

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: June 29, 2018

CASE NO(S): PL170742

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Bunge Canada
Appellant:	Harbour West Neighbours Inc. & Herman Turkstra
Appellant:	Parrish & Heimbecker Ltd.
Subject:	By-law No. BL 17-095
Municipality:	City of Hamilton
OMB Case No.:	PL170742
OMB File No.:	PL170742
OMB Case Name:	Bunge Canada v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Harbour West Neighbours Inc. & Herman Turkstra
Subject:	By-law No. BL 17-096
Municipality:	City of Hamilton
OMB Case No.:	PL170742
OMB File No.:	PL170743

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Bunge Canada
Appellant:	Harbour West Neighbours Inc. & Herman Turkstra
Appellant:	Parrish & Heimbecker Ltd.
Subject:	Proposed Plan of Subdivision

Property Address/Description:	65 Guise St. E
Municipality:	City of Hamilton
Municipal File No.:	25T201605
OMB Case No.:	PL170742
OMB File No.:	PL170744

APPEARANCES:

Parties

Counsel

City of Hamilton	Michael Kovacevic and Stephen Chisholm
Parrish & Heimbecker, Ltd.	Pitman Patterson and Piper Morley
Bunge Canada Holdings ULC	Mary Flynn-Guglietti
Harbour West Neighbours Inc.	Scott Snider
Herman Turkstra	Self-represented

AMENDING DECISION OF THE TRIBUNAL DELIVERED BY GERALD S. SWINKIN

[1] In accordance with Rule 24.04 of the Tribunal's *Rules of Practice and Procedure*, whereby the Tribunal may at any time and without prior notice to the parties correct a technical or typographical error made in a decision or order, the Decision and Order ("Decision") issued on June 25, 2018 is hereby amended.

[2] By deleting paragraph [6] from the Decision and replacing it with the following:

[6] With respect to the industrial appellants, despite differences between the City and those appellants on the proper and fair expression of the matters put in appeal, a final Issues List for Phase 2 was also settled. One of the contentious aspects of this list was the status of Bunge Canada Holdings ULC ("Bunge"). Bunge's formal appeal was dismissed further to a motion brought at a prior session of the Tribunal on the grounds of absence of submissions to the Council during the consultation phase. However, based upon the request for party status

by Bunge, which status was accorded by the Tribunal through the decision issued by Member Tousaw, in his disposition issued on November 10, 2017, and the resultant determination that Bunge will participate in the hearing on the basis that it will shelter under the issues which have been put in play by the in-time industrial appellant, the crafting of the issues has been designed to reflect that relationship while acknowledging that potential impacts related to the Bunge lands are properly raised in the proceeding.

[3] In all other respects the Tribunal's Decision remains the same.

"Gerald S. Swinkin"

GERALD S. SWINKIN
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.

Local Planning Appeal Tribunal

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