

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 10, 2021

CASE NO(S): PL210071

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

Applicant and Appellant: Cento Homes & Renovations Inc.
Subject: Request to amend the Official Plan - Refusal of request by City of Hamilton
Existing Designation: Institutional
Proposed Designated: Medium Density Residential 3
Purpose: To permit six townhouse dwellings
Property Address/Description: 19 Dawson Avenue
Municipality: City of Hamilton
Approval Authority File No.: UHOPA-20-007
LPAT Case No.: PL210071
LPAT File No.: PL210071
LPAT Case Name: Cento Homes & Renovations Inc. 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: Cento Homes & Renovations Inc.
Subject: Application to amend Zoning By-law No. 3692-92 - Refusal of Application by City of Hamilton
Existing Zoning: Small Scale Institutional
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit six townhouse dwellings
Property Address/Description: 19 Dawson Avenue
Municipality: City of Hamilton
Municipality File No.: ZAC-20-012
LPAT Case No.: PL210071
LPAT File No.: PL210072

Heard: May 27, 2021 by Video Hearing

APPEARANCES:**Parties****Counsel**

Cento Homes & Renovations Inc. Jennifer Meader

City of Hamilton Patrick MacDonald

**MEMORANDUM OF ORAL DECISION DELIVERED BY T.F. NG ON MAY 27, 2021
AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This is the first Case Management Conference (“CMC”) for these appeals and held as a video hearing (“VH”). Cento Homes & Renovations Inc. (the “Appellant”) owns a property located in the City of Hamilton (“City”), municipally known as 19 Dawson Avenue, Stoney Creek (the “subject property”). The Appellant applied for approval of Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) to permit six street townhouse dwellings. The applications were refused.

[2] The Affidavit of Service of Notice of CMC is on the Tribunal’s file and now marked as Exhibit 1.

PARTICIPANT/PARTY STATUS

[3] Brad Ackles requested for party status stating that he is the representative for the neighbourhood grouping. As the grouping is unincorporated, Mr. Ackles was advised that he will be able to be a party in his own capacity and the Tribunal explained the role and obligations required of a party as differentiated from a participant. Mr. Ackles decided to seek participant status instead. Two more individuals wanted to participate. Participant status was granted to Brad Ackles, Tyler Ackles and Miles Budnark without objections.

DRAFT ISSUES LIST AND DRAFT PROCEDURAL ORDER

[4] Counsel for the Appellant and the City stated that a draft Procedural Order with list of issues is ready but is not filed yet pending fixing of the hearing date and the required timelines. They requested for three days of hearing to be fixed and will within a few days forward to the case coordinator, the draft Procedural Order with required timelines and dates filled in together with the list of issues.

[5] The Tribunal finds the request reasonable and as such, directs that the draft Issues List and the draft Procedural Order be prepared, agreed to, exchanged and forwarded to the Tribunal's Case Coordinator on or before **Monday, May 31, 2021**.

HEARING TECHNICAL DETAILS

[6] This matter will be fixed for three days for hearing starting on **Monday, November 8 to Wednesday, November 10, 2021** by video hearing at **10 a.m.**

[7] 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/864527669>

Access code: 864-527-669

[8] 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.

[9] 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>

[10] 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 **864-527-669**.

[11] 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

[12] The Tribunal orders as follows:

- a) The hearing is scheduled to proceed by video on **Monday, November 8, 2021 to Wednesday, November 10, 2021** at **10 a.m.**
- b) The draft Issues List and the draft Procedural Order shall be delivered to the Tribunal's case coordinator on or before **Monday, May 31, 2021**.
- c) Subject to its review of the draft Procedural Order, the Tribunal will notify the Parties and Participants of the approved Procedural Order, which will additionally govern the proceedings.

[13] There will be no further notice.

[14] The Member is not seized.

“T.F. Ng”

T.F. NG
MEMBER

Ontario Land Tribunal

Website: 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.