



## City of Hamilton PLANNING COMMITTEE ADDENDUM

**Meeting #:** 22-007  
**Date:** May 3, 2022  
**Time:** 9:30 a.m.  
**Location:** Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:  
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:  
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

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Pages

### 6. DELEGATION REQUESTS

- \*6.1. Delegations respecting 140 Garner Road East (Item 10.1) (For today's Meeting)
  - (i) Don McLean, Hamilton 350 Committee
  - (ii) Nancy Hurst, Stop Sprawl HamOnt

### 7. CONSENT ITEMS

- \*7.2. Appointment By-law under the Building Code Act, 1992 (PED22099) (City Wide)

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### 10. DISCUSSION ITEMS

- 10.1. Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12)

- \*a. Written Submissions:
- (i) Hailey Van Sickle
  - (ii) Paula Grove
  - (iii) Neal Bonnor
  - (iv) Harriet Woodside
  - (v) Laurel Imeson
  - (vi) Kevin Butter
  - (vii) Dennis and Patricia Baker
  - (viii) Margaret Tremblay
  - (ix) Janice Melnyk
  - (x) Ingrid Harris
  - (xi) Jan W. Jansen
  - (xii) Rick Johnson
  - (xiii) Liz Seymour
  - (xiv) Juanita Lepage
  - (xv) Lyn and Rick Folkes
  - (xvi) Aileen McMilan
  - (xvii) Caroline Fehr
  - (xviii) David Wallis
  - (xix) Yvonne Pigott
  - (xx) Marjorie Middleton
  - (xxi) Erin Davis
  - (xxii) Leanna Nigro
  - (xxiii) Stan Nowak
  - (xxiv) Liz Koblyk
  - (xxv) Marlene Cameron
  - (xxvi) Lisa Hutchinson
  - (xxvii) Gudrun Boehm-Johnson
  - (xxviii) Kathy ROUNG
  - (xxix) Peter Appleton
  - (xxx) Michael Gill
  - (xxxi) Cindy Jenkins
  - (xxxii) Jeff Smith
  - (xxxiii) Teodora Filipova
  - (xxxiv) Enrico and Julie Palmese
  - (xxxv) Patricia Cole-Stever
  - (xxxvi) Miriam Sager
  - (xxxvii) Joanne and Ron Palangio
  - (xxxviii) Lynn Nielsen
  - (xxxix) Daniel Coleman
  - (xl) Craig Cassar
  - (xli) Joyce Smith
  - (xlii) Bruna Nota


(xliii) Nancy Hurst  
(xliv) Akira Ourique  
(xlv) Steve and Annette van der Woerd  
(xlvi) Marie Covert  
(xlvii) John Geerts  
(xlviii) Barbara Davis  
(xlix) Aleda O'Connor  
(l) Chris and Gene Fitzpatrick  
(li) Liz Rabishaw  
(lii) Cynthia Bernstein  
(liii) Colin Seymour  
(liv) Carmel Mothersill  
(lv) Anne Washington  
(lvi) Marilyn Marchesseau  
(lvii) Linda Hughes  
(lviii) Heather Vaughan  
(lix) Carolyn VanHoevelaak  
(lx) Janet O'Sullivan  
(lxi) Louise McCann  
(lxii) Sarah Filice  
(lxiii) Gord McNulty  
(lxiv) Dorothy McIntosh  
(lxv) Peggy McKeil  
(lxvi) Carolanne Forster  
(lxvii) Virginia L. Gibson  
(lxviii) Lynn M. Gates  
(lxix) Adan Amer  
(lxx) Susan Borghese  
(lxxi) Eileen Booty  
(lxxi) Janice Locke  
(lxxii) Michael Gill

**14. PRIVATE AND CONFIDENTIAL**

- \*14.2. Appeal to the Ontario Land Tribunal (OLT) for Refusal of an HCA Permit for Lands Located at 140 Garner Road East (Ancaster) (OLT-21-001567) (LS22020/PED22096(a)) (Ward 12)
- Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Building Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 3, 2022
<b>SUBJECT/REPORT NO:</b>	Appointment By-law under the <i>Building Code Act, 1992</i> (PED22099) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jorge M. Caetano (905) 546-2424 Ext. 3931
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the draft By-law attached as Appendix "A" to Report PED22099, respecting the appointment of a Chief Building Official, Deputies and Inspectors, which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted; and
- (b) That By-law 22-041, being a by-law respecting the Appointments of a Chief Building Official, Deputies and Inspectors be repealed.

### EXECUTIVE SUMMARY

The attached By-law is required to appoint the new Chief Building Official in accordance with section 3 of the *Building Code Act, 1992*. This is due to the retirement and hiring of a new Director within the Building Division.

### Alternatives for Consideration – Not Applicable

### FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not applicable.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Appointment By-law under the *Building Code Act, 1992* (PED22099)  
(City Wide) - Page 2 of 2**

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Staffing: Not applicable.

Legal: The recommendation has no legal implications.

### **HISTORICAL BACKGROUND**

The Council of the City of Hamilton must appoint a Chief Building Official, Deputy Chief Building Officials and Inspectors for the purpose of enforcement of the *Building Code Act, 1992*. The attached By-law reflects staff changes within the Building Division and will replace the existing By-law 22-041.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Approval of this recommendation will not alter or contravene any City Policy or legislated requirements.

### **RELEVANT CONSULTATION**

Legal Services has been consulted.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The proposed By-law reflects a staff change due to the retirement and hiring of a new Director within the Building Division since By-law 22-041 came into effect. All persons named under the By-law have achieved the required qualifications as mandated by the *Building Code Act, 1992*.

Additionally, all of By-law 22-041 is being replaced for ease of reference.

