

CITY OF HAMILTON

M O T I O N

Council: September 12, 2018

MOVED BY COUNCILLOR T. JACKSON.....

SECONDED BY COUNCILLOR.....

Request for review of decision of the Local Planning Appeal Tribunal in Case No. PL171270 for a zoning by-law amendment for lands located at 952-954 Concession Street (Ward 6)

WHEREAS in a decision dated August 16, 2018, the Local Planning Appeal Tribunal granted the appeal of Sammani 786 Inc. from the failure of Council to make a decision on its application for an amendment to City of Hamilton Zoning By-law 6593 to permit the renovation of an existing commercial building to accommodate a veterinary practice on the ground floor and to construct a second storey for three new residential apartment units;

WHEREAS at its meeting on November 22, 2017, City Council approved a direction to Legal staff to oppose Sammani 786 Inc.'s appeal before the Local Planning Appeal Tribunal;

WHEREAS the City appeared at the Local Planning Appeal Tribunal hearing in opposition to the applicant; and

WHEREAS Section 35 of the *Local Planning Tribunal Act, 2017*, S.O. 2017, c.23, Sched. 1, states the Local Planning Appeal Tribunal may review, rescind, or vary any decision or order made by it in according with Tribunal's rules;

THEREFORE BE IT RESOLVED:

- (a) That City staff proceed with filing a request to review the decision of the Local Planning Appeal Tribunal in this matter under Section 35 of the *Local Planning Appeal Tribunal Act, 2017*;
- (b) That the City Solicitor be directed and authorized to take any steps necessary to make the request for review, including submissions to and appearing before the Local Planning Appeal Tribunal; and
- (c) That the City Solicitor be authorized to retain such External Consultants as may be necessary to provide expert advice and evidence to the Local Planning Appeal Tribunal respecting the request for review and any subsequent rehearing, and the amount required to retain any such external consultants be funded through the Tax Stabilization Reserve, account 110046.