

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



ISSUE DATE: June 21, 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: April 09, 2019 in Hamilton, Ontario

APPEARANCES:

Parties

Counsel

Losani Homes (1998) Ltd.

Jennifer Meader

City of Hamilton

Michael Kovacevic

**MEMORANDUM OF ORAL DECISION DELIVERED BY L.M. BRUCE AND
ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was the second 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 to permit 72 townhouse dwelling units and 48 maisonette units as part of a common element condominium.

[2] Originally scheduled as an appearance since there was the possibility of a settlement, this PHC was converted to a telephone conference call, the purpose of which was to obtain an update on the status of discussions between the parties. The Tribunal was advised that settlement discussions are continuing. Ms. Meader expressed hope that discussions will continue to be productive. A third PHC/settlement hearing was set for **Thursday, July 18, 2019 at 10 a.m.** at:

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

ORDER

[3] The Tribunal so orders as directed above.

[4] This panel is not seized.

[5] No further notice will be given.

"L.M. Bruce"

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