### **ALTERNATIVES FOR CONSIDERATION**

Not applicable.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22099 – Proposed Appointment By-law

**Authority:** Item , Planning Committee  
Report  
CM:

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. 22 -**

**Respecting**

**THE APPOINTMENTS OF A CHIEF BUILDING OFFICIAL,  
DEPUTIES AND INSPECTORS AND TO REPEAL BY-LAW 22-041**

**WHEREAS** section 3 of the *Building Code Act, 1992*, S.O. 1992, c. 23 (the "*Building Code Act, 1992*") provides for the appointment of a Chief Building Official and Inspectors, and section 77 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Schedule F. (the "*Legislation Act, 2006*") provides for the appointment of Deputies;

**AND WHEREAS** section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*") authorizes a municipality to delegate its powers and duties;

**AND WHEREAS** Council deems it necessary to provide for the appointment of a Chief Building Official, Deputy Chief Building Officials, to assist in carrying out the duties of the Chief Building Official, and Inspectors;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. (a) The following person is appointed Chief Building Official and Inspector for the purposes of the *Building Code Act, 1992*:  
  
Alan Shaw
- (b) The Chief Building Official has all the power and duties of such office assigned by statute and under by-laws of the City of Hamilton, including any by-law of the former area municipalities comprising the City that remains in force.
2. (a) The following persons are appointed Deputy Chief Building Officials and Inspectors for the purposes of the *Building Code Act, 1992*:
  - (i) Jorge M. Caetano;
  - (ii) Bob Nuttall;

- (iii) Dio Ortiz, P. Eng.; and
  - (iv) Wai Shing George Wong
  - (b) As directed by the Chief Building Official or when the Chief Building Official is absent, the Deputies listed in subsection (a) may perform and have all the powers and duties of the Chief Building Official.
  - (c) For the purposes of this section, "absent" includes when the Chief Building Official is ill or unavailable for any reason, or when the office is vacant.
3. The Chief Building Official is authorized to carry out the administrative function of appointing Inspectors, including the function of revoking such appointments, under section 3 of the *Building Code Act, 1992*, subject to the following conditions:
- (a) the Chief Building Official maintains an up-to-date list of Inspectors; and
  - (b) prior to their appointment, each candidate for appointment hold the necessary legislated qualifications for an Inspector.
4. The appointments made under the authority of this by-law shall terminate at the earliest of one of the following dates:
- (a) the date the person appointed ceases to be an employee of the City of Hamilton;
  - (b) the date this by-law is repealed or amended to delete the person's name from the by-law; or
  - (c) the date the person's name is deleted from the list of Inspectors maintained by the Chief Building Official under section 3 of this by-law.
5. City of Hamilton By-law No. 22-041 is repealed.
6. This by-law comes into force on May 30, 2022.

**PASSED** this                      day of                      , 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



**From:** Hailey Van Sickle  
**Sent:** Sunday, May 1, 2022 4:26 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** 140 Garner Rd E

Hi there,

Can my letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to **140 Garner Rd E**, Ancaster.

I, whole heartily support the HCA's denial of permit to the developers. We are rapidly expanding our urban footprint and it is affecting our lands in a negative way. Why would you want to pave over a marsh that contains such an important ecosystem? Two different appeals is unfair to our marsh defenders and HCA's. Residents of the area need to be notified on this matter so they can be apart of the OLT appeals. This application is over 3 years old and the ownership of the land has changed and the concerns of the city fell on deaf developer ears. A no urban expansion has been voted on by residents and should be upheld! Lastly, this entire thing needs to be stopped as the city has declared a "climate emergency" since the original application - this should speak enough for itself!

Thank you,  
Hailey Van Sickle

**From:** P Grove  
**Sent:** Sunday, May 1, 2022 4:30 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Planning Committee

Hello

I would like this letter to be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I would like to ask that the City of Hamilton Planning Committee do everything in it's power to support the protection of the HCA (and indeed all of our green spaces and surrounding wetlands).

I ask that the city support the HCA's denial of a permit to the developers who want to appeal a decision regarding 140 Garner Rd East.

Also, please make sure that the process going forward remains entirely transparent to the public and to those living in the vicinity of the proposed development.

I feel that this very late appeal to the previous decision is cynical and done in poor faith. I would like to see our City doing whatever you can to prevent this appeal from succeeding. When our green spaces and wetlands are gone, they're gone. They are our greatest and most precious resource. Please defend them.

Thank you.  
Kind regards,  
Paula Grove  
Hamilton

**From:** Neal Bonnor  
**Sent:** Sunday, May 1, 2022 4:35 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** 140 Garner Rd E, Ancaster

Ms Kelsey,

Please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Specifically, I ask that the city planning committee to do the following:

- formally support the Hamilton Conservation Authority (HCA)'s denial of a permit to the developers;
- oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA;
- oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster Creek;
- ensure all nearby residents know about and can apply to be part of the Ontario Land Tribunal (OLT) appeal[s];
- tell the OLT the earlier development application was abandoned and can't be appealed because:
  - the application is over three years old (over 1300 days from application to filing the appeal);
  - since the application, the ownership of the land has changed;
  - since the application, Committee of Adjustment has severed the property into two parcels;
  - the extensive city concerns about the application were not answered by the developers;
  - the public has been excluded from commenting on the new development proposal;
  - the city has declared a climate emergency since the original application;
  - the city has protected food lands by a no urban boundary expansion decision.

Thanks,  
Neal Bonnor

**From:** Harriet Woodside  
**Sent:** Sunday, May 1, 2022 4:36 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Re:140 Garner Rd East, Ancaster

To the City of Hamilton Planning Committee,

Please add this letter to the public record for item 10.1 of the May 3, 2022 Planning Committee Agenda.

I am opposed to AIMCo's appeal to overturn the Conservation Authority's denial of their plan to pave Garner Marsh.

While there are many reasons why I feel you should deny this appeal, I'll focus on my concern that people near the land under dispute, and all of us, have not had enough time to inform themselves/ourselves and apply to be part of the OLT appeal. There has been a great deal of citizen support to maintain the Garner Marsh area in its current state. What kind of democracy do we live in if those affected and concerned are not able to take part in the appeal process? This feels like manipulation to me.

I'm counting on the Planning Committee to consider the importance of hearing all sides of this debate and to not be bulldozed, and I do mean bulldozed, by business people.

Thank you.

Harriet Woodside

**From:** Laurel Imeson  
**Sent:** Sunday, May 1, 2022 4:40 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** 140 Garner Rd

Hello,

I ask that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

We must save all wetlands in Ontario including the Garner Marsh. I call on the city planning committee to do the following:

Formally support the HCA's denial of a permit to the developers. This was the correct decision in the first place.

Oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA

Oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek

Ensure all nearby residents know about and can apply to be part of the OLT appeal[s]

Tell the OLT the earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

Sincerely,  
Laurel Imeson

From: Kevin Butter  
Sent: Sunday, May 1, 2022 4:42 PM  
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
Subject: Regarding saving farms

To whom it may concern.

I'm a 5th generation farmer in the Ancaster area. I've watched duff corners Tilden into Upper James, the meadowlands turn into an absolute traffic mess. The infrastructure can not handle any more development!!! What will your grand children eat what will the environment be like in 70 years. Let that sink in. I miss the small town atmosphere I grew up with. I'm at the point of leaving. So if you drive all the local farmers away what are you left with. If you want a Toronto in Hamilton good luck and send out the info so we can vacate. Please think of the future not tomorrow but 10 years from now. Thanks for taking the time to read this. We don't need any more industrial parks but not corn fields and less stop lights !!

