

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: May 15, 2014

CASE NO(S):

PL130601
PL131089
PL130630
PL130909
PL131311

Appellant: City of Hamilton
Applicant: Fengate Capital Management Ltd.
Subject: Consent to sever
Legislative Authority: Subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended
Property Address/Description: 1400 Upper James Street
Municipality: City of Hamilton
Municipal File No.: B-27/13
OMB Case No.: PL130601
OMB File No.: PL130601

LPF Realty Retail Inc. and Fengate Capital Management Ltd. have appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Hamilton to redesignate lands at 1400 Upper James Street from Residential to Open Space Commercial to permit a Storm Water Management Facility and extension of commercial parking area
Approval Authority File No. OPA-12-012
OMB Case No. PL131089
OMB File No. PL131089

LPF Realty Retail Inc. and Fengate Capital Management Ltd. have appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 05-200 of the City of Hamilton to rezone lands respecting 1400 Upper James Street from Urban Protected Residential "C" District Restricted Community Shopping & Commercial "HH" District to Conservation/Hazard Land (P5) Zone and Restricted Community Shopping & Commercial ("HH) to permit a Storm Water Management Facility and extension of commercial parking area
OMB Case No. PL131089
OMB File No. PL131090

Appellant: DiCenzo Construction Company Limited
 Appellant: LPF Realty Retail Inc.
 Subject: By-law No. 13-126
 Legislative Authority: Subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13,
 as amended
 Municipality: City of Hamilton
 OMB Case No.: PL130630
 OMB File No.: PL130630

Appellant: DiCenzo Construction Company Limited
 Appellant: LPF Realty Retail Inc.
 Subject: Proposed Plan of Subdivision
 Legislative Authority: Subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13,
 as amended
 Property Address/Description: 1155 West 5th Street
 Municipality: City of Hamilton
 Municipal File No.: 25T-201202
 OMB Case No.: PL130630
 OMB File No.: PL130741

Appellant: DiCenzo Construction Company Limited
 Appellant: LPF Realty Retail Inc.
 Subject: Proposed Plan of Condominium
 Legislative Authority: Subsection 51(39) of the *Planning Act*, R.S.O. 1990, c.
 P.13, as amended
 Property Address/Description: 1155 West 5th Street
 Municipality: City of Hamilton
 Municipal File No.: 25CDM-201201
 OMB Case No.: PL130630
 OMB File No.: PL130742

DiCenzo Construction Company Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 6593 of the City of Hamilton to rezone lands respecting 1125 West Fifth Street from "AA" (Agricultural District) to "RT-10"(Townhouse District) to permit the proposed townhouse development
 OMB File No. PL130909

DiCenzo Construction Company Limited has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Hamilton to make a decision respecting a proposed plan of subdivision on lands respecting 1125 West Fifth Street in the City of Hamilton (Approval Authority File No. 25T2012-06)
OMB File No. PL130910

1804487 Ontario Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the City of Hamilton to redesignate lands 1041 West 5th Street to permit the development of a Medical Centre, Residential Care Facility and a Place of Worship
Approval Authority File No. OPA-12-024
OMB File No. PL131311

1804487 Ontario Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 6593 of the City of Hamilton to rezone lands respecting 1041 West 5th Street from "AA" Agricultural to "I3" Major Institutional to permit the development of a Medical Centre, Residential Care Facility and a Place of Worship
OMB File No. PL131312

APPEARANCES:

Parties

Counsel

| | |
|---|--------------|
| 1804482 Ontario Ltd. ("Sonoma") | D. Baker |
| DiCenzo Construction Company Limited ("DCCL") | S. Zakem |
| LPF Realty Retail In. ("LPF") and Fengate Capital Management Ltd. ("Fengate") | D. Tang |
| City of Hamilton ("City") | M. Kovacevic |
| 1804487 Ontario Inc. ("487") and A. De Santis Developments Ltd. ("De Santis") | N. Smith |

HEARING EVENT INFORMATION:

Motion Hearing and Pre-Hearing

Held in Hamilton, Ontario on May 6, 2014

DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE BOARD

INTRODUCTION

[1] This is a motion hearing and the third pre-hearing in these proceedings.

