

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 12, 2014

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:	George Benton
Appellant:	Glenn Hamilton
Appellant:	Shoppers Drug Mart
Subject:	Proposed Official Plan Amendment No. 11
Municipality:	City of Hamilton
OMB Case No.:	PL131390
OMB File No.:	PL131390

Heard: September 5, 2014 in Hamilton, Ontario

APPEARANCES:

Parties

Counsel

City of Hamilton

Michael Minkowski and Lia Magi

Shoppers Drug Mart

Denise Baker

Moore Sovereign Consistory

Nancy Smith

1176792 Ontario Ltd.

Jack Restivo

Glenn Hamilton

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON
SEPTEMBER 5, 2014 AND ORDER OF THE BOARD**

[1] The appeals were scheduled for a pre-hearing conference, with notice given (Exhibit 1) in accordance with directions from the Board. The purpose of the pre-hearing was to identify the parties, determine if there were any participants and set a date for a future appearance to be held after counsel for the City of Hamilton ("City") has an

opportunity to review the issues with the parties.

[2] The appeals relate to the Strathcona Secondary Plan. Mr. Minkowski filed a land use map setting out the location of the properties involved in the various appeals. The Shopper's Drug Mart ("Shoppers") lands are on King Street West and Dundurn Street North; the Moore Sovereign Consistory lands (also known as the Scottish Rite) consist of three properties on George Street; Glenn Hamilton's property is at 162 Strathcona Street; and the lands owned by the numbered company are on York Boulevard and Ray Street. The appeals are site specific and further discussion between the parties is required to determine the issues for any hearing.

[3] With respect to Shoppers, Ms. Baker requested that her client's appeal be heard with other appeals (PL131066) scheduled for a further pre-hearing conference set for November 14, 2014. Ms. Baker will ask for the Shoppers appeals (which form part of the Board's file, PL131390) to be consolidated at the November pre-hearing and therefore separated from the other appeals of the Strathcona Secondary Plan. There was no objection from the other parties and consequently the appeals by Shoppers are adjourned to November 14, 2014.

[4] Beyond Shoppers, the only remaining appellants of the Strathcona Secondary Plan are 1176792 Ontario Ltd., Moore Sovereign Consistory and Glenn Hamilton who is self-represented. Mr. Minkowski indicated that he intends to contact the parties and clarify with each of them the issues and the scope of their respective appeals. The parties should provide the City with the clarification it requests in order to narrow the issues in dispute and move toward resolution of each appeal. Accordingly, rather than setting a hearing date counsel requested a further pre-hearing conference be set for the Spring of 2015. If the appeals are not resolved, a draft procedural order delineating the process for the hearing and the issues should be prepared prior to the next pre-hearing.

[5] The appeals (other than Shoppers) are adjourned, on consent, to **Friday, April 10, 2015 at 10 a.m.** at:

**McMaster Learning Centre
50 Main Street East, Main Floor
Hamilton, ON**

No further notice is required and I am not seized.

“J. de P. Seaborn”

J. de P. SEABORN
VICE CHAIR

Ontario Municipal Board

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