**From:** Dennis/Patricia Baker

**Sent:** Sunday, May 1, 2022 5:20 PM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** Item 10.1, May 3 2022 Planning Committee Agenda re. 140 Garner Rd E, Ancaster

Dear Ms Kelsey, would you please add my comments below to the public record for item 10.1, May 3,2022 Planning Committee Agenda with respect to 140 Garner Rd. E, Ancaster.

As long time members of the Hamilton Conservation Foundation we would like the city planning committee to support the HCA in denying a permit to the developers wishing to build a warehouse on this land.

We do not understand how the two appeals can be consolidated - the earlier application is over three years old and was abandoned, ownership has changed and the property now consists of two parcels. None of the city's concerns were replied to by the developers which we find insulting to the city. The public has not been allowed to comment on the latest proposal by the developers. Please ensure these comments are relayed to the OLT.

The city has decided to freeze the urban boundary and this flies application flies in the face of that decision. OLT must be made aware of this and that Hamilton has also declared a climate emergency. We need as much of our wetlands as possible to cope with this emergency. This proposal will have a disastrous impact on the headwaters of Ancaster Creek and the surrounding area.

Yours truly,  
Dennis and Patricia Baker

**From:** Margaret Tremblay  
**Sent:** Sunday, May 1, 2022 5:25 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Item 10.1 Apr.28, 2022 Planning Committee Agenda re 140 Garner Rd. E Ancaster

Dear Ms Kelsey,

I would like to ask that my letter be added to the public record for item 10.1 of the Apr.28, 2022 Planning Committee Agenda re 140 Garner Rd. E. Ancaster.

I respectfully request that the consolidation of the two appeals by developers, ie HCA's permit denial and the city of Hamilton's failure to render a decision be opposed. Since the development application was abandoned, it cannot be appealed as it is over three years old. I am also very concerned that the city's concerns about the application were not answered by the developers and that the public is effectively excluded from commenting on the new development proposal. Hamiltonians have a right to conduct public consultation on a matter affecting the headwaters of Ancaster Creek, a right that is being taken away by this consolidation of the developers' appeals. The city needs to ensure that residents near the affected area can apply to the Ontario Land Tribunal appeals.

Respectfully,  
Margaret Tremblay



From: Janice Melnyk  
Sent: Sunday, May 1, 2022 5:42 PM  
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
Subject: SAVE OUR WETLANDS

Lisa, please let residents know about any OLT appeals in the future, also there should be no consolidation of appeals....stop the greedy developers from ruining our next generations!! Please address this letter for public record item 10.1 of Apr 28/22 planning committee agenda re 140 Garner Rd E, Ancaster Thanks Janice Melnyk

**From:** Ingrid Harris  
**Sent:** Sunday, May 1, 2022 5:43 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** save the marsh

please prevent the destruction of this crucial wildlife area.

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
  - the application is over three years old (over 1300 days from application to filing the appeal)
  - since the application, the ownership of the land has changed
  - since the application, Committee of Adjustment has severed the property into two parcels
  - the extensive city concerns about the application were not answered by the developers
  - the public has been excluded from commenting on the new development proposal
  - the city has declared a climate emergency since the original application
  - the city has protected food lands by a no urban boundary expansion decision

thank you for helping save this area from developers.

Dr Ingrid Harris

**From:** janwillem jansen  
**Sent:** Sunday, May 1, 2022 6:09 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Re: Illegimate Gardner Marsh appeal

To the City Planning Commitee:

Please add this letter to the public record for item 10.1 of the May 3, 2022Planning Committee Agenda with regard to 140 Garner Rd. E., Ancaster.

The proposed appeal by the developers to the OLT is outrageous and should not be permitted. The one appeal considering a more than 3 years old and abandoned application to the HCA can never be consolidated with a new one to the City. The land has in the meantime been sold and divided and moreover, citizens should be enabled to be consulted on a environmentally important issue such as impact on headwaters of local streams. As the City has declared climate emergency, an attack from third parties on our precious remaining biospheres should never be permitted. I am with you in this fight !

Thank you.

Jan W. Jansen

From: Richard Johnson  
Sent: Sunday, May 1, 2022 6:08 PM  
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
Subject: AIMCO Appeal to Ontario Land Tribunal

Hello Ms.Kelsey:

Please add this letter of concern to the public record for item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd. E., Ancaster. As a local resident of Hamilton, I am deeply concerned about the attempts of the local developer to destroy the wetlands of the Garner marsh in Ancaster. As a community, we cannot afford to allow development which destroys our local sensitive environment and threatens the future of our natural wetlands. It is abundantly clear that this developer is willing to pave over our natural resources to simply further personal interests.

As a caring citizen of Hamilton, I call on the city planning committee to do the following in the interest of maintaining and preserving the Garner marsh and in fact, all of our locally sensitive wetlands. Firstly, it is imperative that the planning committee makes it publicly clear that it supports the Hamilton Conservation Authority's refusal to grant a permit to the applying developer; the planning committee is dutifully bound to make this refusal clear to all. Secondly, the planning committee must oppose any attempts by the developer to consolidate two clearly distinct appeals as they have nothing to do with each other and will take away the rights of all Hamiltonians for public consultation and additionally would have a pronounced negative impact on the Ancaster Creek headwaters. Thirdly, it is incumbent on the planning committee to advise all nearby residents that they can apply to be part of the Ontario Land Tribunal appeals process; being shut out from this critical process is not acceptable in any way, shape or form! Fourthly, it is absolutely necessary to tell the Ontario Land Tribunal that the earlier development application to the City of Hamilton in 2018 was abandoned by the developer and cannot be appealed because: (i) the application is over 3 years old (ii) since the abandonment of the original application, the ownership of the land has changed (iii) since the application, Committee of Adjustment has severed the property into two land parcels (iv) there was no attempt by the land developer to contact the City regarding the many concerns expressed by the City about the application (v) there has been no opportunity provided for public input on the new development proposal (vi) since the 2018 developer application, the City of Hamilton has declared a climate emergency and (vii) the City of Hamilton has officially by council vote to oppose urban sprawl to protect our prime agricultural lands beyond current city boundaries to maintain our food producing lands. Hamiltonians need the planning committee for the City of Hamilton to do all in it's power to make it clear that Hamiltonians want to preserve and protect their natural environment. Thank you for your kind attention in this matter.

