

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



**ISSUE DATE:** August 06, 2019

**CASE NO(S):** PL101121  
PL171184

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

Applicant and Appellant: Parkside Hills Inc.  
Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision  
Purpose: To permit a proposed plan of subdivision  
Property Address/Description: Part of Lot 8, Concession 4, municipally known as 619 Centre Road  
Municipality: City of Hamilton  
Municipality File No.: 25T-201003  
OMB Case No.: PL101121  
OMB File No.: PL101121  
OMB Case Name: Parkside Hills Inc. v. Hamilton (City)

**PROCEEDING COMMENCED UNDER** subsection 51(43) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Parkside Hills Inc.(Country Green Homes Inc.)  
Subject: Conditions of approval of draft plan of subdivision – Phases 2B & 2C  
Property Address/Description: 609 & 615 Hamilton St. N., 3 Nisbet Boulevard and 129-137 Truedell Drive  
Municipality: City of Hamilton  
Municipal File No.: 25T-201003  
OMB Case No.: PL171184  
OMB File No.: PL171185  
OMB Case Name: Parkside Hills Inc. (Country Green Homes Inc.) v. Hamilton (City)

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by: Parkside Hills Inc. (Country Green Homes Inc.)  
 Subject: Site Plan  
 Property Address/Description: 609 & 615 Hamilton St. N., 3 Nisbet Boulevard and  
 129-137 Truedell Drive – Phases 2B & 2C  
 Municipality: City of Hamilton  
 OMB Case No.: PL171184  
 OMB File No.: PL171186

**Heard:** July 29, 2019 by telephone conference call

**APPEARANCES:**

**Parties**

**Counsel**

Parkside Hills Inc.  
 (“Applicant”/“Appellant”)

Michael McQuaid and Denise Baker

City of Hamilton (“City”)

Patrick MacDonald

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON JULY 29, 2019 AND ORDER OF THE TRIBUNAL**

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**BACKGROUND**

[1] This fourth Pre-hearing Conference (“PHC”) was held by telephone conference call (“TCC”) to organize a hearing on the merits of the Applicant’s appeals to conditions of draft plan approval of a subdivision and its referral of a site plan application to this Tribunal.

[2] The former Ontario Municipal Board approved a draft plan of subdivision (File No. PL101121) that was reopened to address certain conditions at issue. The current phase 2B of the subdivision is also the subject of a site plan application for 136 townhouse units.

[3] The Parties had agreed previously that, if the conditions to draft plan approval are satisfied on consent, no disposition is required from the Tribunal. The referral of the site plan will require a Decision of the Tribunal based on a hearing or settlement hearing as necessary.

## PROCEEDINGS

[4] Counsel advised that the engineering related to stormwater management in connection with the subdivision has now been resolved, clearing the way for the City to finalize its review of the site plan application. The Parties anticipate that any remaining site plan matters will be resolved, and have requested that a settlement hearing by TCC be scheduled in approximately six weeks.

[5] The Tribunal advised that upon settlement, if the matter is to be heard by TCC, a Planner's affidavit, on consent in support of the settlement, is required in advance of the hearing. Because this matter has been put over several times, the Tribunal impressed upon the Parties to make every effort to bring the files to a conclusion for the requested settlement hearing. In the event something unforeseen arises and a settlement is not reached, the Parties are to advise the Tribunal in advance of the TCC.

## ORDER

[6] The directions above are so ordered.

[7] The settlement hearing will be held by TCC at **9 a.m.** on **Friday, November 1, 2019**. Individuals are directed to call **416-212-8012** or Toll Free **1-866-633-0848** on the assigned date at the correct time. When prompted, enter the code **4779874#** to be connected to the call. If assistance is required at any time, press '0' for the operator. It is the responsibility of the persons participating in the call to ensure that they are

properly connected to the call and at the correct time. Questions prior to the call may be directed to **John Norris**, the **Tribunal's Case Coordinator**, at **416-326-6798**.

[8] No further notice will be given.

[9] This Member is not seized.

*"S. Tousaw"*

S. TOUSAW  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

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