELLANT NAME
PL110331	1800615 Ontario Inc. and 1536708 Ontario Inc. 2000963 Ontario Inc. 2051206 Ontario Inc. 2084696 Ontario Inc. 2188410 Ontario Inc. 456941 Ontario Ltd., 1263339 Ontario

Ltd., and Lea Silvestri
909940 Ontario Inc.
Artstone Holdings Limited
Carmen Chiaravelle, 1694408 Ontario
Ltd., John Edward Demik, Peter Demik,
Demik Brothers Hamilton Ltd., and
Elaine Vyn
City of Hamilton
Confederation Park Shopping Centres
Limited, Confederation Park Shopping
Centres II Limited
Corpveil Holdings Limited
DiCenzo Construction Company
Limited and DiCenzo (Golf Club Road)
Holdings Inc.
Flamborough Power Centre Inc.,
Flamborough South Centre Inc.,
Clappison Five Six Properties Inc.
Freeland Developments Limited
Gino and Olindo DalBello
Hamilton Mountain Development Inc.
Keith and Brenda Pickles
Kraft Canada Inc.
Landmart Homes and Landmart Realty
Corp.
Lynmount Developments Limited
Mud and First Inc.
Multi-Area Developments Inc.
Norman Vartanian
Paletta International Corporation
Paletta International Corporation (re:
Elfrida)
Parkside Hills Inc.
Sister Servants of Mary Immaculate
Spallacci & Sons Limited
Sullstar Twenty Limited
Tom Nugent
TDL Group Corp. Inc.
Twenty Road Developments Inc.
Upper Centennial Developments Ltd.
Waterdown Bay Ltd.

APPEARANCES:

Parties

Counsel*/Agent

City of Hamilton

M. Kovacevic* and M. Minkowski*

Ministry of Municipal Affairs and Housing

R. Boxma*, C. Young* and
P. Singh, student-at-law

1507565 Ontario Inc.

D. C. K. Tang*

1800615 Ontario Inc., 1536708 Ontario Inc.,
DiCenzo Construction Company Limited,
DiCenzo (Golf Club Road) Holdings Inc. and
Landmart Homes and Landmart Realty
Corp., and Sister Servants of Mary
Immaculate

R. D. Cheeseman*

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

M. Noskiewicz* and J. Drake*

2051206 Ontario Inc., 909940 Ontario Inc.,
Lynmount Developments Limited, Spallacci
& Sons Limited, Sullstar Twenty Limited,
Twenty Road Developments Inc. and
Yahezkel Zahavy

K. Ross* for J. Farber*

456941 Ontario Ltd., 1263339 Ontario Ltd.
and Lea Silvestri

P. Pickfield*

Artstone Holdings Limited, Corpveil Holdings
Limited, Paletta International Corporation,
Waterdown Bay Ltd., LIUNA Group Corp.,
St. Joseph's Villa, A. DeSantis
Developments Ltd., Shawcor Ltd. and
Harbour West Neighbours Inc.

S. Snider*

Carmen Chiaravelle, 1694408 Ontario Ltd.,

S. Rosenthal*

John Edward Demik, Peter Demik, Demik Brothers Hamilton Ltd. and Elaine Vyn

Confederation Park Shopping Centres Limited, Confederation Park Shopping Centres II Limited, and Hamilton Mountain Developments Inc.

M. Bull* for D. Wood*

Kraft Canada Inc.

M. Bull*

Flamborough Power Centre Inc., Flamborough South Centre Inc., Clappison Five Six Properties Inc.

M. Bull* for S. Mahadevan*

Tom Nugent

Freeland Developments Limited

F. Sperduti*

Gino and Olindo DalBello and Norman Vartanian

S. Snider* for M. Rudolph*

Parkside Hills Inc.

R. Uukkivi* for M. McQuaid*

TDL Group Corp. ., A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited and Wendy's Restaurants of Canada Inc.

J. Meader* for M. Polowin*

Upper Centennial Developments Ltd.

P. Harrington*

MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER ON FEBRUARY 15 AND 16, 2012, AND ORDER OF THE BOARD

This is the second pre-hearing conference and motion hearing regarding appeals related to the new City of Hamilton (City) Urban Hamilton Official Plan (UHOP) adopted by the City on July 9, 2009, and approved by the Minister of Municipal Affairs and Housing (MMAH) with modifications on March 16, 2011, appeals of the failure of the MMAH to make a decision regarding the UHOP, prior to March 16, 2011, and the

appeals related to amendments to the in-force official plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek.

