

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** September 02, 2021

**CASE NO(S):**

PL210196

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

Appellant: Ancaster Village Heritage Community  
Subject: Proposed Official Plan Amendment No.  
OPA 143  
Municipality: City of Hamilton  
OLT Case No.: PL210196  
OLT File No.: PL210196  
OLT Case Name: Ancaster Village Heritage Community v.  
Hamilton (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Ancaster Village Heritage Community  
Subject: By-law No. BL 21-013  
Municipality: City of Hamilton  
OLT Case No.: PL210196  
OLT File No.: PL210197

**PROCEEDING COMMENCED UNDER** subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Ancaster Village Heritage Community  
Applicant: 2692544 Ontario Inc.  
Subject: Consent  
Property Address/Description: 15 Church Street  
Municipality: City of Hamilton  
Municipal File No.: AN/B-20:89  
OLT Case No.: PL210196  
OLT File No.: OLT-21-001061

**PROCEEDING COMMENCED UNDER** subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Ancaster Village Heritage Community
Applicant:	2692544 Ontario Inc.
Subject:	Consent
Property Address/Description:	15 Church Street
Municipality:	City of Hamilton
Municipal File No.:	AN/B-20:90
OLT Case No.:	PL210196
OLT File No.:	OLT-21-001062

**PROCEEDING COMMENCED UNDER** subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Ancaster Village Heritage Community
Applicant:	2692544 Ontario Inc.
Subject:	Consent
Property Address/Description:	15 Church Street
Municipality:	City of Hamilton
Municipal File No.:	AN/B-20:91
OLT Case No.:	PL210196
OLT File No.:	OLT-21-001063

**Heard:** August 30, 2021 by video hearing

**APPEARANCES:**

**Parties**

**Counsel/Representative\***

City of Hamilton (“City”)

J. Meader  
N. Smith (*in absentia*)

Ancaster Village Heritage Community  
 (“Appellant”)

J. MacLeod\*

2692544 Ontario Inc. (“Applicant”)

J. Meader  
N. Smith (*in absentia*)

**MEMORANDUM OF ORAL DECISION DELIVERED BY M. RUSSO ON  
AUGUST 30, 2021 AND ORDER OF THE TRIBUNAL**

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## INTRODUCTION

[1] The Applicant had applied to the City to obtain approvals to construct six townhomes (the “Proposal”) on their lands, municipally known as 15 Church Street (the “Subject Lands”). The Subject Lands currently have upon it a single detached dwelling.

[2] City Planning Staff had provided recommendations to approve the Official Plan Amendment (the “OPA”) to the City’s Urban Hamilton Official Plan (the “UHOP”) and its redesignation of the Subject Lands from “Low Density Residential 1” to “Low Density Residential 3” within the Ancaster Wilson Street Secondary Plan (the “AWSSP”) in order to permit the development of the Proposal, and to establish a site specific policy to recognize the existing road right-of-way width on the Subject Lands.

[3] City Planning Staff had also recommended approval of amending the Ancaster Zoning By-law No. 87-57 (the “ZBL”) for the Subject Lands from the Existing Residential “ER” Zone, to Holding Residential Multiple “H-RM2-712” Zone, Modified, in ZBL (Ancaster), to allow the construction of the proposal.

[4] City Council adopted the OPA and Zoning By-law Amendment (the “ZBLA”) at its February 10, 2021 meeting subsequent to City Planning Committee approval January 12, 2021.

[5] The Appellant appealed the decision of City Council to the Tribunal under s. 17(24) and s. 34(19) of the *Planning Act* (the “Act”).

[6] The Applicant also applied to the City’s Committee of Adjustment (the “C of A”) for 3 consent approvals to facilitate the proposal.

[7] The C of A approved the Applicant's consent applications with conditions on March 4, 2021.

[8] The Appellant appealed the decisions of the C of A to the Tribunal under s. 53(19) of the *Act*.

### **THE CASE MANAGEMENT CONFERENCE (the "CMC")**

[9] The Tribunal held this first CMC in accordance with s. 15 of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4. The Tribunal noted the City had provided the Affidavit of Service electronically dated August 4, 2021 to all names and addresses on the mailing list provided. The Tribunal marked the Affidavit of Service as Exhibit 1.

[10] Ms. Meader, counsel for the Applicant, informed the Tribunal that her firm has been duly retained by the City and the Applicant, as their interests are in line with one another.

[11] Mr. MacLeod was present representing the Appellant (the "AVHC"), an incorporated not-for-profit organization.

[12] Mr. MacLeod informed the Tribunal that the Appellant intends on self representing and has terminated its previous retention of counsel (as was provided in writing by Alex Ciccone, the Appellant's former counsel).

[13] The Member asked Mr. MacLeod if the organization has delegated authority to Mr. MacLeod to speak on its behalf. To which Mr. MacLeod responded yes. The Member further inquired if AVHC's Minutes were provided to the Tribunal with resolutions indicating Mr. MacLeod's authority to speak for the Appellant, and if not please have them forwarded to the Tribunal's Case Coordinator. Mr. MacLeod agreed to have AVHC forward the Minutes documenting his authority to speak on its behalf.

[14] 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**

[15] 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.

[16] The Parties were agreeable to the DPO provided in principle and with Issues List provided as Attachment 2. Counsel indicated that through ongoing discussions and anticipated witnesses to be called, the Parties believed that a three-day hearing would be required to hear the merits.

[17] The Tribunal canvassed the room if discussions had occurred amongst Parties to further narrow the Issues List.

[18] Counsel responded that continual dialogue and ongoing discussions has been occurring between Parties and thus far has been quite positive. Mr. MacLeod had identified some minor corrections required and the Parties were amicable to refine and narrow issues where possible and were willing to provide a final revised DPO within a week or two, if afforded the ability to do so by the Tribunal. However, jointly the Parties preferred to have the hearing date set to adequately provide dates for their final submission of the DPO.

## MEDIATION

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

[20] The Parties again indicated they have had positive and amicable discussions thus far, however, they were in agreement that at this time, mediation was not likely, although it has not been entirely ruled out and ongoing discussions may ignite some renewed interest. 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

[21] 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 three days.

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

## ORDER

[23] The Tribunal orders a hearing by video scheduled to commence at **10 a.m.** on **Wednesday, December 15, 2021** for **three (3) days**, as follows:

<https://global.gotomeeting.com/join/503030965>  
Access Code: 503-030-965

[24] 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.

[25] 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://app.gotomeeting.com/home.html) or a web application is available:

<https://app.gotomeeting.com/home.html>.

[26] 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 as indicated above.

[27] 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.

[28] **Two 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.

[29] The Parties shall provide at least 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.

[30] Post the Meeting of the experts, the Member may be spoken to, if required, through correspondence received through the Case Coordinator.

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

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

*"M. Russo"*

M. RUSSO  
MEMBER

**Ontario Land Tribunal**

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

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