

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



ISSUE DATE: January 11, 2019

CASE NO(S): PL171389

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:	Medallion Developments
Subject:	Application to amend Zoning By-law No. 6593 - Refusal or neglect of the City of Hamilton to make a decision
Existing Zoning:	E District (Multiple Dwellings, Lodges, Clubs, Etc.)
Proposed Zoning:	E-3 District, Modified (High Density Dwellings)
Purpose:	To permit the development of a 20-storey rental residential apartment addition
Property Address/Description:	195 Wellington Street South
Municipality:	City of Hamilton
Municipality File No.:	ZAC-14-003
OMB Case No.:	PL171389
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OMB Case Name:	Medallion Developments v. Hamilton (City)

Heard: October 22, 2018 in Hamilton, Ontario

APPEARANCES:

Parties

Medallion Developments
City of Hamilton
Niagara Escarpment Commission

Counsel

Qunito Annibale and B. Ruddick
R. Andrew Biggart
Demetrius A. Kappos

**MEMORANDUM OF ORAL DECISION DELIVERED BY JOHN DOUGLAS ON
OCTOBER 22, 2018 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was the first Pre-hearing Conference (“PHC”) regarding an appeal by the applicant/appellant, Medallion Developments, of the failure of the City of Hamilton (the “City”) to make a decision within the legislated timelines on an application to amend Zoning By-law No. 6593. The purpose of the Zoning By-law Amendment (“ZBLA”) is to permit the development of a 20-storey residential rental apartment addition for property known municipally as 195 Wellington Street South in the City of Hamilton. Part of the property is currently occupied by an existing three-storey residential rental apartment building.

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

[3] Demetrius Kappos, counsel for the Niagara Escarpment Commission (“NEC”), requested that his client be granted party status for this matter. Upon consent Party Status was granted to the NEC.

PARTICIPANTS

[4] Upon consent, three individuals were granted Participant status for this matter: Wendelyn Braun and Ali Kasongo.

[5] The third individual granted Participant status expressed significant concern regarding personal safety should their contact information be made public. The individual was advised that Tribunal hearings are open to the public and that typically participants making a statement to the Tribunal take the witness stand and are sworn in. There was some discussion as to how the safety concerns could be addressed (such as a written statement or perhaps clearing the hearing room with the exception of the parties).

SECOND PHC

[6] A second PHC has been scheduled for this matter to commence at **10a.m. on Monday, April 15, 2019, at:**

**Hearing Room 101
Municipal Building (Hamilton)
50 Main Street East
Hamilton, Ontario**

[7] The purpose of the second PHC will be to:

- Review a draft Procedural Order (“PO”), Issues List and the number of witnesses expected to be called for a contested hearing. This information will have a bearing on the number of days required for a contested hearing.
- Determine if/how the concerns of the third Participant can be accommodated at a subsequent PHC or before the hearing panel.

PROCEDURAL ORDER

[8] The parties shall work together to prepare a draft PO and Issues List. Issues are to be well scoped, not general in nature (for example citing specific policies from the Provincial Policy Statement, 2014, Growth Plan for the Greater Golden Horseshoe, 2017, Niagara Escarpment Plan, and City Official Plan).

[9] The applicant/appellant shall submit copies of a draft to the other Parties by no later than **Friday, February 22, 2019.**

[10] The City and the NEC shall respond to the draft PO and with their complete Issues List by no later than **Friday, March 8, 2019.**

[11] The applicant/appellant shall submit copies of a final draft PO with a complete Issues List to the other Parties and the Tribunal by no later than **Friday, March 15,**

2019.

ORDER

[12] The Tribunal orders as directed above.

[13] No further notice will be given.

[14] This panel is not seized but should questions arise the Member may be spoken to.

“John Douglas”

JOHN DOUGLAS
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 Environment and Land Tribunals Ontario

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