Sincerely,

Rick Johnson

**From:** Elizabeth Seymour  
**Sent:** Sunday, May 1, 2022 6:14 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** AIMCo proposal

Ms Kelsey, I write to add my opposition to the attempts being made by AIMCo to move ahead with their plan to develop wetlands and to prevent public consultation on the matter. The HCA had already denied the permit, serious concerns were noted by the city, and the developer did not act within the allowable timeframe. Citizens have amply demonstrated their opposition to further development on sensitive land and climate change continues to require that we save and respect our wetlands and waterways. Please do not allow AIMCo to proceed.

Liz Seymour  
Ancaster

**From:** Juanita Lepage  
**Sent:** Sunday, May 1, 2022 6:20 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Marsh planning

Hi Lisa,

I am asking that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I am asking the city to continue to make decisions that support the health of our marshlands and environment and deny any appeal that would allow developers to destroy marshland at 140 Garner Rd. e.

Thank you,

Juanita Lepage, resident of Hamilton

**From:** Lyn Folkes  
**Sent:** Sunday, May 1, 2022 6:31 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** For crying out loud!

Please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

The province is using technicalities to undermine the authority of our City Council decisions - it's just unbelievable how low they will stoop to destroy our beloved province! I have never been so offended by a provincial government in my entire life. The act of excluding the public from consultations is extremely cowardly and arrogant. We are the taxpayers who live in Hamilton and our voice needs to be heard FIRST! I'm so insulted that it makes me sick, and to treat good Ontarians like this during the pandemic is completely unconscionable!

I can't say this any clearer than the people who wrote the following from "Save Our Streams":

"Specifically, [I] call on the city planning committee to do the following to formally support the HCA's denial of a permit to the developers

1. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
2. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
3. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
4. tell the OLT the earlier development application was abandoned and can't be appealed because:
  - the application is over three years old (over 1300 days from application to filing the appeal)
  - since the application, the ownership of the land has changed
  - since the application, Committee of Adjustment has severed the property into two parcels
  - the extensive city concerns about the application were not answered by the developers
  - the public has been excluded from commenting on the new development proposal
  - the city has declared a climate emergency since the original application
  - the city has protected food lands by a no urban boundary expansion decision"

Nothing else needs to be added and the developer should not be given an appeal!

Sincerely and with much concern for our municipal government and all Hamilton residents,  
Lyn and Rick Folkes

**From:** Aileen McMillan  
**Sent:** Sunday, May 1, 2022 6:40 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** RE: Bill 109 / AIMCO developer / OLT

I am a Hamilton citizen asking that you add my concerns to the public record for Item 10.1 of the May 3 2022 planning committee agenda with respect to 140 Garner Rd E Ancaster.

As a supporter of several organizations trying to protect our natural habitats, wetlands and farm lands, I am devastated to hear of the plan AIMCO is trying to push through for building a warehouse on the wetlands at 140 Garner Rd East. The HCA has already denied the application previously and this decision needs to stand. There are unused industrial areas in the city where such as warehouse could be built without harming valuable lands.

I understand there are several factors why this permit should be denied:

- Application is over 3 years old and land ownership has changed since the application was submitted
- The property has since been severed into 2 parcels
- The developer has not addressed concerns raised with regard to the application

I am one of the citizens who submitted my clear vote for No Rural Expansion/Save our Farmlands. In this application it seems citizens are not afforded the opportunity present concerns and comments about it. That opportunity should be not be withheld from concerned citizens.

It is so very clear from the multitude of studies and reporting that we in Hamilton and all around the world are facing devastating climate changes which have become an emergency to address. This application is anything BUT what should be done to preserve and protect lands such as this. The almighty buck is not so almighty when you no longer have a sustainable world to live in!

Thank you for hearing my concerns and please allow them to be included in the decision to prevent this catastrophic plan from proceeding.

Aileen McMillan



**From:** Caroline Fehr  
**Sent:** Sunday, May 1, 2022 6:41 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Beautiful Conservation Areas

Dear Ms, Kelsey

The Hamilton Conservation Areas are vital to the community. More people than ever have purchased memberships. Please support the the HCA as it fights against the seizure of properties by developers. They are not playing fair and their actions oppose the will of the majority of Hamiltonians.

The OLT know that their earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

Sincerely

Caroline Fehr

From: David Wallis  
Sent: Sunday, May 1, 2022 6:44 PM  
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
Subject: letter to be added to public record RE: 140 Garner Road East

Hi Lisa,

Would you be able to add my letter to the list of Public outrage/frustration over the development of 140 Garner Road East and the developer's absolute disregard for public input, councils direction on behalf of it's constituents and the lack of respect for the community.

I will be voting in accordance to my absolute displeasure of the OLT and it's rubber stamping to developers.

Thank you.  
David Wallis  
Ancaster, ON

Lisa Kelsey  
Legislative Coordinator  
Planning Committee  
City of Hamilton  
71 Main St. W. Hamilton, ON  
[Lisa.Kelsey@hamilton.ca](mailto:Lisa.Kelsey@hamilton.ca)

Re: Appeal against the City of Hamilton failure to render a decision on the development application with the statutory timeframe of 120 days pertaining to the Garner Marsh

Dear Lisa:

Please record this letter as a formal statement in support of the HCA's *denial* of a permit to the developers regarding the Garner Marsh. Allowing the two appeals to be consolidated would be unfair to those who defend the marsh, including the HCA in that would remove Hamiltonian's rights for public consultation on a development proposal that has been assessed to have a negative impact on the headwaters of Ancaster creek.

Residents and other stakeholders have the right to know about and apply to be part of the OLT appeal[s] Moreover, the earlier development application was abandoned and can't be appealed for a number of reasons:

- the application is over three years old (over 1300 days from application to filing the appeal);
- since the filing, ownership of the land has changed and the Committee of Adjustment severed the property into two parcels.
- there are extensive concerns about the application that were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- a climate emergency has been declared by the city since the original application
- the city has protected food lands by a no urban boundary expansion decision

Sincerely,

Yvonne Pigott

**From:** Marjorie Middleton  
**Sent:** Sunday, May 1, 2022 7:31 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** 140 Garner Rd E, Ancaster.

Please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I call on the city planning committee to do the following:

(If possible put some of these into your own words rather than copy/paste)

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
  - the application is over three years old (over 1300 days from application to filing the appeal)
  - since the application, the ownership of the land has changed
  - since the application, Committee of Adjustment has severed the property into two parcels
  - the extensive city concerns about the application were not answered by the developers
  - the public has been excluded from commenting on the new development proposal
  - the city has declared a climate emergency since the original application
  - the city has protected food lands by a no urban boundary expansion decision

Your sincerely  
Marjorie Middleton

**From:** Erin Davis

**Sent:** Sunday, May 1, 2022 7:47 PM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>; SaveOurStreamsHamilton@gmail.com

**Subject:** Re Garner Marsh

Hi Lisa,

It has come to my attention that there is some issue with the Garner rd development paving over hamiltons most significant headwaters/ Marsh.

