

Ontario Land Tribunal

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Tribunal ontarien de l'aménagement du territoire

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PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	South Hill (Ancaster) Inc.
Subject:	Site Plan
Description:	To permit the development of 59 townhouse units in 10 blocks, private condominium road.
Reference Number:	DA-25-026
Property Address:	509 Southcote Road
Municipality:	Hamilton
OLT Case No.:	OLT-25-000869
OLT Lead Case No.:	OLT-25-000869
OLT Case Name:	South Hill (Ancaster) Inc. v. Hamilton (City)

The Ontario Land Tribunal (the “Tribunal”) will conduct a **Settlement Hearing** by **Written Submissions** for this matter.

The Tribunal’s Rules of Practice and Procedure and Artificial Intelligence Practice Direction can be found at: <https://olt.gov.on.ca/legislation-and-rules/>

This written hearing event is conducted under Rule 21 of the Tribunal’s Rules. This Rule also sets out how a party may object to the Tribunal conducting this hearing event by written submissions. The objecting party shall set out details of its claims that there is a good reason for not holding the hearing event in written form **within 10 days of the date of this notice** and may refer to the matters set out in Rule 21.2 of the Tribunal’s Rules.

WRITTEN SUBMISSIONS

The Tribunal directs **South Hill (Ancaster) Inc.** to serve the following documents (the “filing submissions”) upon each person listed on the enclosed **Schedule A** to this notice:

- All affidavits and submissions outlined in the Tribunal’s Rule 21.3(a); and
- Draft order(s), including instrument(s) to be approved, if applicable.

Evidence in a written hearing must be by affidavit, in accordance with Rule 21.4, and any documents filed shall be attached to an affidavit of a person having personal knowledge of the document.

The Tribunal further directs that a copy of these filing submissions be served in accordance with the Tribunal's Rules, which require that the filing submissions be served **within 30 days from the date of this notice**.

The Tribunal will require a sworn affidavit from the witness(es) that will give evidence at the Settlement Hearing, addressing the matters the Tribunal must consider in making its decision. The affidavit must be submitted to the Tribunal **at least 5 days before** the Settlement Hearing date.

SUBMISSION REQUIREMENTS

If a person intends to refer to a document at the Settlement Hearing that is not in the Tribunal's case file, the document is expected to be pre-filed electronically with the Tribunal **at least 10 days before** the date of the Settlement Hearing, unless another filing date is specified in the Tribunal's Rules. All pre-filed documents shall be served on the other parties electronically. All contact information is included in **Schedule A** to this notice.

The Tribunal's AI Practice Direction requires a party, participant, or witness to include a declaration within each submitted document if generative AI was used to create or generate content. Informing the Tribunal and the other parties of the use of generative AI within any submitted documents, will ensure that documents created using AI receive sufficient scrutiny of their accuracy and will not result in any adverse inference by the Tribunal.

Submissions larger than 30MB must be transferred to the Tribunal's Case Coordinator using an electronic file sharing service. Please see **Schedule B** for further submission requirements.

DUTY TO REVIEW THE TRIBUNAL RULES OF PRACTICE AND PROCEDURE

Parties are expected to familiarize themselves with the Tribunal's AI Practice Direction and Rules, including but not limited to the excerpted Rules included in **Schedule C** to this notice.

FURTHER DIRECTIONS

Tribunal proceedings are open to the public and all documents filed in a proceeding will be included in the Tribunal's public file (except those documents that may be deemed confidential in accordance with the Ontario Land Tribunal's Rule 22).

The Tribunal shall issue a disposition following the Settlement Hearing that will set out the directions of the Tribunal. A copy of this decision may be obtained from the Tribunal's website (<https://olt.gov.on.ca/decisions/>) by referencing the above case number.

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible by emailing OLT.COORDINATOR@ontario.ca. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance.

Pour recevoir des services en français, veuillez communiquer avec la Tribunal au 1-866-448-2248/(416) 212-6349 ou OLT.COORDINATOR@ontario.ca.

For general information concerning the Tribunal, visit our website at <https://olt.gov.on.ca> or you may contact the Tribunal's offices at 1-866-448-2248 or local (416) 212-6349.

DATED at Toronto, this 30th day of, 2026.

Matthew D.J. Bryan
Registrar

SCHEDULE A

Please provide materials electronically to the assigned Tribunal Case Coordinator **Jessica Hampton** at Jessica.hampton@ontario.ca.

