

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 06, 2015

CASE NO(S): PL131390

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1176792 Ontario Ltd
Appellant: Glenn Hamilton
Subject: Proposed Official Plan Amendment No. 11
Municipality: City of Hamilton
OMB Case No.: PL131390
OMB File No.: PL131390
OMB Case Name: Hamilton v. Hamilton (City)

Heard: October 15, 2015 in Hamilton, Ontario

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Representative</u>
City of Hamilton	Joanna Wice*
1176792 Ontario Ltd.	Jack Restivo*
Glenn Hamilton	Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. HEFFERON ON
OCTOBER 15, 2015 AND ORDER OF THE BOARD**

[1] 1176792 Ontario Ltd and Glenn Hamilton (“Applicant/Appellants”) have appealed the decision of the City of Hamilton (“City”) to approve Zoning By-law No. 13-281, which adopts Official Plan Amendment No. 11 (“OPA 11”) to the Urban Hamilton Official Plan (“UHOP”). OPA 11 creates the Strathcona Secondary Plan (“SSP”).

[2] A map of the area covered by the SSP was entered earlier to the evidence as Exhibit 3. The properties of the two Applicant/Appellants are identified in colour on the map.

[3] Two other appellants, Shoppers Drug Mart Ltd. and the Moore Sovereign Consistory, had earlier settled their cases with the City.

[4] Joanna Wice, counsel for the City, advised the Board that the City and Glenn Hamilton agreed jointly to request that the hearing of Mr. Hamilton's appeal be detached from the hearing of the appeal of 1176792 Ontario Ltd (a.k.a., the "Mandarino appeal") and heard later in 2016. The Board concurred with this request. Ms. Wice indicated she will as soon as possible advise the Board by email of the dates the Parties are available and the availability of the Dundas hearing room.

[5] Jack Restivo, counsel for 1176792 Ontario Ltd., asked the Board to retain the ten days in April 2016 originally scheduled to hear the two appeals. He indicated that he is of the view that all ten of these days will be required to hear the evidence of all the witnesses scheduled to testify. Ms. Wice agreed with Mr. Restivo's assessment. The Board concurred with the request.

[6] Ms. Wice submitted an updated consolidated Issues List for the hearing of the 1176792 Ontario Ltd (Mandarino) appeal. The issues include:

1. Are the land use designations for the lands municipally known as 331, 337, 339 York Blvd and 96, 100,120 Ray Street N. appropriate? Or, should the lands instead be designated Mixed-Use – Medium Density?
2. Should the properties at 96, 100 and 120 Ray Street North be identified as part of the Arnold's Survey - Cultural Heritage Landscape?
3. Are the building heights permitted in the Strathcona Secondary Plan appropriate for the lands at 331, 337, 339 York Blvd? Or should the lands instead be permitted to be up to 26 storeys high?
4. Is the Strathcona Secondary Plan consistent with Volume 1 of the Urban Hamilton Official Plan? Or is policy B.6.6.6 inconsistent with the UHOP?

FUTURE EVENTS

[7] If needed, a one-day motion may be heard to challenge the qualifications of any expert witness at **10 a.m. on Monday, February 29, 2016** at:

**Dundas Municipal Centre
Auditorium (2nd floor)
60 Main Street, Dundas
Hamilton, ON L9H 1C6**

[8] The 10-day hearing of the 1176792 Ontario Ltd (Mandarino) appeal is scheduled to begin at **10 a.m. on Monday, April 11, 2016** at:

**Dundas Municipal Centre
Auditorium (2nd floor)
60 Main Street, Dundas
Hamilton, ON L9H 1C6**

[9] The three-day hearing of the Glenn Hamilton appeal is scheduled to begin at **10:30 a.m. on Wednesday, June 01, 2016** at:

**Dundas Municipal Centre
Auditorium (2nd floor)
60 Main Street, Dundas
Hamilton, ON L9H 1C6**

“C. Hefferon”

C. HEFFERON
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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