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| **Ontario Land Tribunal** |
| Tribunal ontarien de l’aménagement  du territoire |

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| **ISSUE DATE:** | July 08, 2021 | **CASE NO(S).:** | PL210024 |

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| **PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended | |
| Applicant and Appellant: | Willow Valley Holdings Inc. |
| Subject: | Request to amend the Official Plan - Refusal of request by City of Hamilton |
| Existing Designation: | Open Space |
| Proposed Designated: | Rural |
| Purpose: | To permit the creation of two new residential lots |
| Property Address/Description: | 8475 English Church Road East |
| Municipality: | City of Hamilton |
| Approval Authority File No.: | RHOPA-17-039 |
| LPAT Case No.: | PL210024 |
| LPAT File No.: | PL210024 |
| LPAT Case Name: | Willow Valley Holdings Inc. v. Hamilton (City) |

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| **PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended | |
| Applicant and Appellant: | Willow Valley Holdings Inc. |
| Subject: | Application to amend Zoning By-law No. 464 (Glanbrook) - Refusal or neglect by City of Hamilton to make a decision |
| Existing Zoning: | Open Space (P4) |
| Proposed Zoning: | Rural (A2) |
| Purpose: | To permit the creation of two new residential lots |
| Property Address/Description: | 8475 English Church Road East |
| Municipality: | City of Hamilton |
| Municipality File No.: | ZAC-17-082 |
| LPAT Case No.: | PL210024 |
| LPAT File No.: | PL210025 |

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| **PROCEEDING COMMENCED UNDER** subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended | |
| Applicant and Appellant: | Willow Valley Holdings Inc. et al |
| Subject: | Application for Consent - Failure of City of Hamilton to make a decision |
| Purpose: | To permit the creation of two new residential lots |
| Property Address/Description: | 8475 English Church Road |
| Municipality: | City of Hamilton |
| Municipal File No.: | GL/B-15:66 |
| LPAT Case No.: | PL210024 |
| LPAT File No.: | PL210112 |

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| **PROCEEDING COMMENCED UNDER** subsection 53(14) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended | |
| Applicant and Appellant: | Willow Valley Holdings Inc. et al |
| Subject: | Application for Consent - Failure of City of Hamilton to make a decision |
| Purpose: | To permit the creation of two new residential lots |
| Property Address/Description: | 8475 English Church Road |
| Municipality: | City of Hamilton |
| Municipal File No.: | GL/B-15:65 |
| LPAT Case No.: | PL210024 |
| LPAT File No.: | PL210111 |

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| **Heard:** | June 22, 2021 via video hearing |

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| **APPEARANCES:** |  |
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| **Parties** | **Counsel** |
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| Willow Valley Holdings (“Applicant/Appellant”) | Anna Toumanians |
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| City of Hamilton (“City”) | Patrick MacDonald |

MEMORANDUM OF ORAL DECISION DELIVERED BY T. PREVEDEL ON JUNE 22, 2021 AND ORDER OF THE TRIBUNAL

**INTRODUCTION**

1. This is the first Case Management Conference (“CMC”) conducted in respect of the Appeals from Willow Valley Holdings pursuant to section 22(7) and 34(11) of the *Planning Act* against the City’s refusal to approve the Appellant’s proposed Official Plan Amendment and Zoning By-Law Amendment . There are related appeals under section 53(14) of the *Planning Act* with respect to the City’s refusal of two related consent applications.
2. The municipal address of the subject property is 8475 English Church Road East, Glanbrook, otherwise known as the Willow Valley Golf Course.
3. The Applicant/Appellant filed an application with the City to amend the Official Plan and Zoning By-Law to permit the development of two new residential lots fronting onto English Church Road East. They further propose replacing two less desirable opportunities for residential development on Upper James Street by consolidating them with the adjacent agricultural operation, thus resulting in no net new residential lots.

**PARTY AND PARTICIPANT STATUS**

1. There were no requests for Party or Participant Status.

**PROCEDURAL ORDER AND ISSUES LIST**

1. A draft Procedural Order and Issues List was submitted to the Tribunal in advance of the CMC. The Parties advised they are still in the process of refining the Issues List to avoid duplication and overlap. They requested a few weeks to finalize the Procedural Order and Issues List once the Hearing date has been set.

**OPPORTUNITY FOR MEDIATION**

1. The Parties were asked if they wished to pursue mediation in advance of the Hearing. All Parties advised they were still willing to consider this and will advise the Case Coordinator at the Tribunal well in advance of the hearing date if a settlement can be reached.