Im writing to you to call on the city planning committee to do the following:

1. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
2. formally support the HCA's denial of a permit to the developer.
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents, and agencies, and concerned citizens know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
  - the application is over three years old (over 1300 days from application to filing the appeal)
  - since the application, the ownership of the land has changed
  - since the application, Committee of Adjustment has severed the property into two parcels
  - the extensive city concerns about the application were not answered by the developers
  - the public has been excluded from commenting on the new development proposal
  - the city has declared a climate emergency since the original application
  - the city has protected food lands by a no urban boundary expansion decision
6. tell the OLT that the developer needs to start over again as they failed to followup within 120days.

ThNk you  
Erin Davis

**From:** Leanna Nigro  
**Sent:** Sunday, May 1, 2022 7:55 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Protect the Garner Marsh

Dear Lisa Kelsey,

It has recently come to my attention that the Garner Marsh could possibly be paved over and the developer, who abandoned the plan more than 3 years ago, is now asking the OLT to consolidate two entirely different issues which are 1) the HCA's permit denial and 2) the City of Hamilton's failure to render a decision - into a whole new appeal which will be lengthy and complicated and **will entirely exclude Hamiltonians from our right to provide comments and input for this development application at the municipal level.** If consolidated, the application will be handled by the provincial land tribunal only with no public consultation. We can't let that happen.

I'm asking the city planning committee to do the following; support the HCA's denial of a permit to the developers. Oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA, and oppose consolidation since it removes Hamiltonians rights! Our rights for public consultation on a development proposal which will have a negative impact on the headwaters of Ancaster creek!

The city planning committee needs to tell the OLT that the earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

I'm asking that my letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Thank you for you time and attention.

Sincerely,

Leanna Nigro

**From:** Stan Nowak  
**Sent:** Sunday, May 1, 2022 7:58 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Cc:** saveourstreamshamilton@gmail.com  
**Subject:** 140 Garner Road East, Ancaster  
**Importance:** High

Dear Ms. Kelsey:

Since the election of the Ontario PC government back in 2018, it has been more than obvious that the Ford government overwhelmingly supports development over the stewardship of our endangered green spaces and ecosystems. A microcosm of this attitude has been - and continues to be - the eventual fate of the Ancaster wetlands and the threat of on Garner Road in Ancaster. Recent legislation has tilted the scales radically in favour of the developers at the expense of preserving our natural environment. After much publicity and public outcry, the Hamilton Conservation Authority did the right thing and denied a building permit for the wetlands.. But now, AIMCo's next option is to head to the Ontario Land Tribunal with not one, but two separate appeals! The OLT, has historically been pro-development, so the odds do not seem to favour the preservation of those vital wetlands! Therefore, I humbly ask that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to the property at 140 Garner Road East in Ancaster, which I wholeheartedly support in preserving and conserving. .

Specifically, I respectfully call on the City Planning Committee to act on the the following:

- formally support and re-enforce the HCA's denial of a permit to the developers;
- oppose the consolidation of the two appeals as unfair to pro-marsh defenders, including the HCA, as it will remove our rights as Citizens for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster Creek; The fact that we, the public have been excluded from commenting on the new proposal further underscores the current government's desire to expedite 'the process' by bypassing 'due process'!
- inform that all nearby residents know about and can apply to be part of the OLT appeal[s];
- enlighten the OLT that the earlier development application was abandoned and can't be appealed because the status of this application for development has changed substantially since its original submission; it is now over three years old - more than 1,300 days from application to appeal.. Since this application, the ownership of the property has changed and the City's Committee of Adjustment has severed the property into two parcels. Many concerns also remain that were not adequately addressed by the developers. There are still many unanswered questions about this whole process!

Since the original application, the City of Hamilton has declared a climate emergency and, most recently, has acted by supporting a 'no urban boundary expansion' thereby agreeing to work towards safeguarding our rural agricultural lands from future development..

Despite some PC MPPs insistence that the City (and anyone who isn't PC) is against growth and development, the truth is that the City (and most of us 'marsh defenders) is pro-smart development striving to strike an equitable balance between our meeting housing needs and ensuring our overall civic health needs, which must include being sensitive towards the conservation of our delicate eco-systems and green environment! . .

Trusting the City of Hamilton to do what is right, I remain sincerely and respectfully,  
 Stan Nowak

**From:** Liz Koblyk  
**Sent:** Sunday, May 1, 2022 8:04 PM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Cc:** SaveOurStreamsHamilton@gmail.com

**Subject:** Please add to public record, item 10.1, with respect to 140 Garner Road East, Ancaster

Dear Ms. Kelsey,

Please add this letter to the public record for Item 10.1 of the Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I'm a ward 13 resident who would like to register my support of the Conservation Authority's denial of a permit to those who want to develop the marshland in question. The consolidation of appeals seems to be a process irregularity that risks undermining Hamiltonians' rights for proper public consultation on a project with negative impacts, at a time when the City has formally declared a climate emergency.

I ask that the City ensure that all nearby residents know about the appeals and can be part of the OLT appeals. I also hope that the appeals do not proceed, and ask the City to inform the OLT that the earlier development application can't be appealed as it was abandoned for more than 3 years by the applicant. The property has since been parcelled, and the applicants have yet to address the City's significant concerns.

Thanks to you and your colleagues for working to ensure that the City continues to act in accordance with the declaration of climate emergency, and with the City's recent decision to protect local food security with the no urban boundary expansion decision.

With thanks,

Liz Koblyk



**From:** M Cameron  
**Sent:** Sunday, May 1, 2022 8:14 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Garner Marsh/Wetlands

City Planning Committee

I understand there has been an appeal by developers of the denial of a 2018 application to the HCA to build on or pave the Rymal wetlands at the head of Ancaster Creek. The argument seems to be that a decision was not made on the original application within the 120 day time limit. The appeal cannot be valid as the City raised concerns in response to the original application apparently within the original time frame and received no response.

3 ½ years later the appeal on this apparently abandoned application has been raised. The land has been divided and sold. How can the appeal of the original application be valid when the application was abandoned?

Can OLT consider the issue which now includes the HCA denial of permit as well as the development application?

Is it reasonable to exclude citizens of Hamilton from input on this issue?

