

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



ISSUE DATE: March 19, 2021

CASE NO(S):

PL200456
PL200457

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:	Sanders Garden Inc.
Subject:	Request to amend the Official Plan - Failure of City of Hamilton to adopt the requested amendment
Purpose:	To permit a mixed-use 9-storey development
Property Address/Description:	69 Sanders Boulevard & 1630 Main Street West
Municipality:	City of Hamilton
Approval Authority File No.:	UHOPA-18-014
LPAT Case No.:	PL200456
LPAT File No.:	PL200456
LPAT Case Name:	Sanders Garden Inc. vs. Hamilton (City)

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

Applicant and Appellant:	Sanders Garden Inc.
Subject:	Application to amend Zoning By-law No. ZAC-18-035 - Neglect of the City of Hamilton to make a decision
Existing Zoning:	"H" (Community Shopping and Commercial; Etc.) and Community Institutional (I2), Exception: 17, 20
Proposed Zoning:	Site specific "E-3" (High Density Multiple Dwellings).
Purpose:	To permit a mixed-use 9-storey development
Property Address/Description:	69 Sanders Boulevard & 1630 Main Street West
Municipality:	City of Hamilton
Municipality File No.:	ZAC-18-035
LPAT Case No.:	PL200456
LPAT File No.:	PL200457

Heard: March 17, 2021 by video hearing

APPEARANCES:

Parties

Counsel

Sanders Garden Inc.

Stephanie Fleming

City of Hamilton

Patrick MacDonald

DECISION DELIVERED BY S. BRAUN AND ORDER OF THE TRIBUNAL

[1] The matter before the Tribunal is an appeal under s. 22(7) and 34(11) of the *Planning Act* (“Act”) with respect to the failure of the City of Hamilton (“City”) to make a decision within legislated timelines in respect of applications for an Official Plan Amendment and Zoning By-law Amendment. The applications were filed by Sanders Garden Inc. (“Applicant/Appellant”) in respect of the property located at 69 Sanders Boulevard. and 1630 Main Street West (“the subject property”).

[2] The Applicant/Appellant proposes to redevelop the subject site and construct a mixed-use commercial/residential development which includes a nine-storey condominium building containing ground floor commercial space and 154 residential suites, as well as two townhouse blocks containing 28 residential units.

[3] This is the first Case Management Conference (“CMC”) conducted pursuant to s. 33(1) of the *Local Planning Appeal Tribunal Act*, in relation to this matter.

[4] The Affidavit of Darlene Hornsby confirmed that Notice of this CMC was properly given, and the Tribunal marked it as Exhibit 1 to the CMC.

PARTY/PARTICIPANT STATUS REQUESTS

[5] In response to the Notice, the Tribunal received no requests for Party or

Participant status. Accordingly, the Appeals will proceed with the involvement and participation of only the Applicant/Appellant and the City.

SUBSEQUENT CMC

[6] The parties requested the Tribunal schedule a subsequent CMC. Mr. MacDonald explained that, as this matter involves an appeal of a non-decision, he requires instructions from Council before proceeding. He further explained that the City's Planning Committee is scheduled to consider the applications in early April and anticipated receiving instructions shortly thereafter.

[7] Given the foregoing circumstances, the Tribunal finds it reasonable to schedule a further CMC, which will be held by video hearing on **Monday, June 28, 2021** commencing at **10 a.m.**

[8] The Tribunal stressed the importance of ensuring that the subsequent CMC be productive, making efficient use of Tribunal resources. To this end, the Parties consented to submitting a draft Procedural Order ("PO") and Issues List by **Monday, June 14, 2021** and will be prepared to finalize these documents and schedule a hearing date at the next CMC.

OPPORTUNITIES FOR SETTLEMENT

[9] The Tribunal raised the issue of opportunities for settlement, including the use of mediation or other dispute resolution processes. The Parties advised that, while open to such possibilities, any discussions aimed at dispute resolution would be most effective following the next CMC.

OTHER MATTERS

[10] The Tribunal inquired as to whether there were any other matters to be addressed which might assist in the fair, just and expeditious resolution of this matter.

The Parties indicated there were none.

ORDER

[11] The Tribunal directs the Parties to file a draft PO and Issues List by **Monday, June 14, 2021**.

[12] The Tribunal Orders that a further CMC will be held by video hearing on **Monday, June 28, 2021**, commencing at **10 a.m.**, at which time the draft PO and Issues List will be considered by the Tribunal and hearing dates set.

[13] Parties are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/780471093>

Access Code: 780-471-093

[14] Parties are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at GoToMeeting or a web application is available: <https://app.gotomeeting.com/home.html>.

[15] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **1 (647) 497-9391** or **(Toll Free): 1-888-455-1389**. The **access code** is **780-471-093**.

[16] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the CMC by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having

carriage of this case.

[17] There will be no further notice and this Member is not seized of the matter.

"S. Braun"

S. BRAUN
MEMBER

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Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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