

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



ISSUE DATE: October 25, 2019

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 22, 2019 by telephone conference call

APPEARANCES:

<u>Parties</u>	<u>Counsel*/Representative</u>
1520866 Ontario Limited (“Losani Homes”)	Denise Baker*
City of Hamilton	Micheal Kovacevic*
Penta Properties and Upper Centennial Development Inc.	Anna Toumanians*
660439 Ontario Inc.	Michael Tellerd and John Petropoulos

MEMORANDUM OF ORAL DECISION DELIVERED BY STEVEN COOKE ON OCTOBER 22, 2019 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] At the request of counsel for Losani Homes (the “Applicant”) a Telephone Conference Call (“TCC”) was arranged in lieu of the scheduled fourth Pre-hearing Conference (“PHC”). The Applicant has filed an appeal on the City of Hamilton (“City”) failure to make a decision on applications for Official Plan Amendment and Zoning By-law within the statutory time periods. The Applicant has proposed to develop 95 townhouse dwelling units on a 1.87 hectare property at 157 Upper Centennial Parkway in Hamilton.

[2] Counsel for the Applicant informed the Tribunal that the Applicant has been in discussions with the City on a revised plan and is requesting more time with the goal of achieving a settlement with the City. The Applicant has requested that a further in-person PHC be scheduled after the City Council meetings in **February 2020**. The PHC could be used for a settlement hearing or to set further procedural matters should the matter continue to be contested.

[3] Upon approval of the revised application by the City, the Applicant will circulate to the Tribunal and all interested parties a copy of the revised application no later than **Monday, March 2, 2020**. All parties have agreed that this would be an acceptable date in order to review and identify any issues.

[4] The Tribunal has scheduled a PHC to commence at **10 a.m. on Thursday, April 9, 2020 at:**

**City of Hamilton
Hearing Room 101
50 Main Street East
Hamilton, ON**

[5] This Member is not seized.

“Steven Cooke”

STEVEN COOKE
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 Tribunals Ontario - Environment and Land Division
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