[2] These several files were grouped to be heard together at the first and second pre-hearings but were not consolidated.

[3] Two motions have been brought, returnable at this appearance. The first is a motion brought by Sonoma to dismiss the appeal by DCCL. The second is a motion brought by DCCL for consolidation of all these matters.

MOTION TO DISMISS

[4] The motion to dismiss the appeal of DCCL deals with case number PL130630. This case has several files, noted above, that deal with a proposed development by Sonoma at 1155 West 5th Street. The City supports the development and adopted the necessary planning instruments. The City's decisions have been appealed to this Board by LPF and DCCL.

[5] LPF withdrew its appeal of all matters in this case, leaving DCCL as the only appellant.

[6] At the outset of the motion hearing, the Board was advised that a settlement had been reached between Sonoma and DCCL such that Sonoma withdrew its motion to dismiss the appeal of DCCL.

MOTION FOR CONSOLIDATION

[7] At the outset of the motion hearing, the Board was advised that DCCL withdrew its motion for consolidation of all files in these proceedings. As such, these matters remain simply as grouped together for hearing.

STATUS OF CASES

LPF and Fengate

[8] The Board was advised that the City, LPF and Fengate had reached a settlement dealing with case numbers PL130601 and PL131089. DCCL is a party to both cases. Di Santis and 487 are parties to PL131089. No partial settlement was presented to the Board at this appearance since the parties are still in discussions to determine if a full settlement is achievable between all parties to these two cases.

DCCL

The Board was advised that DCCL has submitted a revised proposal for its lands at 1125 West 5th Street on April 30, 2014. The proposal is now being reviewed by the City.

Memorandum of Understanding

[9] The lands that are the subjects of these several cases are all within the Mewburn Neighbourhood. A central issue relevant to these development proposals is the question of the design and location of a centralized storm water management pond.

[10] The Memorandum of Understanding, filed as Exhibit 2 in cases PL130630, PL130909 and PL131311, is between Sonoma, DCCL and 487 and sets out the basis for co-operation between these parties as efforts continue to determine if some or all of the matters in dispute are capable of resolution.

ORGANIZATION OF THE HEARING

[11] At an earlier pre-hearing, the Board had set these matters down for a three-week hearing, commencing August 11, 2014. If matters narrow or settle, the hearing time may be reduced. With no clear indication at this point that matters will settle, the Board will maintain the three-week hearing on the Board's calendar.

[12] The Board considered a draft procedural order with dates and deadlines to be met in the event that matters do not settle. The parties have advised the Board that the

matter of the centralized storm water management pond is a key issue whose details may change depending on the outcome of work to determine the design and location of this central facility. Bearing this in mind, as well as the very recent resubmission by DCCL, the Board has agreed to delay the submission of an issue list until June 30, 2014.

[13] Since these matters are grouped to be heard together, there remains an outstanding question on the order of evidence to be called. The parties are not in agreement on that order at this time. The Board directed that the parties file their proposed order of evidence with the Board on June 30, 2014 at the time that the issue list is filed. If there is no agreement on the order of evidence, the parties proposing a particular order are to provide a brief description of the reasons that order is being proposed.

[14] To deal with the possibility that no agreement is reached on the order of evidence, or the possibility that some other procedural dispute may arise, the Board sets **9:00 a.m. on July 8, 2014**, for a teleconference with the parties. The Board's Case Co-ordinator will provide all Counsel with the necessary details for the teleconference.

[15] Participants were added to these proceedings at earlier pre-hearings. To ensure that participants are aware of their responsibilities and filing dates in preparation for a hearing on August 11, 2014, the Board includes as Attachment 1 to this decision the procedural order to govern these proceedings. Participants are asked to note, in particular, the filing dates and requirements regarding participant statements.

ORDER

[16] The Board orders that:

1. The issue list and proposed order of evidence is to be filed with the Board by June 30, 2014, as outlined above.
2. The next pre-hearing will be a teleconference of the parties, to be held on July 8, 2014, as set out above.

3. The procedural order to govern these proceedings, with the exception of the issue list and the order of evidence, is set out in Attachment 1 to this decision.

