

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



ISSUE DATE: December 11, 2020

CASE NO(S): PL200274

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 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	LIV Developments Ltd.
Subject:	Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment
Existing Designation:	Neighbourhoods
Proposed Designated:	Site-specific – To be determined
Purpose:	To permit the development of 123 stacked Townhouses with a reduction in minimum density requirements
Property Address/Description:	157 Parkside Drive
Municipality:	City of Hamilton
Approval Authority File No.:	UHOPA-17-006
LPAT Case No.:	PL200274
LPAT File No.:	PL200274
LPAT Case Name:	LIV Developments Ltd. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	LIV Developments Ltd.
Subject:	Application to amend Zoning By-law No. 05-200 and 90-145-Z - Neglect of City of Hamilton to make a decision
Existing Zoning:	Agriculture (A)
Proposed Zoning:	Medium Density Residential (R6), Modified and Conservation / Hazard Land (P5) Zone
Purpose:	To permit the development of 123 stacked

Property Address/Description:	Townhouses with a reduction in minimum density requirements
Municipality:	157 Parkside Drive
Municipality File No.:	City of Hamilton
LPAT Case No.:	ZAC-17-016
LPAT File No.:	PL200274
	PL200275

Heard: December 7, 2020 by video hearing

APPEARANCES:

Parties

Counsel

LIV Developments Ltd.

R. Cheeseman

City of Hamilton

P. MacDonald

**MEMORANDUM OF ORAL DECISION DELIVERED BY HUGH S. WILKINS ON
DECEMBER 7, 2020 AND ORDER OF THE TRIBUNAL**

[1] LIV Developments Ltd. (“Appellant”) has filed appeals regarding the failure of the City of Hamilton (“City”) to make decisions on the Appellant’s applications for Official Plan Amendments and Zoning By-law Amendments to facilitate a proposed development at 157 Parkside Drive.

[2] On December 7, 2020, the Tribunal held a Case Management Conference (“CMC”) for this proceeding at which the Parties provided an update on the status of the proceeding, discussed opportunities for settlement negotiations, and requested the scheduling of a further CMC. No requests for Party or Participant status were made at the CMC.

[3] The City stated that it has not yet received instructions from City Council and, therefore, an issues list has not yet been prepared. The City stated that it will be receiving instructions shortly.

[4] The Appellant stated that it has filed a site plan appeal in relation to the proposed development. A file has not yet been created by the Tribunal for that proceeding. The Appellant submitted that the site plan proceeding should be consolidated with the Official Plan Amendment and Zoning By-law Amendment appeal proceeding.

[5] The Parties stated that they are interested in pursuing settlement negotiations and that mediation may be an option. They both noted that until the issues are identified, it is premature to determine the best pathway for pursuing settlement discussions.

[6] The Parties requested that a further CMC be held in January 2021 by which time an issues list will have been prepared and the site plan appeal file created. The Tribunal directed that a further CMC will be held in January 2021 at which the Tribunal will consider a draft Procedural Order and Issues List, address the issue of consolidation of this proceeding with the site plan proceeding, and further address opportunities for settlement discussions.

ORDER

[7] The Tribunal directs the Parties to file a draft Procedural Order and Issues List with the Tribunal by **Wednesday, January 27, 2021**.

[8] The Tribunal directs that a further CMC will be held by telephone conference call (“TCC”) on **Friday, January 29, 2021 at 10 a.m.** at which the Tribunal will consider a draft Procedural Order and Issues List, address the issue of consolidation of this proceeding with the site plan proceeding, and further address opportunities for settlement discussions. The Parties are directed to call into the TCC by dialing **416-212-8012** or **1-866-633-0848** on the assigned date at the correct time. When prompted enter code **8382912#** to be connected to the call. If assistance is required at any time,

press '0' for the operator. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time. Questions prior to the call may be directed to the Tribunal's Case Coordinator.

[9] There will be no further notice.

[10] This Member of the Tribunal is not seized.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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