

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



ISSUE DATE: February 18, 2020

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: February 13, 2020 by telephone conference call

APPEARANCES:**Parties****Counsel*/Representative**

City of Hamilton

P. MacDonald* and L. Tansley*

Red Hill Cannabis Inc.

Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY R.G.M. MAKUCH ON
FEBRUARY 13, 2020 AND ORDER OF THE TRIBUNAL**

[1] This is the third Case Management Conference (“CMC”) respecting these appeals.

[2] The purpose of this CMC was to finalize the Procedural Order (“PO”) and draft Issues List and to set hearing dates. Counsel for the City of Hamilton (the “City”) had indicated that the City hoped to have discussions with Red Hill Cannabis Inc. (the “Appellant”) on the issues to be adjudicated and that the scope of the appeal would be narrowed to a site-specific appeal. Counsel also indicated that there was the possibility of the City filing a motion seeking approval of the remaining portions of the zoning by-law that are outside the scope of the appeal.

[3] Counsel for the City explained that the City has made a number of attempts to contact the Appellant in order to finalize a PO and Issues List without success.

[4] No one appeared on behalf of the Appellant.

[5] Counsel for the City has advised that the City will be bringing a motion in writing for an order of the Tribunal dismissing the appeals on the grounds that the Appellant has failed and/or refused to comply with directions from the Tribunal.

[6] In the alternative, the City will be bringing a motion to have the appeal scoped in order to have the amendments under appeal brought into force throughout the City save and except for the Appellant’s property.

- [7] The Tribunal has directed that the motions be heard in writing.
- [8] This Member is not seized.
- [9] It is so ordered.

“R.G.M. Makuch”

R.G.M. MAKUCH
VICE-CHAIR

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

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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