Appeals withdrawn

The following appellants have withdrawn their appeals:

1. Keith and Brenda Pickles regarding their appeal of the City of Hamilton Urban Official Plan.
2. Harbour West Neighbours Inc. regarding its appeals of Region of Hamilton-Wentworth Official Plan Amendment 35, Town of Ancaster Official Plan Amendment 128, town of Dundas Official Plan Amendment 18, Town of Flamborough Official Plan Amendment 118, Township of Glanbrook Official Plan Amendment 75, City of Hamilton Official Plan Amendment 220, and City of Stoney Creek Official Plan Amendment 149.
3. Upper Centennial Developments Ltd. (Upper Centennial), regarding its appeals of Region of Hamilton-Wentworth Official Plan Amendment 35 and City of Stoney Creek Official Plan Amendment 149.
4. Waterdown Bay Ltd. has withdrawn its appeal of the City of Hamilton Urban Official Plan.
5. Tom Nugent

City of Hamilton omnibus motion

The City has brought forward an omnibus motion to dismiss or scope several appeals.

As a result of extensive discussions between the parties subsequent to the filing of the motion, the City advised the Board that it was withdrawing its motion against A.

DeSantis Developments Ltd. and its motion against Paletta International Corporation regarding 10 Bond Street.

Also as a result of discussions between the parties, the Board was asked, on consent, to dispose of the City's motion as follows:

Gino DalBello and Olindo DalBello:

Gino DalBello and Olindo DalBello shall:

- a) identify the policies in the UHOP that are under appeal and
- b) provide, by March 31, 2012, the planning reasons for each policy appealed, failing which the appeal will be deemed dismissed.

Upper Centennial Developments Ltd:

Upper Centennial shall:

- a) identify each policy it is appealing;
- b) provide planning reasons for each policy under appeal;
- c) provide its proposed amendment for each policy; and
- d) if the requirements of (a) to (c) are not met by March 31, 2012, its appeal is deemed dismissed.

Norman Vartanian:

The appeal of Norman Vartanian has been scoped to a site-specific appeal limited to the property with PIN: 17097-1133(LT). The appeal is further limited to the following issue:

What is the appropriate boundary of the natural heritage feature on the Vartanian lands on Schedules E-1, B and B-6?.

The Board was advised that there are development applications for the Vartanian lands that are being processed and are expected to deal with the detailed question of natural heritage boundaries on the Vartanian lands. On consent, the appeal of Norman

Vartanian is adjourned *sine die*, subject to the City advising the Board not later than June 14, 2012, of the status of the development applications currently being processed with regard to the Vartanian lands.

Elfrida Landowners:

2000963 Ontario Inc., 2084696 Ontario Inc., 2188410 Ontario Inc.; Mud and First Inc., Multi-Area Developments Inc. and Paletta International Corporation are known as Elfrida Landowners. Their appeals are limited to Modification 4(a), sections B.2.1 and B.2.2. and Schedules E and E-1 in relation to the Urban Boundary and whether additional lands should be designated as growth areas. These appeals do not include lands already within the urban boundary on Schedules E and E-1.

Silvestri Investments:

456941 Ontario Ltd., 1263339 Ontario Ltd., and Lea Silvestri (Silvestri Investments) filed an issue list. On consent, issues 8 to 13 of the Silvestri Investments issue list are deleted. Silvestri Investments shall also:

- a) identify the policies in the UHOP that are under appeal and
- b) provide, by March 31, 2012, the planning reasons for each policy appealed, failing which the appeal will be deemed dismissed.

Corpveil Holdings Limited and Artstone Holdings Limited:

The appeals of Corpveil Holdings Limited (Corpveil) and Artstone Holdings Limited (Artstone) are limited to Modification 4(a), sections B.2.1 and B.2.2. and Schedules E and E-1 in relation to the Urban Boundary and whether additional lands should be designated as growth areas. Their appeals do not include lands already within the urban boundary on Schedules E and E-1.

Kraft Canada Inc.:

On consent, the appeal by Kraft Canada Inc. (Kraft) is scoped as follows:

Land Use Designations

1. Schedule E-I - Urban Land Use Designations regarding 45 Ewen Road (the Subject Lands).
2. Schedule E-I - Urban Land Use Designations regarding 11 to 17 and 20 to 64 Ewen Road, 5 Olfield Road and 20 Rifle Range Road (the Surrounding Lands).
3. Schedule E - Urban Structure regarding the Subject Lands and Surrounding Lands.

