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| **Local Planning Appeal Tribunal** |
| Tribunal d’appel de l’aménagement local |

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| **ISSUE DATE**: | January 28, 2019 | **CASE NO(S).:** | PL180255 |

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.

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| **PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended | | | | |
| Applicant and Appellant: | Television City Hamilton Inc. | | | |
| Subject: | Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment | | | |
| Existing Designation: | Medium Density Residential | | | |
| Proposed Designated: | Mixed Use | | | |
| Purpose: | To permit the development of mixed-use multiple dwelling consisting of two towers and connecting base | | | |
| Property Address/Description: | 163 Jackson Street West | | | |
| Municipality: | City of Hamilton | | | |
| Approval Authority File No.: | UHOPA-17-27 | | | |
| OMB Case No.: | PL180255 | | | |
| OMB File No.: | PL180255 | | | |
| OMB Case Name: | Television City Hamilton Inc. v. Hamilton (City) | | | |
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| **PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended | | |
| Applicant and Appellant: | | Television City Hamilton Inc. | |
| Subject: | | Application to amend Zoning By-law No. (05-200) - Neglect of the City of Hamilton to make a decision | |
| Existing Zoning: | | Downtown Multiple Residential (06) Zone | |
| Proposed Zoning: | | Site Specific Downtown Multiple Residential (06, XXX) Zone | |
| Purpose: | | To permit the development of mixed-use multiple dwelling consisting of two towers and connecting base | |
| Property Address/Description: | | 163 Jackson Street West | |
| Municipality: | | City of Hamilton | |
| Municipality File No.: | | ZAC-17-063 | |
| OMB Case No.: | | PL180255 | |
| OMB File No.: | | PL180256 | |

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| **Heard:** | October 26, 2018 in Hamilton, Ontario |

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| **APPEARANCES:** |  |
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| **Parties** | **Counsel\*/Representative** |
| Television City Hamilton Inc. | N. Smith\* |
| City of Hamilton | S. Chisholm\* |
| Jennifer Balshaw | Self-represented |

DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE TRIBUNAL

1. Television City Hamilton Inc. (“Television City”) wishes to develop a site at 163 Jackson Street West (“Subject Site”) in the City of Hamilton (“City”). In support of this intention, Television City applied for amendments to the City’s official plan and to its applicable zoning by-law. The City failed to make a decision on these applications and Television City appealed these matters to this Tribunal.
2. This was the first prehearing in these matters.
3. Several persons attended and were added as Parties or Participants. Subsequent to the prehearing, some of those who had been added as Parties considered their requests further and advised the Tribunal that they wished, instead, to be Participants. Since there had been a number of questions at the prehearing about the responsibilities of Parties and Participants, the Tribunal canvassed Television City and the City in advance to determine if there was consent or no objection to the possible post-prehearing requests for this change in status. Television City and the City both advised that they had no objection to the possible post-prehearing change. On that basis, only one additional Party has retained Party status.
4. The Tribunal confirms the addition of Jennifer Balshaw as a Party to these proceedings.
5. The Tribunal also confirms the following as Participants in these proceedings:

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| **Participant** | **Representative** |
| Durand Neighbourhood Association Incorporated | Janice Brown |
| Lachan Holmes |  |
| Patrick Brown |  |
| Sadhna Jayatunge |  |
| Amanda Smith |  |
| Marni Paikin |  |
| Wentworth Condominium Corp. 171 | Sharon Cole |

1. The Tribunal reviewed a draft Procedural Order but, with the addition of Parties and some uncertainty about their intention to continue as Parties, the Tribunal directed the Parties to engage in further discussion and refinement of the Issues List.
2. The Procedural Order to govern these matters is found at Attachment 1.
3. The Tribunal has set these matters down for a five-day hearing, commencing on **Monday, March 25, 2019** at **10 a.m.** at:

**Hearing Room 101**

**Municipal Building (Hamilton)**

**50 Main Street East**

**Hamilton, Ontario**

1. No further Notice will be given.
2. This panel of the Tribunal is not seized.

**ORDER**

1. The Tribunal orders that:
   1. Jennifer Balshaw is added as a Party to these proceedings.
   2. Participants added to these proceedings are as set out in paragraph 5, above.
   3. The Procedural Order to govern these matters is found at Attachment 1 to this decision.

“Susan de Avellar Schiller”

SUSAN de AVELLAR SCHILLER

VICE-CHAIR

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