

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



ISSUE DATE: May 20, 2021

CASE NO(S): PL200609

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: Corbett Land Strategies Inc., et al
Subject: Request to amend the Official Plan - Refusal of request by City of Hamilton
Existing Designation: Urban Hamilton Official Plan (UHOP)
Proposed Designated: Urban Hamilton Official Plan (UHOP)
Purpose: To permit an amendment to the Urban Hamilton Official Plan (UHOP) for a City-wide amendment respecting the urban boundary expansion policies
Property Address/Description: Lands within Twenty Road West Area
Municipality: City of Hamilton
Approval Authority File No.: UHOPA-20-011
LPAT Case No.: PL200609
LPAT File No.: PL200609
LPAT Case Name: Corbett Land Strategies Inc. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 69(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Corbett Land Strategies Inc., et al
Subject: Protest the levying of fees in relation to an application to amend the Urban Hamilton Official Plan (UHOP)
Property Address/Description: Various Addresses
Municipality: City of Hamilton
LPAT Case No.: PL200609
LPAT File No.: MM200019

Heard: May 14, 2021 by video hearing

APPEARANCES:

Parties

Counsel

Corbett Land Strategies Inc., et al Albert Engel

City of Hamilton Patrick MacDonald

DECISION DELIVERED BY S. BRAUN AND K.R. ANDREWS AND ORDER OF THE TRIBUNAL

[1] This is the first Case Management Conference (“CMC”) conducted in accordance with s. 33(1) of the *Local Planning Appeal Tribunal Act*, in relation to appeals pursuant to s. 22(7) and 69(3) of the *Planning Act* (“Act”).

[2] At the outset of the CMC, Counsel for the Appellant requested an adjournment of the CMC until sometime in late 2021, explaining that there are appeals related to this matter currently in the process of mediation as well as an ongoing Municipal Comprehensive Review, both of which may impact upon the direction of the appeals presently before the Tribunal. Counsel for the City consented to the adjournment as requested.

[3] The Affidavit of Service for Notice was marked as Exhibit 1.

PARTY/PARTICIPANT REQUESTS

[4] The Tribunal received written requests for party status from the following:

- a) Multi-Area Developments Inc.; Mud & First Inc.; Marz Homes Brofrida Inc.; Marz Homes (Elfrida) Inc.; Paletta International Corporation; 1356715 Ontario Inc.; 2188410 Ontario Inc.; 2084696 Ontario Inc., collectively referred to as the “Elfrida Landowners”, represented by Joe Hoffman;

- b) Artstone Holdings Ltd. and Corpveil Holdings Ltd., represented by Jennifer Meader, appearing on behalf of Scott Snider and Anna Toumanians;
- c) DiCenzo (Golf Club Road) Holdings Inc., represented by Stephanie Fleming (appearing) and Russell Cheeseman;
- d) Demik Developments, Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and Elaine Vyn, collectively referred to as the “Twenty Road East Landowners Group”, represented by Samantha Lampert (appearing) and Susan Rosenthal; and
- e) 1507565 Ontario Limited, also referred to as “Frisina”, represented by Carolina Campos (appearing) and David Sunday.

[5] All of the above own property in the area affected by the present appeals and some of the above are parties to the related appeals currently in the process of mediation.

[6] Mr. Hoffman explained that in October 2021, a number of reports will be submitted to the City of Hamilton’s General Issues Committee and it is anticipated that, thereafter, key decisions will be made with respect to growth in Hamilton, which could potentially affect the interests of not only the Appellant but all those entities seeking party status in these matters.

[7] The Tribunal notes that although counsel for some of the entities seeking party status confirmed that oral submissions at a public meeting or written submissions to Council had been made by or on behalf of their clients, others were unable to confirm same.

[8] Neither the Appellant nor the City objected to the above requests. However, in light of the ongoing mediation and MCR, the Tribunal is of the view that it is premature to grant requests for party status at this time. It is better to wait until the direction of this

matter is more settled. However, with the consent of the parties, those seeking party status will continue to be copied on all correspondence in advance of the next hearing event.

[9] There were no requests for participant status.

SUBSEQUENT CMC

[10] Under the circumstances, the Tribunal finds it appropriate to schedule a further CMC to receive updates from the parties. The CMC will be held by video hearing on **Wednesday, December 8, 2021 at 10 a.m.**

[11] Parties and participants 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/292242237>

Access Code: 292-242-237

[12] Parties and participants 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>

[13] 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: **(647) 497-9391 or Toll Free 1-888-455-1389**. The access code is **292-242-237**.

[14] 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 hearing 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.

ORDER

[15] The Tribunal orders that a further CMC be held on **Wednesday, December 8, 2021**.

[16] Those who sought party status at the present CMC shall be copied on all correspondence and notices, if any, as if they were a party until the next CMC.

[17] There will be no further notice and this panel is not seized.

"S. Braun"

S. BRAUN
MEMBER

"K.R. Andrews"

K.R. ANDREWS
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

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