

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



ISSUE DATE: October 22, 2020

CASE NO(S): PL170991

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 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1520866 Ontario Limited (Losani Homes)
Subject: Failure of the City of Hamilton to announce a decision respecting Proposed Official Plan Amendment No. UHOPA-16-20

Municipality: City of Hamilton
OMB Case No.: PL170991
OMB File No.: PL170991
OMB Case Name: 1520866 Ontario Limited 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: 1520866 Ontario Limited (Losani Homes)
Subject: Application to amend Zoning By-law No 3692 - 92- Neglect of City of Hamilton to make a decision

Existing Zoning: ND - Neighbourhood Development Zone
Proposed Zoning: Site specific RM3 Zone, Modified, Residential Multiple Zone

Purpose: To permit a residential subdivision and Local Commercial uses

Property Address/Description: 157 Upper Centennial Parkway
Municipality: City of Hamilton
Municipality File No.: ZAC-16-056
OMB Case No.: PL170991
OMB File No.: PL170992

Heard: October 7, 2020 by telephone conference call

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
1520866 Ontario Limited (Losani Homes)	D. Baker and R. Kehar
City of Hamilton	M. Kovacevic
Penta Properties and Upper Centennial Developments Ltd.	A. Toumanians
660439 Ontario Inc.	W. Thatcher

DECISION DELIVERED BY S. TOUSAW AND ORDER OF THE TRIBUNAL

[1] This proceeding was the fifth Pre-hearing Conference (“PHC”) held for appeals by 1520866 Ontario Limited (Losani Homes) (“Losani”) to the City of Hamilton’s (“City”) absence of decisions on applications for Official Plan Amendment and Zoning By-law Amendment within the statutory time periods.

[2] Losani proposes 95 townhouse dwelling units on a 1.87 hectare property at 157 Upper Centennial Parkway in the City.

[3] The Parties agreed with the Tribunal that given the number of PHCs held over the three years for this file, a plan for closure of the issues would be beneficial. Losani and the City acknowledged that the resolution of engineering issues was proceeding slower than they wished, and is further exacerbated by the COVID-19 pandemic. They prefer to resolve the technical issues before moving on to any remaining planning issues.

[4] In preparation for this PHC, Losani and the City had discussed setting out a list of dates by which they commit to accomplishing certain tasks, all leading to either a settlement or a final list of issues. These dates were provided to the Tribunal following the PHC as set out below.

[5] The added Parties were content with the idea of firm dates, provided that sufficient time was allotted for their review and commenting on either the settlement plan or the draft list of issues. The Tribunal considers the following schedule to provide sufficient time for the added Parties to provide any comments to Losani and the City.

[6] The Tribunal sets the following dates for the completion of stages in this appeal.

- by May 28, 2021, Losani and the City will have completed discussions leading to either a settlement or a disputed hearing;
- by June 4, 2021, Losani will advise the Tribunal and other Parties of the above result;
- by June 25, 2021, if not settled, Losani will confirm its final design proposal with the Parties and submit a draft Procedural Order (“PO”) with Issues List (“IL”) to the Tribunal, along with a request for the scheduling of the necessary PHC; and
- by August 31, 2021, if settled, the City will advise of City Council’s disposition on the settlement, and the Parties may request the scheduling of a settlement hearing.

[7] The Tribunal acknowledges that should discussions lead to a result earlier than set out above, the Parties may request the next PHC (subject to a submitted PO with IL) or settlement hearing as soon as practicable.

[8] Based on the outcome of the above process, the Tribunal will then set a date for the next appropriate engagement and will advise the Parties. Otherwise, no further notice will be given.

[9] The Tribunal so orders.

[10] This Member is not seized but may be contacted through the Case Coordinator for case management purposes.

“S. Tousaw”

S. TOUSAW
MEMBER

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

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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