I wish to support the HCA denial of the permit to developers and oppose the consolidation of the two issues – permit and application. The wetlands in question are very important to Hamiltonians. Living in the lower city, I personally have an interest in the areas that will be impacted by any loss of or impairment of the wetlands in question. Many Hamiltonians do not understand how important these areas are to their wellbeing. I strongly feel their rights and mine deserve protection.

I trust the Planning Committee and the City of Hamilton will do all possible to block this appeal/application.

Marlene Cameron

May 1, 2022  
City of Hamilton, Ontario, Canada  
City Planning Committee  
**Attention: Lisa Kelsey**

***Re: Letter to be added to the public record for item 10.1 of the May 3, 2022, Planning Committee Agenda with respect to 140 Garner Road East, Ancaster, Ontario, Canada***

Dear Planning Committee:

Please accept this letter as my opposition to the proposed development of the above-mentioned property due to the negative impacts on the core areas and linkages located within and adjacent to the subject property, including the significant woodland, unevaluated wetland and watercourse.

In 2018 the original owner of the property submitted a warehouse development application to the City of Hamilton who raised several issues and concerns with the application along with the Hamilton Conservation Authority who denied their permit to pave the marsh. It has come to my attention that on February 1, 2022, the developer has submitted an appeal to the Ontario Land Tribunal (OLT) asking them to consolidate two very different issues to:

1. Overturn the HCA's permit denial; and
2. The city of Hamilton's failure to render a decision on the development application within the statutory timeframe of 120 days.

This consolidation of the two appeals is unfair to marsh defenders that will entirely exclude Hamiltonians from their right to provide comments and input for this development application at the municipal level which will have a negative impact on the headwaters of the Ancaster creek. All Hamiltonians should have the right to know about and be able to apply to be part of the OLT appeal(s).

The appeal should be denied due to:

1. The application is over 3 years old (over 1300 days from application file date);
2. The ownership of the land has changed, and the property has been severed into two parcels by the Committee of Adjustment; and
3. The city has declared a climate emergency and has protected food lands.

Thanking you in advance for including this letter in the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda to **140 Garner Rd. E., Ancaster, Ontario.**

Sincerely,

Lisa Hutchinson

Sent: Sunday, May 1, 2022 8:28 PM

Subject: Re: Save our streams

To the City Planning Committee, c/o Lisa Kelsey,

Please add my letter of appeal to the public record for item 10, I of the May 3th, 2022 Planning Committee Agenda with respect to 140 Garner Road East, Ancaster:

I once again wish to state my support of the Hamilton Conservation Area's decision to deny a permit to the developers who want to pave over significant wetlands at 140 Garner Road East in Ancaster, part of the city of Hamilton.

In response to the appeal to have the area in question paved over to build warehousing, the original application was denied, as it would very negatively impact the core areas and linkages located within the property, including woodland, wetland, and a significant watercourse of the City of Hamilton.

There was no immediate reply from the developers, but now, it seems, after 3 1/2 years, they are appealing the HCA's decision with the OLT. At the hearing, the City of Hamilton is to have no input concerning the environmental impact of such a development on our community.

The developers seem to have a total disregard for our environmental issues and the city at large.

Gudrun Boehm-Johnson

**From:** Kathy ROUNG  
**Sent:** Sunday, May 1, 2022 9:20 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Please add to public record for item 10.1 -meeting

Hello. I would like this added to the public record for item 10.1 of the May 3/22 Planning Committee agenda with respect to 140 Garner Road East, Ancaster.

I am requesting that the City Planning Committee formally support the Hamilton Conservation Authority's denial of a permit to the developers of this address and oppose the merging of 2 appeals as unfair to those trying to protect this watershed and to the HCA. Please ensure that residents know about and can apply to be a part of the OLT appeal. Please also tell the OLT that the initial development application was abandoned over 2 yrs ago, and can't be appealed for a variety of reasons including the time limitations, environmental concerns that have not been addressed satisfactorily, etc.

Thank you very much.

Kathy ROUNG, resident of Flamborough in the Greater Hamilton area

**From:** Peter Appleton  
**Sent:** Sunday, May 1, 2022 9:18 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Save our Marsh

Lisa

I ask you to formally support the HCA's denial of a permit to the developer.

I ask you to oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA

Please oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek

It is imperative to ensure all nearby residents know about and can apply to be part of the OLT appeal[s]

Make sure you tell the OLT the earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

Thank you

Peter Appleton

**From:** Mike Gill

**Sent:** Sunday, May 1, 2022 9:59 PM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** Addition to the Public Record regarding 140 Garner Rd. E, Ancaster

Hello Lisa. Please add my letter below to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster. Thank you.

The Hamilton Conservation Authority denied a permit to the developers intent on building structures on the property of 140 Garner Rd. E, Ancaster. I add my support to this denial of the permit. The headwaters of Ancaster Creek require protection to ensure the health of the creek which runs through the city in which my family and I live.

I oppose any action that transfers the decision making process regarding the permit and use of the property (140 Garner Rd. E) from the municipal government of Hamilton and its citizens, to the Ontario Land Tribunal. In particular I oppose the consolidation of the issues of the HCA's permit denial and the City of Hamilton's failure to render a decision into a new appeal.

I request that the City Planning Committee informs all residents nearby 140 Garner Rd. E of the developer's appeal. Indeed, all residents of Hamilton should be informed of this appeal since, as I've stated, Ancaster Creek is a significant part of the City of Hamilton.

The natural spring at 140 Garner Rd. is the source of the Ancaster Creek. The Ancaster Creek is a part of the city of Hamilton and as such the headwaters, which are a vital part of the creek, require protection from development.

Michael Gill

**From:** Lucinda Jenkins  
**Sent:** Sunday, May 1, 2022 10:12 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Public record item 10.1/140 Garner Rd E Ancaster

**please add this letter to the public record Planning Committee Agenda on Monday, May 2, 2022**

Please note I formally support the HCA's denial of a permit to the developers. Most importantly this marsh is vital to the the continuing existence of the Ancaster Creek. My Uncle's family farmed and held land Stewardship in this area leaving a legacy and conservation to a fourth generation.

I oppose the consolidation that will remove Hamiltonian's rights for public consultation and the complete disregard for the conservation of this land that has been maintained by generations of consciousness land stewards

All neighbouring residents should be informed of and able to participate in the OLT appeal

The provincial government should not be able to over rule the land interests of a municipality particularly where provincial pursuits are only concerned with money and greed. The Ancaster Wetlands should be incorporated into green space and immune to the wants of developers

Cindy Jenkins

**Sent:** Sunday, May 1, 2022 10:17 PM

**Cc:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** Re: Action needed!

Hi Lisa. This is Jeff Smith, owner of Kool Stuff Toys in downtown Hamilton. Far too often, greedy developers, who have more money than they know what to do with, are always on the lookout for a way to fatten their's and those that they represent, wallets and bank accounts. They do so, with very little or no concern at all, for how the repercussions of their actions will impact the community and in this case, nature at large. It's time to put nature and the greater good of the community, ahead of this ever growing problem of money talking. Thank you for taking the time to read this.