Ainslie Wood Westdale Secondary Plan

4. Map B.6.2-1 - Ainslie Wood Westdale - Land Use Plan regarding the Subject Lands and Surrounding Lands.
5. Goals, subsection 6.2.3 - The Goals in the Ainslie Wood Westdale Secondary Plan area do not include a reference to the existing industrial uses in the Ainslie Wood Westdale Secondary Plan area. Subsection 6.2.3 should be amended to include a reference to industrial uses in order to recognize the presence and importance of the Kraft Facility and other employment uses in the area.
6. Objectives, subsection 6.2.4(i) - The Objectives inappropriately identify the elimination of industrial uses over the long term as an objective. Subsection 6.2.4(i) should be amended or deleted, in order to recognize the presence and importance of the Kraft Facility and other employment uses in the area.
7. Mixed Use - Medium Density Designation, subsection 6.2.7 - This designation is an issue as it applies to the Subject Lands and the Surrounding Lands. To the extent that these policies apply to the Subject Lands and Surrounding Lands, they should be amended to permit industrial uses and limit non-employment type uses.

8. Employment Area - Industrial Land Use Designation, subsection 6.2.8 - The Subject Lands and the Surrounding Lands should be in this designation and the policies for this designation should appropriately recognize the continued importance of industrial land uses in the Ainslie Wood Westdale Secondary Plan area and provide policies that adequately protect the current and future operations of the Kraft Facility.
9. Site Specific Policies, subsection 6.2.16.1 - This section identifies a number of site-specific policy areas. However, it does not accurately reflect the mapping shown on Map B.6.2-1 -Ainslie Wood Westdale - Land Use Plan, and should be amended by:
 - (a) removing reference to 17 Ewen Road, and adding 20, 22, 26, and 64 Ewen Road to the description in subsection c) for Site Specific Policy - Area C; and
 - (b) adding a subsection d) to identify Site Specific Policy - Area D - Lands located at 17 Ewen Road and 20 Rifle Range Road.
10. Site Specific Policies, Site Specific Policy Area C, subsections 6.2.16.1 and subsection 6.2.16.4- Site Specific Policy Area C is proposed to apply to the Subject Lands and the Surrounding Lands (in part) and permits the intensification of non-employment uses in a manner that could have serious impact on the current and future operations of the Kraft Facility. Site Specific Policy Area C should be deleted from the Hamilton Urban OP and the Subject Lands and the Surrounding Lands should be designated *Employment Area - Industrial Lands*. In the alternative, if Special Policy Area C remains in the Hamilton Urban OP, subsection 6.2.16.4 should be amended to adequately protect the employment uses on these lands.
11. Site Specific Policy Area D is proposed to apply to the Surrounding Lands to the north of the Subject Lands and permits a 10 storey residential building on this property. This policy will have a significant impact on the Subject Lands, including issues of land use compatibility and impact on the viability of the

Kraft Facility's current and future operations. Site Specific Policy Area D should be deleted from the Hamilton Urban OP and this area should be designated *Employment Area - Industrial Lands*. In the alternative, if Special Policy Area D remains in the Hamilton Urban OP, subsection 6.2.16.5 should be amended to adequately protect the employment uses.

LIUNA Group Corp.:

The appeal by LIUNA Group Corp. (LIUNA) does not include an appeal of Chapter E.4.0 and is site specific to the property municipally known as 353 James Street North. LIUNA shall also:

- a) identify the policies that are under appeal and
- b) provide, by March 31, 2012, the planning reasons for each policy appealed, failing which the appeal will be deemed dismissed.

St. Joseph's Villa:

The appeal by St. Joseph's Villa is restricted to section B.2.4, chapters E.3.0 and E.6.0 and schedule E-1 and is site specific to the property municipally known as 56 Governors' Road, Dundas. St. Joseph's Villa shall:

- a) identify the policies in the that are under appeal and
- b) provide, by March 31, 2012, the planning reasons for each policy appealed, failing which the appeal will be deemed dismissed.

DiCenzo Construction Company Limited and DiCenzo (Golf Club Road) Holdings Inc.:

The appeal by DiCenzo Construction Company Limited and DiCenzo (Golf Club Road) Holdings Inc. (known together as DiCenzo) of policy B.2.2.1, Modification 4(a) and the issue of a future urban growth district (referred to as the Elfrida issue) is scoped to Modification 4(a), sections B.2.1 and B.2.2, and Schedules E and E-1 in relation to the urban boundary and whether additional lands should be designated as growth areas.

The DiCenzo appeal, as it relates to this Elfrida issue, does not include lands already within the urban boundary on Schedules E and E-1.

The remainder of the City's motion regarding DiCenzo is adjourned, on consent, to 10a.m. on Thursday, June 14, or as soon thereafter as the matter may be called.

