

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



ISSUE DATE: June 12, 2020

CASE NO(S): PL180302

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:	Knightstone Capital Management II Inc.
Subject:	Application to amend Zoning By-law No. 05-200 – Refusal or neglect of City of Hamilton to make a decision
Existing Zoning:	Downtown Multiple Residential (TOC1, H63)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the institutional student resident development
Property Address/Description:	1190 Main Street West et al
Municipality:	City of Hamilton
Municipality File No.:	ZAC-17-065
LPAT Case No.:	PL180302
LPAT File No.:	PL180302
LPAT Case Name:	Knightstone Capital Management II Inc. v. Hamilton

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Concerned Residents of Westdale
Subject:	Proposed Official Plan Amendment No.
Municipality:	City of Hamilton
LPAT Case No.:	PL180302
LPAT File No.:	PL200015
LPAT Case Name:	Concerned Residents of Westdale v. Hamilton (City)

Heard: June 11, 2020 by telephone conference call (“TCC”)

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
Knightstone Capital Management II Inc. (“Applicant”)	D. Bronskill
City of Hamilton (“City”)	A. Biggart
Concerned Residents of Westdale (“CROW”)	J. Meader

**MEMORANDUM OF ORAL DECISION BY BLAIR S. TAYLOR ON JUNE 11, 2020
AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This matter is set down for a nine-day hearing commencing on July 27, 2020.

[2] The Tribunal had directed that a Procedural Order, Issues List and Hearing Plan were to be prepared and submitted for Tribunal approval.

[3] Covid-19 and the Emergency Orders of the Province of Ontario intervened.

[4] The Tribunal held a status hearing concerning: mediation status; the draft Procedural Order, Issues List and Hearing Plan; the anticipated format of the July 27, 2020 hearing; and the required public notice for PL200015 and its mandatory Case Management Conference (“CMC”).

[5] Having received an update from the parties, the Tribunal gave direction regarding the required notice for the CMC, and the finalization of the draft Procedural Order, Issues List, and Hearing Plan, all for the reasons set out below.

DECISION

[6] The Tribunal was advised that the parties had completed one day of private

mediation and that a second day was scheduled for June 22, 2020.

[7] In light of this pending mediation session, the parties requested that they be allowed to focus on the private mediation and provide the required draft Procedural Order, Issues List and Hearing Plan after the second mediation session, in the hope and expectation that the matter might either be resolved, or the Issues List condensed as a result of the mediation efforts. To that end it was requested that the draft Procedural Order, Issues List and Hearing Plan be required to be provided to the Case Coordinator on or before **Friday, June 26, 2020**.

[8] The Tribunal noted that the Official Plan Amendment appeal (PL200015) requires a mandatory CMC and that Tribunal staff will issue directions to the City for that public notice to be issued for the first day of the nine-day hearing that has already been set.

[9] Regarding the format for the hearing, the Tribunal noted that at the present time, as the Tribunal is not conducting any "in person" hearings due to Covid-19, that the parties should be prepared to have their hearing proceed via video conference.

[10] Accordingly, the Tribunal in these circumstances directs that:

- a. The City will receive Tribunal direction and shall provide the appropriate public notice regarding the mandatory CMC for PL200015;
- b. That counsel for the parties shall prepare and provide, on a timely basis, to counsel for the Applicant, their issues and input for the draft Procedural Order, Issues List and Hearing Plan; and
- c. And counsel for the Applicant will coordinate the finalization of the draft Procedural Order, Issues List, and Hearing Plan and provide same to the Case Coordinator on or before **Friday, June 26, 2020** for consideration and possible issuance by the Tribunal.

[11] This is the Order of the Tribunal.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

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Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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