“Susan de Avellar Schiller”

SUSAN de AVELLAR SCHILLER
VICE CHAIR

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248



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ATTACHMENT 1

Appellant: City of Hamilton
 Applicant: Fengate Capital Management Ltd.
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 Legislative Authority: Subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended
 Property: 1400 Upper James Street
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DiCenzo Construction Company Limited has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Hamilton to make a decision respecting a proposed plan of subdivision on lands respecting 1125 West Fifth Street in the City of Hamilton (Approval Authority File No. 25T2012-06)
OMB File No. PL130910

1804487 Ontario Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the City of Hamilton to redesignate lands 1041 West 5th Street to permit the development of a Medical Centre, Residential Care Facility and a Place of Worship
Approval Authority File No. OPA-12-024
OMB File No. PL131311

1804487 Ontario Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 6593 of the City of Hamilton to rezone lands respecting 1041 West 5th Street from "AA" Agricultural to "I3" Major Institutional to permit the development of a Medical Centre, Residential Care Facility and a Place of Worship
OMB File No. PL131312

PROCEDURAL ORDER

Organization of the Hearing:

1. The Board may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.
2. A hearing in respect of this appeal will commence on **August 11, 2014, at 10:00 a.m.** The hearing will be held at the McMaster Learning Centre (Old Hamilton Court House), OMB Courtroom #6, 50 Main Street East, Hamilton, Ontario. The hearing length shall be **3 weeks.**
3. The parties and participants identified as having an interest in this appeal are listed in **Attachment 1** to this Order.
4. The order of evidence is set out in **Attachment 2** to this Order.

5. The issues list is set out in **Attachment 3** to this Order. There will be no changes to this list unless the Board permits and a party who asks for changes may have costs awarded against it.

Requirements Before the Hearing:

6. A party who intends to call witnesses, whether by summons or not, shall provide to the Board and the other parties a list of their witnesses, copies of their curricula vitae, and the order in which they will be called. These lists and curricula vitae must be delivered on or before **June 27, 2014**.
7. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert as well as any other reports or documents to be relied on at the hearing. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony.
8. All parties are reminded of the Duty of an Expert, which is outlined in the Rule 21.01 of the Board's Rules of Practice and Procedure (the "Rules"), which states:

21.01 Duty of the Expert Witness It is the duty of every expert engaged by or on behalf of a party who is to provide opinion evidence at a proceeding under these Rules to acknowledge, either prior to (by executing the acknowledgment form attached to the Rules) or at the proceeding, that they are to,

- (a) provide opinion evidence that is fair, objective and non-partisan;
- (b) provide opinion evidence that is related only to the matters that are within the expert's area of expertise; and
- (c) to provide such additional assistance as the Board may reasonably require to determine a matter in issue.
- (d) These duties prevail over any obligation owed by the expert to the party by whom or on whose behalf he or she is engaged.

9. All expert reports and/or expert witness statements filed in this matter must be accompanied by an executed Acknowledgment of Expert's Duty in the form provided as Attachment 2 to the Board's Rules. The Board may dismiss any expert report or expert witness statement that is not accompanied by an executed Acknowledgment of Expert's Duty.

10. On or before **July 7, 2014**, the parties shall provide copies of their expert report and/or witness statements to the other parties, the City Clerk, and the Board.
11. Witnesses who are under summons but not paid to produce a report do not have to file a witness statement, but the party calling them must file a detailed outline of evidence on or before **July 7, 2014**.
12. An identified participant must provide to the Board and the parties a participant statement on or before **July 21, 2014** or the participant may not give oral evidence at the hearing.
13. Parties may provide to all other parties and file with the City Clerk and the Board a written response to any written evidence on or before **July 28, 2014**.
14. On or before **August 5, 2014**, the parties and participants shall provide each other with an opportunity to view their visual evidence. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
15. A person wishing to change written evidence, including witness statements, must make a written motion to the Board (*see Rules 37 and 38 of the Board's Rules, which require that the moving party provide copies of the motion to all other parties 10 days before the Board hears the motion.*)
16. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence unless the party notifies the Board and the other parties at least 7 days before the commencement of the hearing that the written evidence will not form part of their record.
17. Documents may be delivered by personal delivery, facsimile, electronic mail or registered or certified mail, or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's *Rules* on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
18. A joint document book may be prepared with the cost to be borne by the parties, determined by the number of copies required.

19. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's *Rules* apply to such requests.

This Member is not seized of the matter.

So orders the Board.

ATTACHMENT TO PROCEDURAL ORDER

Purpose of the Procedural Order and Meaning of Terms

*The Board recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Board to order following the conference. The Board will hear the parties' comments about the contents of the Order at the conference.*

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Ontario Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-326-6800, or from the Board website at www.omb.gov.on.ca.

Meaning of terms used in the Procedural Order:

***Party** is an individual or corporation permitted by the Board to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorization from the party.*

***NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Board to permit this.*

***Participant** is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Board will set the time for hearing these statements. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Board will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.*

***Written and Visual Evidence:** **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.*

Witness Statements: A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.

Additional Information

Summons: A party must ask a Board Member or the senior staff of the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure.) If the Board requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Board is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Board;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Board.

Ontario Municipal Board Rules on
DOCUMENTS, EXHIBITS, FILING, SERVICE

18. Form of Documents Unless otherwise directed by the Board, every document filed or introduced by a party or participant in a proceeding shall be prepared on letter size paper (8 ½" x 11") (except for large documents such as plans or surveys), and shall have each page numbered consecutively throughout the entire text and graphic content, even if there are dividers or tabs.

19. Other Exhibits Large graphic or other such types of visual evidence should not be glued to foam or other boards. It must be on paper and **be removed from the boards** following the hearing event, and folded to 8 ½" x 11". Three-dimensional models must be photographed and the photographs must be introduced with the model. A videotape to be used in evidence must be viewed by the other identified parties before the hearing.

20. Copies of Documents for Parties and Clerk Subject to the Board making a different order at a prehearing conference, a party who will use a document as evidence at a hearing event should provide copies at the beginning of the proceeding for all parties and participants. If it is an official plan, those **parts** of the Plan to be used should be distributed to the parties and participants, but a copy of the entire plan must be made available to the Board Member(s) at the beginning of the proceeding. If the Board orders that copies of documents be kept by the clerk of the municipality, they do not need to be certified copies, unless a party objects that they are not authentic copies.

21. Prefiling of Witness Statement and Reports **Experts:** If a hearing is expected to last more than 10 days, the Board **may** require that parties calling expert or professional witnesses serve on the other parties and file with the clerk of the municipality, any experts' witness statements and reports prepared for the hearing at least 30 days in advance of the hearing, or as the Board directs. The Board may also make this order for hearings expected to last less than 10 days if a party requests this. The expert witness statement must contain:

the expert's name, address and qualifications;

the issues the expert will address, opinions on these issues and the reason for the opinions; and

a list of the reports, whether prepared by the expert or by someone else, that the expert will refer to at the hearing.

The expert's complete report may be filed instead of this statement, if it contains the required information.

An expert may not be permitted to testify if this statement or report is not filed. The reports in (c) above do not need to be filed with the Board, but should be supplied to the parties in advance if the parties request them. Participants in the hearing wishing to examine expert reports may do so at the Clerk's office.

Other Witnesses: The Board may also require that a witness who is not giving expert evidence, or a participant, provide to the Board and the parties a witness or participant statement. A witness or participant statement should contain a short written outline of the person's background, experience and interest in the matter; a list of the issues which they will discuss and an opinion on those issues; and a list of reports that they will rely on at the hearing. A participant statement should also briefly outline the evidence to be presented. The witness or participant may not be allowed to testify if this statement is not filed.

22. Amendment of Documents Documents filed with the Board cannot be amended unless the Board orders it, or the other parties consent. The Board may require that the person requesting an amendment do so by way of a motion under Rule 34 with notice to all parties.

23. Copies of Board Documents A person may examine any document filed with the Board, and copy it after paying the Board's fee, unless an Act or a court or Board order provides otherwise. *(This does not apply to documents that the Board has ordered to be confidential, sealed, and not part of the public record.)*

24. Return of Exhibits Exhibits *(written or visual evidence)* of all types introduced at a hearing will be kept for 60 days after the Board decision issues. The person introducing an exhibit may ask for its return after this time, and it may be given back if the Board agrees. If no such request is made, it becomes the property of the Board and may be archived.

