

WeirFoulds Municipal lawyers represent Losani Homes Ltd. in successful appeal before the Ontario Land Tribunal

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Co-Managing Partner Denise Baker and Associate Narmada Gunawardana, of WeirFoulds' Municipal, Planning and Land Development Practice Group, represented Losani Homes Ltd. (Losani Homes) in a successful appeal before the Ontario Land Tribunal (Tribunal). The Tribunal held an eight-day hearing in which an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) were brought forward under the *Planning Act* with respect to lands known as 1400 South Service Road, located in the City of Hamilton (Site).

Losani Homes sought approval from the City of Hamilton to commence development of two 16-storey residential apartment buildings and two 8-storey residential apartments, in addition to two commercial buildings and a 3-storey office building. The City of Hamilton failed to make a decision on whether or not to approve the OPA and ZBA within the statutory time frames and the applications were therefore appealed to the Tribunal.

The OPA and ZBA were filed to redesignate portions of the land to "Neighbourhoods" for residential use, with other portions retaining their existing "Employment" and "Business Park" designations, and to allow certain zoning permissions on the Site. The key issue in the hearing was on a determination by the Tribunal on whether or not the Site was an employment area as newly defined in the Provincial Planning Statement, 2024 (PPS 2024). Losani Homes argued that the definition of an employment area in the PPS 2024 is essentially the same as a definition of area of employment under the *Planning Act*. Accordingly, as the parties agreed that the Subject Site was not an area of employment under the *Planning Act*, it cannot be an employment area under the PPS 2024. The Tribunal agreed with Losani Homes' position. The Tribunal also preferred the evidence of Losani Homes' witness and the OPA and ZBA appeals were allowed by the Tribunal, permitting the development to proceed on the Site.

To learn more about Denise Baker and Narmada Gunawardana, please visit their respective profile pages.

To learn more about the Municipal Practice Group, [click here](#). To learn more about the Planning & Land Development Practice Group, [click here](#).