1800615 Ontario Inc. and 1536708 Ontario Inc.:

The City's motion regarding these two companies is adjourned, on consent, to 10:30 a.m. on Thursday, June 14, or as soon thereafter as the matter may be called.

Landmart Homes and Landmart Realty Corp.:

The City motion regarding Landmart Homes and Landmart Realty Corp. (Landmart) is adjourned, on consent, to 10:30 a.m. on Thursday, June 14, or as soon thereafter as the matter may be called.

Lawrence Kaempffer:

The City has brought a motion to dismiss Mr. Kaempffer's appeal.

Mr. Kaempffer was represented at the last prehearing conference at which the Board set certain requirements for the disclosure of issues under appeal and a deadline by which to do so. Mr. Kaempffer did not file the materials directed by the Board and has provided no explanation for failing to do.

Mr. Kaempffer did not attend, and was not represented at, this current prehearing conference nor did he file any response to the motion to dismiss.

The motion is granted. The appeal by Lawrence Kaempffer is dismissed.

Tom Nugent:

On consent, Mr. Nugent has withdrawn his appeal and is added as a participant to these proceedings.

Addition of parties

Several interests have filed motions to be added as parties to these proceedings; Yehezkel Zahavy, a large number of property owners collectively referred to as Book Road West Group, and Larry Freeman.

Yehezkel Zahavy:

Yehezkel Zahavy is seeking party status in these proceedings, particularly as a party to the Hamilton Urban Official Plan (Board case number PL110331). Mr. Zahavy owns approximately 37 ha within a block bounded by Twenty Road, Dickenson Road, Glancaster Road and Upper James Street. Mr. Zahavy is part of a group of landowners within this block.

In addition to Mr. Zahavy, the group includes Twenty Road Developments Inc., Spallacci & Sons Limited, Sullstar Twenty Limited, 909940 Ontario Inc., Lynmount Developments Limited, and 2051206 Ontario Inc. At this prehearing conference, the Board agreed to refer to this group as Twenty Road Landowners West to distinguish them from a separate group of landowners to be known as Twenty Road Landowners East.

The group of landowners known as Twenty Road Landowners East is made up of Carmen Chiaravelle, 1694408 Ontario Ltd., John Edward Demik, Peter Demik, Demik Brothers Hamilton Ltd. and Elaine Vyn.

No party opposed this request for party status from Mr. Zahavy. On consent, the Board adds Yehezkel Zahavy as a party to these proceedings but only to the appeals of those known as Twenty Road Landowners West. The Board confirmed that Mr. Zahavy adopts, is bound by and limited to the issues contained in the Issues List of the Twenty Road Landowners West.

Book Road West Group:

The Board also had a request for party status from a large list of interests, known collectively as Book Road West Group. The request was opposed by the City and several other parties.

In setting out its grounds to oppose the request for party status, the City noted that:

1. the Book Road West Group did not appeal the decision of the Minister of Municipal Affairs and Housing regarding the UHOP.
2. The Book Road West Group made no oral or written submissions to City council prior to the council adoption of the UHOP.
3. There is no existing appeal in these proceedings which seeks to expand the urban boundary of the City to include the lands owned by the members of the Book Road West Group, yet such an expansion is what the Book Road West Group indicated it wished to have the Board consider in these proceedings. The City submitted, and the Board agrees, that to add the Book Road West Group members as parties to these proceedings on this basis would effectively create an appeal where there is none.

In its response to the motion, the City set out an alternative approach for the addition of these interests, namely that they be added as parties aligned to an existing appeal, including the scope of that existing appeal and the issues within that existing appeal as determined by the appellants.

All of the parties who supported the City's principal position in opposition also supported the City's position in the alternative, whether at the outset or following discussions.

Following extensive submissions, including recesses to enable discussions between the parties, the Book Road West Group members consented to being added as parties to these proceedings on the following basis:

1. They acknowledge that their interests are aligned with those of the parties collectively known as Silvestri Investments;
2. They agreed to be joined to the existing Silvestri Investments appeal, including the scope of that appeal and the issues within that existing appeal as determined by Silvestri Investments.

Hearing no objection at this point, the Board added the members of the Book Road West Group as parties to these proceedings aligned to the scope of the existing appeal of the members of Silvestri Investments and confined to the issues within that appeal, as determined by Silvestri Investments.

