

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 16, 2021

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
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: June 14, 2021 by video hearing

APPEARANCES:

Parties

Counsel

Medallion Developments
("Applicant")

Q. Annibale/B. Ruddick

City of Hamilton ("City")

C. Kapelos

Niagara Escarpment Commission
("NEC")

D. Kappos

MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON JUNE 14, 2021 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The matter before the Tribunal is an appeal concerning a proposed rezoning for the lands known municipally as 195 Wellington Street South.

[2] The Tribunal had in 2019 issued a Procedural Order and Issues List and set the matter down for a 10 day hearing to commence on June 15, 2020.

[3] Covid 19 intervened and the matter had to be adjourned.

[4] The Tribunal set this Case Management Conference (“CMC”) to obtain an update from the parties.

[5] During the adjournment, the parties had worked toward resolving their issues, and the Tribunal was advised that there was no reason to proceed to a contested hearing but rather counsel requested that the Tribunal set a 1 day settlement hearing date in the fall.

[6] For the reasons set out below, the Tribunal set a prospective settlement hearing date for **Tuesday, September 28, 2021**.

DECISION

[7] Based on the submissions of counsel, the Tribunal will set a one day settlement hearing for **Tuesday, September 28, 2021 commencing at 10 a.m. by Video Hearing**. In the event there is no settlement, the hearing may be converted to a CMC.

[8] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/583461013>

Access code: 583-461-013

[9] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>

[10] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **(647) 497-9391** or **Toll Free 1-888-455-1389**. The access code is **583-461-013**.

[11] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[12] The Tribunal directs that settlement materials (e.g. any of: Minutes of Settlement, an affidavit of a land use planner, a draft Zoning By-law Amendment, elevations, and a draft Order) be provided to all the participants and the Case Coordinator as soon as possible and no later than 10 days prior to the hearing.

[13] A participant who wishes to provide a Participant Statement shall provide same to all counsel and the Tribunal at least 5 days in advance of the hearing.

[14] In the event that the prospective settlement does not occur, the Tribunal directs that a revised Procedural Order, Issues List, and draft Hearing Plan be provided to all the participants and the Case Coordinator at least 7 days before the hearing for consideration by the Tribunal.

[15] There will be no further notice.

[16] I am not seized.

[17] Scheduling permitting, I may be spoken to for case management purposes.

[18] This is the Order of the Tribunal.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

Ontario Land Tribunal

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

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal.