




Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 20, 2021
SUBJECT/REPORT NO:	Update re: Local Planning Appeal Tribunal Case No. LC200004 (271 Bay St. N, 107 Stuart St. & 34-36 Tiffany St.) (LS21017) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Patrick MacDonald (905) 546-2424 Ext. 4708
SUBMITTED BY:	Michael Kyne Acting City Solicitor Legal and Risk Management Services
SIGNATURE:	

COUNCIL DIRECTION

Not applicable.

INFORMATION

On April 14, 2021, the Local Planning Appeal Tribunal (the “Tribunal”) issued an order granting the City’s motion to dismiss, without a full hearing, an application for compensation in Case LC200004 (the “Order”).

The claim was started with the Tribunal in January 2020 by the White Star Group of Companies (“White Star”) related to the lands known municipally as 271 Bay Street North, 107 Stuart Street, and 34-36 Tiffany Street (the “Subject Lands”). White Star’s claim was filed pursuant to the *Expropriations Act* (the “Act”), seeking compensation in the amount of \$32,893,970.

On June 18, 2020, the City filed a notice of motion to dismiss White Star’s claim without a full hearing on the basis that it did not meet the statutory requirements of the Act. The Tribunal eventually converted the matter into a motion in writing, for which both the City and White Star filed written submissions in October and November 2020.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

The Tribunal's Order accepts the City's arguments in granting the motion to dismiss, which were primarily based on the uncontested facts that none of the Subject Lands have been expropriated and that the City has undertaken no construction that could have impacted the Subject Lands.

The Order references and relies upon a 2013 decision of the former Ontario Municipal Board dealing with a similar set of historical facts and the same geographic area, regarding the property known municipally as 12 Tiffany Street.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Decision of the Local Planning Appeal Tribunal dated April 14, 2021