

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 16, 2021

CASE NO(S): PL180302

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Knightstone Capital Management II Inc.
Subject:	Application to amend Zoning By-law No. 05-200 - Refusal or neglect of City of Hamilton to make a decision
Existing Zoning:	Downtown Multiple Residential (TOC1, H63)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit the institutional student resident development
Property Address/Description:	1190 Main Street West et al
Municipality:	City of Hamilton
Municipality File No.:	ZAC-17-065
OLT Case No.:	PL180302
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OLT Case Name:	Knightstone Capital Management II Inc. v. Hamilton

Heard: December 9, 2020 by telephone conference call

APPEARANCES:

Parties

Counsel

Knightstone Capital Management II Inc.	David Bronskill
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City of Hamilton	Patrick MacDonald
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Concerned Residents of Westdale	Nancy Smith
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DECISION DELIVERED BY G.C.P. BISHOP AND ORDER OF THE TRIBUNAL

[1] On consent of the parties, the Tribunal scheduled this Telephone Conference Call (“TCC”) to consider a settlement on the matter. On the morning of this call, the Tribunal was informed, by email, that there had been an issue arising at the last minute. The Tribunal convened this hearing event to listen to the parties and give direction on moving this matter forward.

[2] All parties expressed their desire to overcome this hurdle and requested a further TCC to present a settlement or to schedule a hearing date to deal with the remaining issue.

[3] This Member gave direction to the parties that he would stay seized of the matter only if a settlement is reached and the parties were directed to supply the case coordinator with the settlement and an Affidavit from the planner of their choosing so this matter can be completed in writing. If the negotiations failed, the case coordinator would be contacted to schedule a further TCC to arrange scheduling for a hearing on the merits. In this case this Member will not be seized of the next event nor the hearing on the merits.

[4] From the conversation, the Member expected a quick resolution of the issue and expected a settlement in short order. This was not the case and with the passing of approximately eleven (11) months from the date of this TCC the Tribunal Member has now been notified that the issue has been resolved.

[5] The parties are now ready to proceed with a settlement hearing. Under the circumstances, the Tribunal, on its own initiative, has converted this settlement event from a written hearing to a settlement hearing, by TCC, to commence on **Wednesday, December 15, 2021** at **9 a.m.** for **one day**.

[6] Individual(s) are directed to **call 416-212-8012 or Toll Free 1-866-633-0848** on the assigned date at the correct time. When prompted, **enter the code 4779874#** to be connected to the call. It is the responsibility of the person(s) participating in the call to ensure that they are properly connected to the call and at the correct time. Questions

prior to the call may be directed to the Tribunal's Case Coordinator having carriage of this case.

[7] The Member hereby rescinds the direction given to the parties at the TCC on December 9, 2020 and directs the settlement event to be completed by way of TCC as stated above.

[8] The Tribunal also directs the parties to supply other parties and the Tribunal a copy of the settlement, the necessary Affidavit from the planner(s) of their choosing, along with a copy of the proposed Zoning By-law Amendment and supporting materials by end of day on **Wednesday, December 8, 2021**, to allow the assigned Member some time to review the settlement prior to the settlement hearing.

[9] No further notice is required.

"G.C.P. Bishop"

G.C.P. BISHOP
VICE-CHAIR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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