**From:** Teodora Filipova  
**Sent:** Sunday, May 1, 2022 11:12 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** May 3, 2022 Planning Committee Agenda re 140 Garner Rd E, Ancaster.

To the attention of Lisa Kelsey, to

Please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Specifically, I call on the city planning committee to do the following:

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. Inform OLT that the earlier development application was abandoned and can't be appealed because:
  - the application is over three years old (over 1300 days from application to filing the appeal)
  - since the application, the ownership of the land has changed
  - since the application, Committee of Adjustment has severed the property into two parcels
  - the extensive city concerns about the application were not answered by the developers
  - the public has been excluded from commenting on the new development proposal
  - the city has declared a climate emergency since the original application
  - the city has protected food lands by a no urban boundary expansion decision

Thank you,  
Teodora Filipova,  
Hamilton, May 1, 2022

**From:** Julie Palmese  
**Sent:** Sunday, May 1, 2022 11:14 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Please Help Do What's Right

We request that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

We request that you formally support the HCA's denial of a permit to the developers.

We oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA.

We oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek.

It is important to ensure all nearby residents and all citizens of Hamilton and Ancaster, know about and can apply to be part of the OLT appeal[s].

And to the Ontario Land Tribunal, the earlier development application was abandoned and can't be appealed because:

- the application is over three years old (over 1300 days from application to filing the appeal)
- since the application, the ownership of the land has changed
- since the application, Committee of Adjustment has severed the property into two parcels
- the extensive city concerns about the application were not answered by the developers
- the public has been excluded from commenting on the new development proposal
- the city has declared a climate emergency since the original application
- the city has protected food lands by a no urban boundary expansion decision

Just remember that once a decision is made, we all must live with the consequences. We shouldn't have to write this. Everyone just needs to do their job to preserve the wetlands, in place.

Thank you,

Enrico and Julie Palmese (Ancaster residents)

**From:** Patricia Cole-Stever  
**Sent:** Sunday, May 1, 2022 11:22 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Opposition to Development of any Sort at Garner Marsh, Ancaster ON

City of Hamilton Planning Committee

I call on you as the City of Hamilton Planning Committee, to oppose any development on or near to the Garner Marsh at 140 Garner Rd, E, Ancaster.

FYI...The City of Hamilton has declared a Climate Emergency!! Farm lands and environmentally sensitive lands were pledged by the City to be protected from urban expansion, therefore, I ask, "how does the Garner Marsh development plan fit into the Climate Emergency Plan?" "Is the City truly committed to protecting itself from devastating expansion such as this, or is a warehouse or two worth the environmental cost?" Please respect the previous decision of the Hamilton Conservation Authority and City staff who denied a permit for development at the Garner Marsh as it is **incredibly inappropriate and devastating, environmentally**, for the entire area and the course of the Ancaster Creek.

I ask the City Planning Committee to oppose the consolidation of the developers two appeals as it is inappropriate for the City to reverse a *decision already made* by the **Hamilton** Conservation Authority. Please keep in mind that the developer **failed to respond** to the City's concerns about their application over **3** years ago regarding setbacks from wetlands and the impacts a development would have on the Garner Marsh and area woodlands and watercourse. Further, the current land owner is not the same as when this incongruent process began in 2018! The developer's effort to consolidate two separate appeals undermines the entire application process and makes a resident question who 'The City' is working for? Is it for the developers or for its residents? The City constantly purports to be open and transparent in its decision-making process. Are we as Hamiltonians expected to support the 'Committee of Adjustment' who allowed for the property in question to be severed into two parcels causing this spirograph of a process to continue or now.... The Planning Committee? Was the Committee of Adjustment open, transparent and public in their revision of the plans for development? To proceed and amalgamate the two appeals is unfair and would cause distrust in the community which you are supposed to serve. I ask the City Planning Committee to ensure that the Ontario Land Tribunal be advised of the hardships this development proposal for 140 Garner Rd, Ancaster has caused to the City due to the age of the application and the change of land ownership.

I ask that the City Planning Committee ensure that those who reside nearby to the Garner Marsh, in particular, be able to have their say. It is incumbent upon the City to make all residents aware of and allow for 'our' participation in City processes for development and further, at Ontario Land Tribunal appeals. Residents of Hamilton must not be removed from consultation process for development proposals, and in this case specifically, that would have an adverse effect on Garner Marsh the headwaters of Ancaster Creek. I ask that the City of

Hamilton Planning Committee ensure that the current process, as it moves to the Ontario Land Tribunal, be 'transparent' and inclusionary of all residents.

In closing, I ask the City to consider what a warehouse(s) will do for the City in the years to come versus leaving the Garner Marsh to exist in its current state.

Best regards to all,  
Patricia Cole-Stever

**From:** Miriam

**Sent:** Sunday, May 1, 2022 11:30 PM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** letter to be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, please

Good day Ms. Kelsey,

Please add my following letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I call on the city planning committee to do the following:

1. formally support the HCA's denial of a permit to the developers. This denial has been well considered and supported;
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA;
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek. I believe City Council should insist on its obligation, and duty, to represent the people of Hamilton;
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]. Sadly not everyone has been informed, but many more will object when they know what is happening;
5. tell the OLT the earlier development application was abandoned and can't be appealed for several reasons, which cannot be ignored:
  - the application is over 3 years old (over 1300 days from application to filing the appeal)
  - since the application, the ownership of the land has changed
  - since the application, Committee of Adjustment has severed the property into two parcels
  - the extensive city concerns about the application were not answered by the developers
  - the public has been excluded from commenting on the new development proposal
  - the city has declared a climate emergency since the original application
  - the city has protected food lands by a no urban boundary expansion decision

Thank you for your consideration.

Miriam Sager

From: Joanne Palangio  
Sent: Monday, May 2, 2022 1:01 AM  
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
Subject: Item 10.1 of May 3, 2022 Planning Committee Agenda, 140 Garner Rd. E., Ancaster

Dear Lisa Kelsey,

Please except this letter as part of the public record for Item 10.1 of the May 3, 2022 Planning Committees Agenda, with regards to 140 Garner Rd. E., Ancaster.