25. Final Approval of Plans of Subdivision When a final plan is prepared for the Board's approval *(rather than the approval authority's, if the Board orders that it be final approved by the authority)*, the owner shall insert on the original plan and copies the following wording:

This plan is approved by the Ontario Municipal Board under file [insert OMB case number] pursuant to the *Planning Act*, section _____.

Date

Secretary, Ontario Municipal Board

Comment on Faxes (Rules 26 to 31 below):

The Rules below respecting faxes apply to all documents filed or served, including notices of appeal, notices of motion, notices of hearing and documents exchanged following a procedural order.

Note, however, that the Board cannot extend an appeal period in an Act, so that documents must be served on or before the last day. These Rules merely require that documents be faxed by specific times. For example, staff will be present to receive a fax if it is faxed before 4:30 p.m. (See also Rules 10 to 12 respecting time.)

DOCUMENT EXCHANGE

A document may be served on another party or participant by e-mail, fax or such other manner as may be directed by the Board.

26. Service by Fax or E-mail Where any document is required to be served or filed, including the one commencing a proceeding or a motion or providing notice, it shall be served by fax or e-mail (unless a statute or the Board requires another method of service) and shall be sent to:

- (a) the party's representative, if any;
- (b) where the party is an individual and is not represented, to that party directly, where that party has provided a fax number and/or an e-mail address;
- (c) where that party is a corporation and is not represented, to the corporation directly, to the attention of an individual with apparent authority to receive the document; or
- (d) where served on or filed with the Board, a local board or commission, or any department, ministry or agency of the federal, provincial or municipal government, to an individual with apparent authority to receive the document.

Subject to Rule 27, if a document is served by fax or e-mail, then service is effective on the date of service.

27. If Faxed or E-mailed After 4:30 p.m. Any document served by fax or e-mail after 4:30 p.m. is deemed to have been served on the next business day.

28. Permission to Fax if More Than 30 Pages If a document is more than 30 pages including the cover page, it may only be served by fax between 8:00 a.m. and 4.30 p.m. with the prior consent of the person receiving the document. If more than 30 pages, it cannot be served by fax at any time without prior permission.

29. Contents of Cover Page A fax cover page must include (a) the Board's case and file number, (b) the type of matter, (c) the municipality in which the matter arose, and (d) full identification of the sender and receiver.

30. Proof of Service by Fax or E-mail A confirmation printout received by the sender is proof of the full transmission and receipt of the fax or e-mail.

31. No Hard Copy Needed A hard copy of a faxed or e-mailed document need not be sent by another means of transmission unless requested, and may then be sent by ordinary mail.

ATTACHMENT 1

PARTIES TO APPEALS

| | |
|--|---|
| <p>1804482 Ontario Ltd. (“Sonoma”) c/o Denise Baker WeirFoulds LLP 10-1525 Cornwall Road Oakville, ON L6J 0B2</p> <p>Tel: (905) 829-8600 Fax: (905) 829-2035 e-mail: dbaker@weirfoulds.com</p> | <p>DiCenzo Construction Company Limited c/o Steven A. Zakem & Patrick Harrington Aird & Berlis LLP Brookfield Place, 181 Bay Street Suite 1800, Box 754 Toronto, ON M5J 2T9</p> <p>Tel: (416) 863-1500 Fax: (416) 863-1515 e-mail: szakem@airdberlis.com e-mail: pharrington@airdberlis.com</p> |
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| | |
|--|---------------------------------|
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| Robert DeHaan [Participant to All Appeals] | 1050 West 5th Street, L9B1J6 |
| Peg Turner, Minister, Barton Stone United Church [Participant to All Appeals] | 21 Stone Church Rd. W., L9B1A1 |
| Robert J. Morris [Participant to All Appeals] | 1452 Upper James Street, L9B1K3 |
| | |

ATTACHMENT 2
ORDER OF EVIDENCE

[TO BE DETERMINED]

ATTACHMENT 3

ISSUES LIST

[TO BE DETERMINED]