On the same day that documents are submitted to the Tribunal, electronic copies are to be submitted to:

South Hill (Ancaster) Inc., Patrick Harrington	pharrington@airdberlis.com
City of Hamilton, Melanie Benedict	melanie.benedict@hamilton.ca

SCHEDULE B

INSTRUCTIONS FOR ELECTRONIC PRE-FILING SUBMISSIONS

Submission requirements to organize the hearing event

If a person intends to refer to a document at the hearing event (for clarity, any document that is not in the Tribunal's case file), it is expected to be pre-filed electronically with the Tribunal at **least ten (10) days before** the date of the hearing event and provided to all parties. The deadline applies unless otherwise specified in the Rules.

Submission emails **under 30MB** in size may be emailed directly to the assigned Tribunal Case Coordinator. Emails **larger than 30MB** must be transferred to the Tribunal's Case Coordinator using an electronic file sharing link/service to avoid sending documents across multiple email parts. Where appropriate, documents are to be submitted in .pdf format.

Naming convention

To assist the Tribunal and the adjudicator during the event, it is important that all submissions are **paginated and labelled appropriately** to clearly identify the content of each document. Where a document contains numerous sections, each section is to be indexed to a table of contents.

Additionally, clearly identify and separately tab the relevant sections that will be relied upon for quicker reference. The entirety of the policy documents (e.g. the PPS, Planning Act, Official Plans, Zoning By-laws, etc.) are not required unless deemed necessary to be presented by the parties or as otherwise directed by the Tribunal.

Parties are asked to adhere to the following naming convention: **case number_party role_ document type_date of hearing event**.

For example: PL123456_Applicant_Notice of Motion_Jan 1, 2020

Please see [Rules 7.1 and 7.2](#) for the standard document submission requirements.

SCHEDULE C

EXTRACTS OF TRIBUNAL RULES OF PRACTICE AND PROCEDURE

RULE 7 - DOCUMENTS, EXHIBITS, FILING, SERVICE

7.1 Form of Documents Unless otherwise directed by the Tribunal, every document filed or introduced by a party or participant in a proceeding before the Tribunal shall be legible and prepared electronically and shall have each page numbered consecutively, throughout the entire text or within tabs, including any graphic content. When a document is directed to be provided as a paper document, the paper document shall be identically numbered as the electronic copy and shall be prepared on letter size paper (8 ½" x 11"), except for large documents such as plans, surveys or maps.

7.2 Other Exhibits Large graphic or other such types of visual evidence should not be glued to foam or other boards. They shall be on paper and be removed from the boards following the hearing event, and folded to 8 ½" x 11". Three-dimensional models must be photographed and the photographs must be introduced with the model. Visual evidence must be reviewed by the other parties before the hearing event or by an earlier date if set out in a procedural order.

7.3 Copies of Documents for Parties and the Municipal Clerk A party who intends to introduce a document as evidence at a hearing event shall provide a copy of the document to all the parties at the beginning of the proceeding or by an earlier date if that is required by the terms of a procedural order or otherwise directed by the Tribunal. If the document is an official plan, those parts of the plan to be referred to at the hearing event should be distributed to the parties, and a copy of the entire plan must be made available to the Tribunal Member(s). If the Tribunal orders that the Municipal Clerk keep copies of documents for public inspection, they do not need to be certified copies, unless a party objects that they are not authentic copies.

7.4 Prefiling of Witness Statements and Reports If the hearing is expected to last more than 5 days, the Tribunal may require that parties calling expert or professional witnesses serve on the other parties any expert witness statements and reports prepared for the hearing, at least 30 days in advance of the commencement of the hearing, unless otherwise directed by the Tribunal. The Tribunal may in its discretion, or at the request of a party, also make this prefiling order for hearings expected to last fewer than 5 days. The expert witness statement must contain:

- a. an executed acknowledgment of expert's duty form (attached to these Rules) and the expert's qualifications;
- b. the issues the expert will address, their opinions on these issues, the reasons that support their opinions and their conclusions; and
- c. a list of the reports or documents, whether prepared by the expert or by someone else, that the expert will refer to at the hearing.

The expert's complete report may be filed instead of this statement if it contains the required information.

An expert may not be permitted to testify if this statement or report is not served on all parties when so directed by the Tribunal.

7.5 Duty of the Expert Witness It is the duty of every expert engaged by or on behalf of a party who is to provide opinion evidence at a proceeding under these Rules to acknowledge, either prior to (by signing the acknowledgment form attached to the Rules) or at the proceeding, that they are to:

- a. provide opinion evidence that is fair, objective and non-partisan;
- b. provide opinion evidence that is related only to the matters that are within the expert's area of expertise;
- c. provide such additional assistance as the Tribunal may reasonably require to determine a matter in issue;
- d. not to seek or receive assistance or communication from any third party, except technical support, while giving oral evidence in examination in chief, while under cross-examination, or while in reply; and
- e. acknowledge that these duties prevail over any obligation owed by the expert to the party by whom or on whose behalf he or she is engaged.

