

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



ISSUE DATE: January 10, 2019

CASE NO(S):

PL171388

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

Applicant and Appellant: Losani Homes (1998) Ltd.
Subject: Application to amend Zoning By-law No. (6593) - Neglect of the City of Hamilton to make a decision

Existing Zoning: "C" District (Urban Protected Residential)
Proposed Zoning: "RT-20/S-XXX" District (Townhouse - Maisonette)

Purpose: To permit townhouse and maisonette dwelling units as part of a common element condominium.

Property Address/Description: 575 Woodward Avenue
Municipality: City of Hamilton
Municipality File No.: ZAC-17-031
OMB Case No.: PL171388
OMB File No.: PL171388
OMB Case Name: Losani Homes (1998) Ltd. vs. Hamilton (City)

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

Applicant and Appellant: Losani Homes (1998) Ltd.
Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision

Purpose: To permit townhouse and maisonette dwelling units as part of a common element condominium.

Property Address/Description: 575 Woodward Avenue
Municipality: City of Hamilton

Municipality File No.: 25CDM-201705
OMB Case No.: PL171388
OMB File No.: PL180335

Heard: December 19, 2018 in Hamilton, Ontario

APPEARANCES:

Parties

Counsel

Losani Homes (1998) Ltd.

Jennifer Meader

City of Hamilton

Michael Kovacevic

**MEMORANDUM OF ORAL DECISION DELIVERED BY JOHN DOUGLAS AND
ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was the first Pre-hearing Conference (“PHC”) related to appeals by Losani Homes (1998) Ltd., of the failure of the City of Hamilton to make decisions on two applications. These applications, the first to amend City of Hamilton Zoning By-law No. 6593, and the second, an application for a Plan of Condominium, are intended to facilitate residential development of lands known municipally as 575 Woodward Avenue, in the City of Hamilton (“City”), to permit 72 townhouse dwelling units and 48 maisonette units as part of a common element condominium.

[2] The Affidavit of Service was entered as Exhibit 1.

[3] Counsel for the Applicant advised the Tribunal that discussions with the City are going well. Jennifer Meader indicated that her client is hopeful that agreement can be reached. She requested a date be set for a second PHC. She expressed hope that discussions will continue to be productive and that the second PHC may be converted to a settlement hearing.

[4] Counsel for the City, Michael Kovacevic, indicated that discussions are going well at this time with respect to the Zoning By-Law Amendment (“ZBLA”). The application was received some time ago and staff have had a chance to review it. Agreement on the ZBLA appears possible. However, Mr. Kovacevic advised that the draft Plan of Condominium was received more recently and staff have not had an opportunity to undertake a review of it. At this time, Mr. Kovacevic expressed uncertainty with respect to whether the City and applicant will reach agreement on the Plan of Condominium.

[5] Five individuals were granted participant status on consent of both parties: Edwin Vogtlaender, Natasha Huyer, Tony Banaitis, Chris Yanchak and Bob Intini.

[6] A second PHC has been scheduled in this matter commencing at **10 a.m. on Tuesday, April 9, 2019**. The City has confirmed that the venue for the hearing is:

**Dundas Municipal Service Centre
2nd Floor Auditorium
60 Main Street,
Dundas, ON**

ORDER

[7] The Tribunal so orders as directed above.

[8] This panel is not seized.

[9] No further notice will be given.

“John Douglas”

JOHN DOUGLAS
MEMBER

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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

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248