

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



ISSUE DATE: December 19, 2019

CASE NO(S): PL180818

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

Appellant:	Red Hill Cannabis Inc.
Appellant:	The Green Organic Dutchman Holdings Limited
Subject:	Proposed Official Plan Amendment No. OPA 21
Municipality:	City of Hamilton
OMB Case No.:	PL180818
OMB File No.:	PL180818
OMB Case Name:	Red Hill Cannabis Inc. et al v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Red Hill Cannabis Inc.
Appellant:	The Green Organic Dutchman Holdings Limited
Subject:	By-law No. 18-266
Municipality:	City of Hamilton
OMB Case No.:	PL180818
OMB File No.:	PL180819

Heard: December 4, 2019 by telephone conference call

APPEARANCES:

Parties

Red Hill Cannabis Inc.

Counsel*/Representative

K. Collett and M. Harbour

City of Hamilton

P. MacDonald*

DECISION DELIVERED BY T.F. NG AND HUGH S. WILKINS ON DECEMBER 4, 2019 AND ORDER OF THE TRIBUNAL

[1] This was the second Case Management Conference (“CMC”) held by the Tribunal regarding the appeals of the passage by the City of Hamilton (“City”) of Official Plan Amendment No. 21 and its implementing amendment by Zoning By-law No. 18-266 (“Zoning By-law”).

[2] Prior to the CMC, The Green Organic Dutchman Holdings Limited had withdrawn its appeals and the Tribunal recently received correspondence from Beleave Inc. withdrawing its status as a party. The sole remaining appellant in the proceeding is Red Hill Cannabis Inc. (“Appellant”).

[3] At the CMC, the Appellant stated that as its previous counsel had withdrawn, it needed time to retain a new counsel, which it undertook to do by mid-January 2020 at the latest.

[4] The Parties agreed to prepare a draft Procedural Order and a draft Issues List and to engage in a further CMC by telephone conference call (“TCC”) to be held in early 2020 at which hearing dates will be set.

[5] The City stated that it hoped to have discussions with the Appellant on the issues to be adjudicated and that the scope of the appeal would be narrowed to a site-specific appeal. If that happens, the City stated that it would file a motion with the Tribunal, to be heard at the next TCC, seeking approval of the remaining portions of the Zoning By-law that are outside the scope of the appeal.

[6] The City stated that this matter is not amenable to Tribunal-assisted mediation.

[7] The Tribunal directed that the CMC be continued by TCC on **Thursday, February 13, 2020 at 9 a.m.** The Parties are to call **416-212-8012** or toll free **1-866-633-0848** and on the prompt enter Conference Code **4779874#**. At the next TCC, the

Tribunal expects the Parties to be prepared to present a draft Procedural Order and Issues List to the Tribunal and to be prepared to set hearing dates. The City may file motion materials in accordance with the Tribunal's *Rules of Practice and Procedure* for any motion it seeks to have heard at the TCC.

[8] The Tribunal further directed that a draft Procedural Order and a draft Issues List be filed with the Tribunal Case Coordinator by **Tuesday, February 11, 2020**.

[9] These members are not seized.

[10] There will be no further notice.

"T.F. Ng"

T.F. NG
MEMBER

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
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Local Planning Appeal Tribunal

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