The members of the Book Road West Group are:

- Domenico Bozzo, Carmine Bozzo, Frank Veltri & Giuseppi Gervasi;
- Stephen Carlo Morelli & Jessie May Morelli;
- 2021455 Ontario Inc.;
- Johan Voortman & Aledia Voortman;
- Herbert Fischer, Manfred Fischer & Eugenie Fischer;
- Bruce Allen Stam & Valerie Florence Stam;
- Ilona Skeba & Christopher Mario Skeba;
- Braun Nursery Ltd., Braun Farm Properties Inc.;
- John Joseph Lindley & Ann Katherine Lindley;
- Jack Boers & Hilly Boers;
- Ingrid Elise Irene Bartels;

- Akke Lodewyks, Jan Lodewyks, Jack Lodewyks, Ronald John Lodewyks, Brian Edward Lodewyks & David Christopher Lodewyks;
- Vyn Flowers Inc.;
- Olive Clark;
- Charlotte Eleanor Powell, Frederick David Bristol & Marilyn Bristol;
- Itala Silvestri-Trulli;
- Hendrik Wilhelm Holzel & Leonie Jacoba Holzel;
- Norma Gladys Chapman;
- Leah Rudolph;
- Ralph Vyn & Joyce Vyn;
- Charles Reginald James Pottruff & Dorothy Harriet Pottruff;
- People Players Inc.;
- Grasal Holdings Inc.;
- Marian Bick & Brian Bick;
- Adrian Kapteyn & Susan Patricia Scotland;
- Stanley Richard Jackson & Barbara Anne Smith; and
- Phyllis Macaluso

Larry Freeman:

Larry Freeman has also brought a motion to be added as a party to these proceedings. Mr. Freeman's motion was served late. In view of the changes to the parties in these proceedings – some added and some withdrawn – the Board, on consent, adjourned

Mr. Freeman's motion to the prehearing conference to commence at 10:30 a.m. on June 14, or as soon thereafter as the matter may be called.

This decision of the Board constitutes revised notice of the returnable date for the motion by Mr. Freeman and no further notice is necessary to those parties on whom the original notice was served. If notice was not given to Mr. Zahavy and to the Book Road West Group, then Mr. Freeman shall serve his notice of motion and motion record on these two parties not later than Friday, May 18, 2012.

Any party intending to make a response to Mr. Freeman's motion shall serve and file that response not later than Friday, June 1. Responses are to be filed with the Board in hard copy and in electronic copy.

Next prehearing conferences

June 14, 2012:

The next prehearing conference will commence on:

Thursday, June 14, 2012, at 10:30 a.m.
OMB Hearing Room #6
McMaster Learning Centre
50 Main Street East
Main Floor
Hamilton, Ontario

This prehearing conference will deal with:

1. the City's motion regarding Landmart;
2. the City's motion regarding 1800615 Ontario Inc. and 1536708 Ontario Inc.;
3. the remainder of the City's motion regarding DiCenzo;
4. the motion of Larry Freeman for party status; and
5. any matters arising from the foregoing.

October 9, 2012:

Several of the parties to these proceedings are also parties to another proceeding of the Board dealing with appeals regarding the Airport Employment Growth District (AEGD) secondary plan. That proceeding has been phased with the first phase dealing solely with the question:

Does ROPA 25 (OMB Order 3080 – November 2, 2006) preclude the Ontario Municipal Board from considering new residential and retail commercial uses within the Airport Employment Growth District?

Parties to these proceedings have advised the Board that the Board's decision in the Airport Expansion Growth District (AEGD) proceeding may give rise to motions parties may wish to bring that would impact matters in these UHOP proceedings.

The AEGD proceeding is scheduled to commence May 28. In order to allow sufficient estimated time for a decision on the phase 1 question to issue and for interested parties to have the opportunity to reflect upon the decision and determine their preferred course of action, the Board agreed to schedule a further multi-day prehearing in the fall.

The Board sets this further prehearing to commence on:

Tuesday, October 9, at 10:30 a.m.
Albion Room A & B
Hamilton Convention Centre
1 Summers Lane
Hamilton, Ontario

Up to four (4) days have been scheduled.

The agenda for this prehearing conference will include:

1. The hearing of any settlements reached between the parties;
2. The hearing of any motions impacting these proceedings that may be brought as a result of the Board's decision regarding phase 1 in the AEGD matter. October

9, 2012, will be the returnable date for any motions and all motions will be made in accordance with the Board's Rules of Practice and Procedure;

3. The final organization of all outstanding issues into categories including: site-specific/stand alone; issue specific/stand alone; and general to the entire UHOP. The City will take the initiative, in this regard, following consultation and circulation with and to the parties;
4. The setting of appropriate hearing dates; and
5. Any other matters arising from the foregoing.

No further notice is required.

The Board so Orders.

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
VICE-CHAIR