

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: February 16, 2017

CASE NO(S): PL150933

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 1794784 Ontario Incorporated
Subject: Application to amend Zoning By-law No. 6593 -
Refusal of Application by the City of Hamilton
"B" District
Existing Zoning: "B" District
Proposed Zoning: Site specific to permit proposed development
Purpose: To permit a 3 ½ storey, 12 unit maximum
townhouse development
Property Address/Description: 449 Stone Church Rd W
Municipality: City of Hamilton
Municipality File No.: ZAC-15-007
OMB Case No.: PL150933
OMB File No.: PL150933
OMB Case Name: 1794784 Ontario Incorporated v. Hamilton
(City)

Heard: January 26, 2017 by telephone conference call

APPEARANCES:

Parties

City of Hamilton

1794784 Ontario Inc.

Counsel

Michael Kovacevic and Patrick MacDonald

Nancy Smith

**DECISION OF THE BOARD DELIVERED BY J. V. ZUIDEMA ON JANUARY 26,
2017 AND ORDER OF THE BOARD**

INTRODUCTION

[1] A Telephone Conference Call (“TCC”) was held on this matter for the two parties to provide a status update to the Board.

[2] In a nutshell, the parties are continuing in their dialogue with the hope of resolving or settling issues. The hearing dates (five days set to commence April 24, 2017) remain on the Board’s calendar.

[3] Should the parties arrive at a settlement, they should contact the Board’s Planner, Ms. Leesa Kwong, to advise so that the hearing may be converted to a settlement hearing.

[4] The Board received correspondence from Mr. Gordon Hazelwood further to the Board’s direction arising from the first Prehearing Conference on this matter. The Board has not received any correspondence from the other individuals who were seeking Participant status but were not present.

[5] As such, those four individuals, namely David and Cathy Bellingham, Sue Hanna and Steve Stukas, will be required to bring a Motion pursuant to the Board’s *Rules of Practice and Procedure* should they wish to be recognized.

[6] Given their failure to comply with the Board’s direction, these individuals do not have status at this hearing.

[7] I will continue to case manage this file.

“J. V. Zuidema”

J. V. ZUIDEMA
VICE-CHAIR

If there is an attachment referred to in this document,
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Ontario Municipal Board

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