

Wilson Street OLT condominium appeal update – July 31, 2023

On July 27, 2023, the minutes of settlement for the proposed development at the corner of Wilson St and Academy St in Ancaster (the site of the Marr-Philippo house) were signed and registered participants should have received a copy. This means that the City has settled the zoning appeal filed by the applicant, pending review and approval by the OLT at the settlement hearing scheduled for August 1, 2023. Given the changes the Province made to Hamilton's Urban Official Plan in late 2022 (allowing up to 8 story development in the Ancaster Community Node) the City would not have had leverage at the contested hearing. A settlement ensures negotiated items are part of the agreement and avoids the potential cost of the contested hearing which could run into the hundreds of thousands of dollars with negligible odds of success.

It is important to understand that the OLT appeal was only for the zoning changes. The relocation of the Marr-Philippo house was not part of the appeal. The 17 conditions that the City imposed on the developer remain in place. Among other items, these conditions include:

- That a full Building Condition Assessment by a qualified professional Structural Engineer with experience in heritage building be prepared to the satisfaction of the Director of Planning and Chief Planner
- That a signed letter from a Professional Engineer with experience in historic stone structure confirming the feasibility of relocation on the site be submitted to the satisfaction of the Director of Planning and Chief Planner.
- That a signed letter from an experienced building moving company with experience in relocating historic stone buildings be submitted to the satisfaction of the Director of Planning and Chief Planner

Further, you may be aware that a Heritage permit for the house was set to expire on July 31, 2023. I am pleased to report that the permit has been extended for an additional year.

With the permit extension and these development conditions in place, the house remains protected; it can only be moved by satisfying the 17 conditions.

Finally, I'd like to point out that once a development application is appealed to the Ontario Land Tribunal, it becomes a legal matter meaning that deliberations need to occur in closed session so as not to prejudice negotiations. The fact is that the appeal process removes planning matters from the public realm and forces the City to continue negotiations behind closed doors and without public input. Please be aware this is by no means the City's or Council's choice but rather a consequence of the OLT's appeal process.