

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 05, 2026

CASE NO(S):

OLT-25-000782

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant:
Subject:

2691893 Ontario Inc.
Request to amend the Official Plan –
Failure to adopt the requested amendment

Description:

To permit the development of a mixed use
building

Reference Number:

UHOPA-25-009

Property Address:

442, 450, 454 and 462 Wilson Street E

Municipality/UT:

City of Hamilton

OLT Case No.:

OLT-25-000782

OLT Lead Case No.:

OLT-25-000782

OLT Case Name:

2691893 Ontario Inc. v. Hamilton (City)

Heard:

January 30, 2026 by video hearing

APPEARANCES:

Parties

Counsel

2691893 Ontario Inc.

Ira Kagan
Sarah Kagan

City of Hamilton

Patrick MacDonald

Dan & Rita Faulkner

Meredith Baker

**MEMORANDUM OF ORAL DECISION DELIVERED BY KURTIS SMITH ON
JANUARY 30, 2026 AND ORDER OF THE TRIBUNAL**

[1] This was the first Case Management Conference (“CMC”) held in relation to the appeal filed by 2691893 Ontario Inc. (“Appellant”) against the failure of the Council of the City of Hamilton (“City”) to make a decision on the application to amend the official plan to permit a maximum building height of seven stories on the Subject Lands municipally known as 442, 450, 454, and 462 Wilson Street in the City (“Subject Lands”).

[2] The proposed development would see the construction of a mixed-use building ranging between three to seven storeys containing 158 residential units.

[3] The Appellant and Subject Lands have previously been before the Tribunal in relation to the proposed development under Tribunal File No. OLT-22-004156. In short, the Tribunal approved the revised development (“Settlement”) in September of 2023 approving a Zoning By-law Amendment (“ZBA”) and Official Plan Amendment (“OPA”). At the time of the Settlement, the City’s Official Plan permitted heights of 8 stories for the Subject Lands. Therefore, the approved OPA did not include policies regarding height. Subsequent, to the approval of the Settlement, Bill 150 was given royal assent, removing the policies permitting the maximum height of 8 storeys. Thus, the Appellants filed an OPA application with the City, which is the appeal that is before the Tribunal today.

[4] The Tribunal received and marked the Affidavit of Service of the Notice of CMC sworn by Christopher J. Drew as **Exhibit 1**. There were no issues with the service of the Notice of the CMC, and as such, no further notice is required.

STATUS REQUESTS

[5] Prior to the commencement of the CMC, the Tribunal received 26 Participant status requests (**Attachment 1**) and one Party Status request.

[6] Mr. Kagan, Counsel for the Appellant communicated to the Tribunal that he reviewed each request and consented only to those that provided their municipal address or was able to confirm their address to be within 1 kilometer (“km”) of the proposed development. He communicated that the 1 km “cut-off” that he imposed is to scope the participants proximity to the Subject Lands.

[7] Mr. MacDonald, Counsel for the City has no objections to the Participant status requests and further communicated that he is unaware of any authority that imposes such a restricted geographical limit on Participant status, being 1 km. He further stated the Appellant can consider the Statements through submissions and the Tribunal can assess the weight given to the statements.

[8] The Participant status requests generally relate to the existing character of the neighbourhood, traffic (parking, pedestrian, cyclist), shadow and overlook. The Tribunal granted the 26 Participant status requests (**Attachment 1**) as they are within proximity to the Subject Lands and a direct interest in the appeal.

[9] Both Mr. Kagan and Mr. MacDonald consent to the Party Status request of Mr. Dan and Mrs. Rita Faulkner (“Faulkners”), whom are represented by Meredith Baker. The Faulkner’s are adjacent neighbours to the Subject Lands and submitted their concerns of privacy and overlook, shadow and sunlight, traffic, driveway access, noise and light, landscaping and trees. The Tribunal granted the Faulkner’s Party Status.

SECOND CASE MANAGEMENT CONFERENCE SCHEDULED

[10] The Parties requested that a second CMC be scheduled in late March for the purpose of reviewing and approving a Draft Procedural Order (“DPO”) and Issues List (“IL”), and to schedule the hearing of the merits.

[11] The Tribunal scheduled the second CMC to commence on **Monday, March 23, 2026, at 10 a.m.** and further directed that the City and Faulkners to provide their IL and

potential number of witness' along with their areas of expertise to the Appellant on or before **Friday, March 13, 2026**. Further, that the Appellant provide the DPO and IL to the Tribunal by **Thursday, March 19, 2026**.

[12] Parties and Participants are asked to log in to the event at least **15 minutes** before it begins to test their video and audio connections:

GoTo Meeting: <https://global.gotomeeting.com/join/765631861>

Access code: 765-631-861

[13] 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 [GoTo Meeting](#) or a web application is available:

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

[14] Persons who experience technical difficulties accessing the GoTo Meeting application or who only wish to listen to the event can connect to it by calling in to an audio-only telephone line: **+1 (647) 497-9391 or (Toll Free) 1-888-455-1389**. The access code is: **765-631-861**.

[15] 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 event to ensure that they are properly connected at the correct time. Questions prior to the event may be directed to the Tribunal's Case Coordinator.

ORDER

[16] **THE TRIBUNAL ORDERS** as directed above and as follows:

- a. The individuals listed on **Attachment 1** are hereby granted Participant Status;

- b. Dan and Rita Faulkner are hereby granted Party Status;
- c. That a second Case Management Conference is Scheduled for **Monday, March 23, 2026**, at **10 a.m.** by Video Hearing as set out above;
- d. The draft Procedural Order and Issues List is to be submitted to the Tribunal on or before **Thursday, March 19, 2026**; and
- e. The Member is not seized but may be contacted through the Case Coordinator should procedural issues arise.

“Kurtis Smith”

KURTIS SMITH
MEMBER

Ontario Land Tribunal

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

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment 1 – Participant Status

- 1) Aimee Frketich
- 2) Alexa Jaytunge
- 3) Andrea McArthur
- 4) Anuka Jayatunge
- 5) Bob Maton
- 6) Brad Davis
- 7) Catherine Neville
- 8) Cynthia Watson
- 9) Darren Earl
- 10)Dianne Auty
- 11)Harry Skinner
- 12)Jennifer Davis
- 13)Jim Enos
- 14)John Sibley
- 15)Julie Palmese
- 16)Lori Dale
- 17)Margaret MacMillan
- 18)Matt Coultres
- 19)Patricia Cole-Stever
- 20)Paul Stever
- 21)Richard Parascandalo
- 22)Rose Beraldo
- 23)Rowen Baker of the Ancaster Village Herritage Community
- 24)Ruth Queroub
- 25)Sarah Flis
- 26)Wendi Van Exan