



Released by Council on April 24, 2024
CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division

and

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
General Manager's Office

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2024
SUBJECT/REPORT NO:	Appeal to the Ontario Land Tribunal (OLT-22-004759) for Lands Located at 405 James Street North, for Official Plan Amendment (UHOPA-21-014) and Zoning By-law Amendment Applications (ZAC-21-031) (LS23012(b)/ PED24059) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Patrick MacDonald (905) 546-2424 Ext. 4708 Anita Fabac (905) 546-2424 Ext. 1258
SUBMITTED BY: SIGNATURE:	Lisa Shields, City Solicitor Legal and Risk Management Services
SUBMITTED BY: SIGNATURE:	Steve Robichaud Acting General Manager Planning and Economic Development Department

Discussion of this Confidential Report in closed session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the Ontario Municipal Act, 2001:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board
- The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

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RATIONALE FOR CONFIDENTIALITY

This report is confidential, and it is recommended that it remain so because it speaks to litigation, and related negotiations, before the Ontario Land Tribunal (OLT) and provides advice that is subject to solicitor-client privilege, litigation privilege, and settlement privilege.

RATIONALE FOR MAINTAINING CONFIDENTIALITY

Public disclosure of this report may prejudice the City in the litigation before the OLT and negotiations related to that litigation.

RECOMMENDATION (CLOSED SESSION)

- (a) That the City Solicitor and the Director of Planning and Chief Planner be directed to negotiate the official plan and zoning by-law amendments to implement the Revised Plan, subject to Council's endorsement of the Revised Plan, in principle, attached as Confidential Appendix "A" to Report LS23012(b)/PED24059;
- (b) That Legal and Risk Management Services and the City's external legal counsel be directed to support the Revised Plan and any official plan amendment and zoning by-law amendment negotiated consistent with recommendation (a) of this Report LS23012(b)/PED24059 before the Tribunal and to support or supplement any evidence and argument advanced by the Applicant;

RECOMMENDATION (OPEN SESSION)

- (a) That the directions to staff in Closed Session respecting Report LS23012(b)/PED24059 be approved;
- (b) ***That Council endorse the Revised Plan, in principle, attached as Revised Appendix "A" to Report LS23012(b)/PED24059;***
- (c) That closed session recommendations (a) and (b) and ***Revised*** Appendix "A" to Report LS23012(b)/PED24059, ***be released publicly***; and,
- (d) That the balance of Report LS23012(b)/PED24059 remain confidential.