7.6 Other Witnesses The Tribunal may also require that a witness who is not presenting expert evidence provide a witness statement. A witness statement should contain:

- a. a short written outline of the person's background experience and interest in the matter;
- b. a list of the issues that they will discuss; and
- c. a list of reports or materials that they will rely on at the hearing.

The Tribunal may decline to allow the witness to testify if this statement is required by the Tribunal and has not been provided to the other parties.

7.7 Participant Statements A person who wishes to participate in a proceeding as a participant, shall file a written participant statement that sets out their position on the appeal and issues of the proceeding, together with an explanation of their reasons in support of their position. A participant may only make submissions to the Tribunal in writing unless otherwise provided for by an Act or regulation.

7.8 Amendment of Documents Documents filed with the Tribunal can only be amended with the consent of the parties or by order of the Tribunal. The Tribunal may require that the person requesting an amendment do so by way of a motion under Rule 10.

7.9 Copies of Tribunal Documents A person may examine any document, including electronic documents, filed with the Tribunal and copy it after paying the Tribunal's fee, unless a statute, a Court Order, an order of the Tribunal or these Rules provide otherwise.

7.10 Return of Exhibits Exhibits of all types introduced at a hearing will be kept for 180 days after the Tribunal decision issues. The person introducing an exhibit may ask for

its return after this time, and it may be given back if the Tribunal agrees. If no such request is made, the exhibit becomes the property of the Tribunal and may be archived.

7.11 Service by Personal Service or Electronic Service Where any document is required to be served or filed, including the one commencing a proceeding or a motion or providing notice, it shall be served by personal service, registered mail or electronically (unless a statute or the Tribunal requires another method of service) and shall be sent to:

- a. the party's representative, if any;
- b. where the party is an individual and is not represented, to that party directly, where that party has provided an address for service and/or an e-mail address;
- c. where that party is a corporation and is not represented, to the corporation directly, to the attention of an individual with apparent authority to receive the document;
- d. where served on or filed with a local board or commission, or any department, ministry or agency of the federal, provincial or municipal government, to an individual with apparent authority to receive the document; or
- e. where served on or filed with the Tribunal, to the Registrar, or the assigned administrative staff.

Subject to Rule 7.12, if a document is served by e-mail, then service is effective on the date of service.

7.12 If Served Electronically After 4:30 p.m. Any document served electronically after 4:30 p.m. is deemed to have been served on the next business day.

7.13 Proof of Electronic Service A confirmation printout received by the sender is proof of the full transmission and receipt of the electronic service.

RULE 21 - WRITTEN HEARINGS

21.1 Power to Hold Hearing Events by Written Submissions The Tribunal may conduct the whole or any part of a hearing event in writing, unless a party satisfies the Tribunal that there is good reason for not doing so. Notice of a written hearing will be sent only to the known parties and participants.

21.2 How to Object A party who objects to a written hearing shall file and provide a copy of a written objection to the other parties, setting out details of its claim that a written hearing will result in significant prejudice and shall do so within the specified time period.

21.3 Procedure for Exchange of Documents in Written Hearings If no notice of objection is received,

- a. the moving party shall provide to the Tribunal and the other parties copies of its affidavit(s) and submissions within 30 days after the date of the Tribunal's notice of the written hearing, except for settlements under Rule 12. The submissions shall include the reasons for the proceeding, the order requested, any law or authorities relied on and an analysis as to how the law and authorities inform the issues in dispute. The affidavit shall include the facts relied on and the evidence supporting the facts;
- b. the other parties wishing to respond to the submissions shall do so by copy to all parties and the Tribunal within 20 days of the date that the applicant's affidavit and submissions were served. The responding submissions shall include an affidavit of the facts and the evidence relied upon and state if that party has any submissions or evidence on any of the issues raised, if this is the case, and set out the order requested, any law or authorities relied on and an analysis as to how the law and authorities inform the issues in dispute; and
- c. the moving party may reply to the other parties' responses, with a copy to the Tribunal, within 10 days after the date for service of the responses, and the reply shall be limited to any new evidence or issues in the responses that the moving party could not have addressed at the outset of their case.

21.4 Requirement that Evidence be Sworn or Affirmed Evidence in a written hearing must be by affidavit, and any documents filed shall be attached to an affidavit of a person having personal knowledge of the document. The Tribunal may permit evidence to be filed in a different form or in electronic form as approved by the Tribunal upon request of a party.