

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 15, 2021

CASE NO(S): PL210073

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Coleman Robinson
Subject: Proposed Official Plan Amendment No. By-law 20-263
Municipality: City of Hamilton
OLT Case No.: PL210073
OLT File No.: PL210073
OLT Case Name: Robinson v. Hamilton (City)

Heard: September 3, 2021 by video hearing

APPEARANCES:

Parties

Counsel

City of Hamilton ("City")	B. Duxbury
Coleman Robinson, John Bruce Robinson Construction Limited ("Appellant")	J. Meader N. Smith (<i>in absentia</i>)
Marshall Real Estate Holdings Ltd. ("Applicant")	B. Duxbury
Hamilton-Wentworth District School Board ("Applicant")	B. Duxbury

MEMORANDUM OF ORAL DECISION DELIVERED BY M. RUSSO ON SEPTEMBER 3, 2021 AND ORDER OF THE TRIBUNAL

[1] An application was submitted to the City to amend the Rural Hamilton Official Plan (the “RHOP”) and add a Site Specific Policy Area to permit a 300 metre extension of lake-based municipal water services from the Binbrook Urban Area to the subject lands and a connection to the sanitary line that exists along the west side of Regional Road 56 to service existing and proposed uses (the “Proposal”) on two Rural properties located at 2121 and 2187 Regional Road 56, Glanbrook (the “Subject Lands”).

[2] City Planning Staff had provided recommendations to deny the Proposal to the City Planning Committee Chair and Members in advance of their November 17, 2020 meeting.

[3] At their November 17, 2020 meeting, the City Planning committee chose to support the Proposal and carried a motion to amend RHOP.

[4] On December 16, 2020, the City passed By-law No. 20-263 adopting and approving Official Plan Amendment No. 25 to the RHOP (“RHOPA 25”).

[5] The Appellant appealed the decision of City Council to the Tribunal pursuant to s. 17(24) of the *Planning Act* (the “Act”).

THE CASE MANAGEMENT CONFERENCE (the “CMC”)

[6] The Tribunal held this first Case Management Conference (“CMC”) in accordance with s. 15 of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4. The Tribunal noted Counsel for the City had provided the Affidavit of Service by registered mail and electronically dated July 30, 2021 to all names and addresses on the mailing list provided. The Tribunal marked the Affidavit of Service as Exhibit 1.

[7] Mr. Duxbury, Counsel for the City, informed the Tribunal that his firm has been retained by the City and both Applicants, as their interests are in line with one another. The Applicants have a direct interest in this matter and have been added as parties to this appeal.

[8] The Member canvassed the virtual hearing room if anyone else present was seeking participant or party status for these proceedings. With none being present and no written requests provided to the Tribunal, the Parties for these proceedings were established.

ISSUES LIST, DRAFT PROCEDURAL ORDER AND HEARING

[9] A Draft Procedural Order (“DPO”) was provided to the Tribunal in advance of the CMC with dates to be inserted and other details to be provided pending a hearing date being set.

[10] The Parties were agreeable to the DPO provided in principle. However, the Issues List was not provided as the Parties were still in the midst of narrowing and refining issues.

[11] Jointly the Parties preferred to have the hearing date set to adequately provide dates for their final submission of the DPO and through ongoing discussions as well as anticipated witnesses to be called, the Parties believed that a four-day hearing would be required to hear the merits of this matter.

MEDIATION

[12] The Tribunal asked the Parties if mediation had been explored or settlement discussions had occurred.

[13] The Parties indicated they have had positive and amicable discussions thus far, however, they agreed at this time, mediation was not likely. The Tribunal reminded the Parties of Tribunal-led mediation and further reminded the Parties to share any progress and changes, if and when they may occur, with the Tribunal’s Case Coordinator.

CONCLUSION

[14] Having considered the discussion during the CMC regarding the issues, potential mediation and finalizing the DPO, the Tribunal has determined that it would be reasonable to schedule the hearing for four days.

[15] The Tribunal has provided the Parties three weeks to revise and finalize the DPO and submit to the Tribunal for final approval.

ORDER

[16] The Tribunal orders a hearing by video scheduled to commence at **10 a.m.** on **Tuesday, April 19, 2022** for **four (4) days**, as follows:

<https://global.gotomeeting.com/join/483635189>

Access Code: 483-635-189

[17] 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.

[18] 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>.

[19] 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 1-888-455-1389** or **+1 (647) 497-9391**. The access code is **483-635-189**.

[20] 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.

[21] **Three weeks from issuance** of this decision, the Parties shall provide, on or before that date, a joint DPO and Issues List to the assigned Case Coordinator for final review and approval of the Member, highlighting any items that may require the Tribunal's assistance to finalize.

[22] The Parties shall provide at least ten (10) days' notice to the Tribunal prior to the hearing date in the event if fewer hearing dates are agreed upon by the Parties or if settlement has been entered into by the Parties.

[23] If any issues arise, the Member may be spoken to, if required, through correspondence received through the Case Coordinator.

[24] The Member is not seized for the purposes of the hearing of the appeal.

[25] No further notice of the hearing is required.

"M. Russo"

M. RUSSO
MEMBER

Ontario Land Tribunal

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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 ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.