**ORGANIZATION OF THE HEARING**

1. The Applicant/Appellant has suggested they would be calling four to five witnesses. The City also will be calling up to five witnesses.
2. The Parties initially requested 10 days for the hearing, but after some discussion, it was agreed that eight days would be sufficient for the Hearing.
3. 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/125174269>

**Access code:** **125 174 269**

1. 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**](https://global.gotomeeting.com/install)a web application is available: <https://app.gotomeeting.com/home.html>.
2. 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: (Toll Free): [1 888 299 1889](tel:+18882991889,,125174269) or [+1 (647) 497-9373](tel:+16474979373,,125174269)**. The access code is 125 174 269.**
3. 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**

1. A Procedural Order and Issues List was finalized and received by the Tribunal on July 7, 2021 and is attached as Attachment 1. As such, it is in full force and effect.
2. An eight-day Hearing is scheduled to proceed by video hearing starting on **Monday, May 17, 2022 at 10 a.m.**
3. The Parties are to inform the Case Coordinator should there be any changes as a result of discussions regarding a potential settlement.
4. This Member is not seized, but may assist with case management, schedules permitting.
5. No further notice will be given.

“Tony Prevedel”

TONY PREVEDEL

MEMBER

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal.

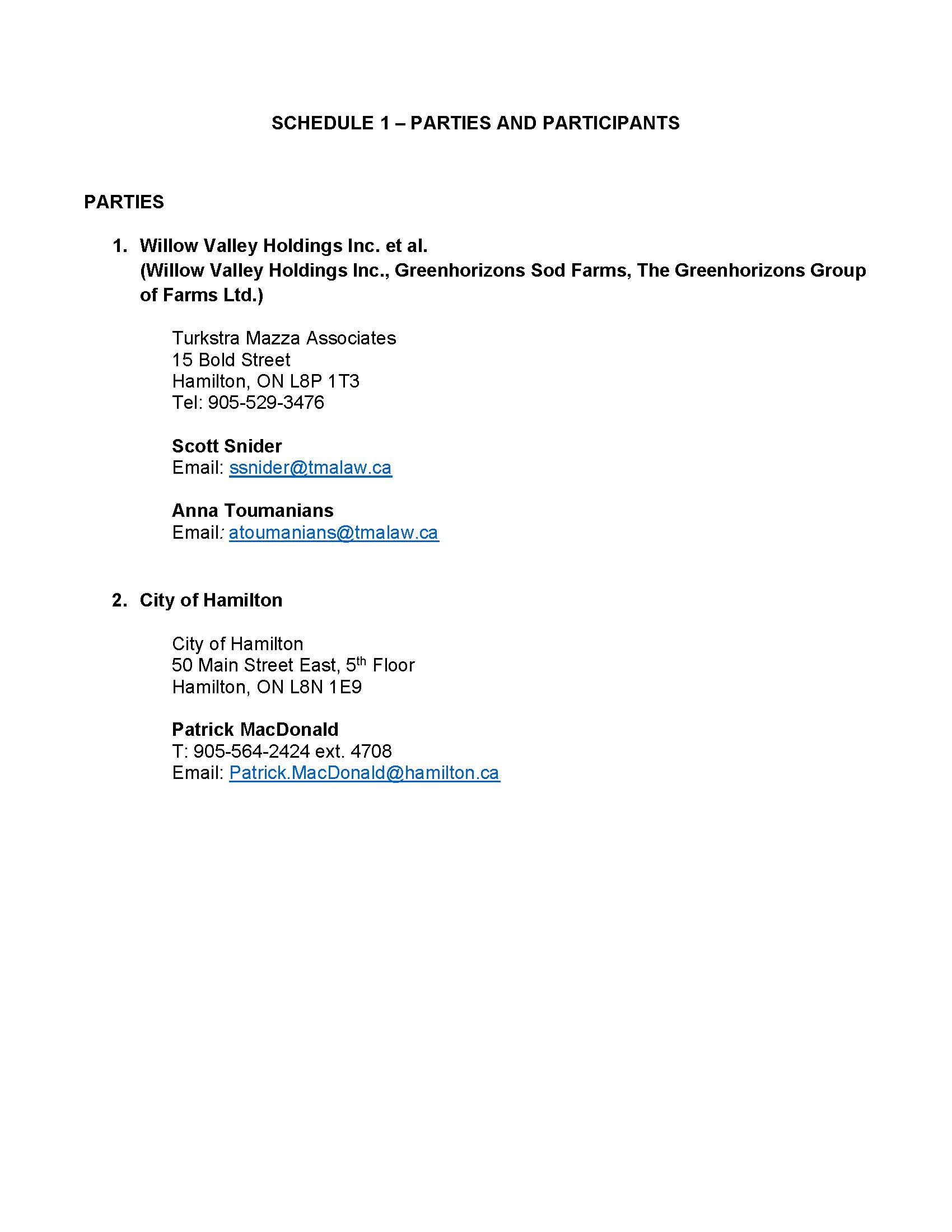
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