

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



**ISSUE DATE:** December 18, 2018

**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:** November 14, 2018 in Hamilton, Ontario

#### **APPEARANCES:**

##### **Parties**

##### **Counsel**

Parkside Hills Inc.  
("Applicant"/"Appellant")

Michael McQuaid

City of Hamilton ("City")

Patrick MacDonald

#### **MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON NOVEMBER 14, 2018 AND ORDER OF THE TRIBUNAL**

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#### **PROCEEDINGS**

[1] This third Pre-hearing Conference ("PHC") was held 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] Counsel advised that progress continues to be made on matters of stormwater management, site plan details, a land exchange, and development charges. The parties hope to resolve all matters for a settlement hearing at the next scheduled hearing event of February 13, 2019.

[4] The parties may request that the next hearing event be a settlement hearing, or a hearing on any unresolved issues, or that it be converted to a Telephone Conference Call for updates or procedural matters.

[5] The Parties agree 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.

## **ORDER**

[6] The Tribunal orders that the hearing/settlement hearing is set for **Wednesday, February 13, 2019, at 10 a.m. at:**

**Hearing Room 101  
50 Main Street East  
Hamilton, Ontario**

[7] No further notice will be given.

[8] 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**

A constituent tribunal of Environment and Land Tribunals Ontario  
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