

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



ISSUE DATE: April 17, 2018

CASE NO(S): PL170858

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 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2417985 Ontario Inc. & 2417972 Ontario Inc.
Subject: Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment
Existing Designation: Freelton Settlement Area
Proposed Designated: Site specific to allow proposed development
Purpose: To permit the construction of a 20 lot residential
Property Address/Description: 34 11th Concession Rd E & 1800 Highway 6
Municipality: City of Hamilton
Approval Authority File No.: PHOPA-14-001
OMB Case No.: PL170858
OMB File No.: PL170858
OMB Case Name: 2417985 Ontario Inc. v. Hamilton (City)

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

Applicant and Appellant: 2417985 Ontario Inc. & 2417972 Ontario Inc.
Subject: Application to amend Zoning By-law No. 90-145-Z - Neglect of the City of Hamilton to make a decision
Existing Zoning: R2 & R2-1(H)
Proposed Zoning: Site specific to allow proposed development
Purpose: To permit the construction of a 20 lot residential
Property Address/Description: 34 11th Concession Rd E & 1800 Highway 6
Municipality: City of Hamilton
Municipality File No.: ZAR-15-002
OMB Case No.: PL170858
OMB File No.: PL170859

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 2417985 Ontario Inc. & 2417972 Ontario Inc.
 Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision
 Purpose: To permit the construction of a 20 lot residential
 Property Address/Description: 34 11th Concession Rd E & 1800 Highway 6
 Municipality: City of Hamilton
 Municipality File No.: 25T-201403
 OMB Case No.: PL170858
 OMB File No.: PL170860

Heard: March 28, 2018 in Hamilton, Ontario

APPEARANCES:

Parties

2417985 Ontario Inc.
 2417972 Ontario Inc.

City of Hamilton

Counsel

Scott Snider
 Anna Toumanians (in absentia)

Joanna Wice

DECISION OF THE TRIBUNAL DELIVERED BY J.V. ZUIDEMA

INTRODUCTION

[1] A first Pre-Hearing Conference (“PHC”) was held with respect to these matters. By way of some background, 2417985 Ontario Inc. and 2417972 Ontario Inc. also known as Titas Development Corporation, (“Appellant”) filed appeals to this Board, as it was previously constituted, concerning its development proposal for property located at 34 11th Concession West and 1800 Highway #6 (“subject property”).

[2] The proposed development was a 20 lot residential subdivision in an area of approximately 6.60 ha (16.1 ac) in size. The subject property is located in the Freelton Settlement Area.

[3] The Appellant filed an application for an Official Plan Amendment, (OMB File No.

PL170858) which was appealed pursuant to ss. 17(40) of the *Planning Act* (“Act”) for the City of Hamilton (“City”) failure to make a decision.

[4] Further the Appellant had filed an application for a Zoning By-Law Amendment (OMB File No. PL170859) which similarly was appealed pursuant to ss. 34(11) of the Act given the City’s failure to make a decision.

[5] And finally the Appellant had filed an application for a Plan of Subdivision (OMB File No. PL170860) which again was appealed pursuant to ss. 51(34) of the Act given the City’s failure to make a decision.

[6] All of these matters are consolidated so that they will be heard together.

[7] The Appellant sought mediation which was agreed to by the City. The parties were advised that a formal request for mediation should be made and following a mediation assessment, a mediation session may be scheduled. That may occur sometime in October or November of 2018.

[8] The parties thought that four or five days would be necessary for the hearing. They were advised that should that be scheduled, that hearing timeframe would likely be in the Spring of 2019.

[9] Finally, I scheduled a follow-up Telephone Conference Call (“TCC”) for **12 noon on Friday, May 18, 2018**. The toll free dial number for this TCC is **1-866-633-0848 with a Code of 4779874#**. The TCC is for the parties only and will be used to finalize a Procedural Order and for a status update. I will conduct this TCC.

[10] At the PHC, a representative for the Appellant numbered companies explained that while a “For Sale” sign was still situated on the subject property, it would be removed in due course as the subject property was not for sale. A few residents in attendance were not sure about what was happening with the property given that sign.

“J.V. Zuidema”

J.V. ZUIDEMA
VICE-CHAIR

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
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