The original application for the proposal to the City of Hamilton for Garner Rd. lands, was initiated over three years ago and had significant concerns by the City that were not addressed by the applicant. The developer appears to want to bypass the City's concerns by making a direct appeal to the Ontario Land Tribunal for the same proposal, even though the land has been severed into two parcels and purchased by new owners since the original application.

As this proposal would negatively impact the headwaters of Ancaster Creek, pave over marshland at the Garner Rd. site, and effect the wildlife in the area, it is our belief that the City of Hamilton needs to let the OLT know that these concerns have not been adequately addressed by the developer and the proposal should be denied.

With regards,  
Joanne and Ron Palangio

**From:** Lynn Nielsen  
**Sent:** Monday, May 2, 2022 6:05 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Regarding 140 Garner Rd E

Regarding 140 Garner Rd E

It has come to my attention that AIMCo is appealing on the grounds that there was a failure to make a decision within the statutory time frame of 120 days.

This 1307 days after the original application and after significant changes such as ownership and severing of said land, the city declared a climate emergency and the protection of food lands with no urban boundary decision.

Also, this appeal is a consolidation of two separate issues, the HCAs' permit denial and the City of Hamiltons' failure to make a decision.

This consolidation seems to be a ploy to have the appeal moved out of local hands and into provincial and will prevent public consultation.

I call on the City planning committee to bring the above to the OLTs attention as well as to formally support HCAs' denial of a permit to the developers, to oppose the consolidation of the two appeals, and to ensure nearby residents can apply to be part of the appeals.

I request that this letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Sincerely,  
Lynn Nielsen

**From:** Coleman, Daniel

**Sent:** Monday, May 2, 2022 6:17 AM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** re: Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

Dear Lisa Kelsey,

Please add this letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I am active with a group of faculty and staff at McMaster University in the restoration of the flood plain of Coldwater Creek currently used as a parking lot in West Campus known as Parking Lot M. I have researched and written about the Coldwater-Ancaster Creek watershed for some years now and am very concerned to hear that the development company AIMCo, having been denied approval by the Hamilton Conservation Authority to build a warehouse parking lot over the headwater marsh of Ancaster Creek is now submitting a second appeal to the OLT, this one against the City of Hamilton, citing the city's "failure to render a decision on the development application within the statutory timeframe of 120 days." As I understand it, this second appeal was received by the City on February 1, 2022, which is 1,307 days after the original application was submitted.

This move to appeal to the province is simply a cynical move to avoid public input on a development that will have a large impact on the entire Ancaster Creek watershed and which will influence a significant ecosystem in which many Hamiltonians live, not to mention many rare species, plus the overall health of Cootes Paradise. People up and down this watershed have put in millions of public and private funds and volunteer work into efforts to restore this watershed, and allowing the developer to bypass these concerns would seriously harm these efforts and run in the wrong direction.

Please, therefore, add my letter to your package of support for the HCA's denial of the permit to the developer and to oppose the developer's effort to consolidate its appeals as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek. As we all know, the extensive HCA and city concerns about the application were not answered by the developers, and I urge the City and OLT to reject this cynical effort to bypass public consultation on a decision that will significantly affect the future health of people and ecosystems in Ancaster-Hamilton-Cootes Paradise.

Sincerely,

Daniel Coleman



**From:** Joyce Smith  
**Sent:** Monday, May 2, 2022 6:33 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Garner Rd Marsh

Please add my name for the denial of a permit to the developers of  
140 Garner Rd E, Ancaster.

Joyce Smith

**From:** Craig Cassar

**Sent:** Monday, May 2, 2022 6:44 AM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** Item 10.1 on the May 3, 2022, Planning Committee Agenda

Hello Lisa,

I'm writing about item 10.1 on the May 3, 2022, Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster. Please add my letter to the public record on this topic

I would like to express my support for the HCA's denial of a development permit on this site and would like the Planning committee to do the same.

I also oppose the consolidation of the two appeals that the developer is making and encourage the Committee to all oppose this step. The consolidation will remove Hamiltonian's rights for public consultation on a development proposal that would have a negative impact on the headwaters of Ancaster creek

Further, I request that the committee:

1) ensure all nearby residents know about and can apply to be part of the OLT appeal[s]

2) tell the OLT the earlier development application was abandoned and can't be appealed because the application is over three years old (over 1300 days from application to filing the appeal); the ownership of the land has changed; the Committee of Adjustment has severed the property into two parcels; the extensive city concerns about the application were not answered by the developer; the public has been excluded from commenting on the new development proposal; the City has declared a climate emergency since the original application; and finally, that the City has protected food lands by a no urban boundary expansion decision.

Thank you  
Craig Cassar  
Ward 12

**From:** Bruna Nota  
**Sent:** Monday, May 2, 2022 7:31 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Hamilton Committee of Adjustment vs developers

Dear Ms. Kelsey and distinguished members of the Hamilton planning committee,

Congratulations for continuing to deny permission to the developers to tamper with a most precious wetland both on matters of principles and on matter of due process.

I do not need to repeat the many reasons on either or both counts. Those reasons have been abundantly elucidated by technical and conservationists experts, by elected representatives, and by the many citizens who have deputized, signed petitions on the matter. It is now a matter of ethical and political resolve.

Southern Ontario, the world, really, cannot afford to lose more agricultural land nor natural habitat for a wide variety of essential fauna and flora.

Dear Ms. Kelsey and committee members, ensure that the headwater of the Ancaster creek value is fully preserved for future generations. Do keep the two appeals separate and ensure that full consultation occurs and that all citizens have the opportunity to participate.

In gratitude for all you do and for maintaining your integrity, yours sincerely,

Bruna Nota

May 2, 2022 re: The Garner Marsh appeal for 140 Garner Rd East, Ancaster

Dear members of the Planning Committee,

Thank you for considering my comments below.

Many people did not make the connection between the illegal crop spray that occurred at 140 Garner rd last summer and the fight to save the Marsh itself. Three local Ancaster leaseholder farmers lost millions thanks to the owner's decision to spray herbicide and kill their crops - horseradish, poppies, sunflowers etc. Carrier Hewitson and Ron Book's crops of tomatoes, peppers, eggplant and several other vegetables which they sell at Ottawa street market as one of the few certified local growers, were spared only because the hedgerow-flanked track leading to their field was too narrow for the industrial sprayer to enter. The crops were killed to allow for an archaeological inspection to facilitate the sale of the land with the Garner Marsh to AIMCo. I spoke to the archaeologists when they were in the field. They said they didn't need the field to be sprayed and disked to carry out their work.

I'm sharing this story because the outcome of pressure on local farmers is this: these three farmers have now lost access to farmable land and the Hewitson/Book family have now sold the iconic u-pick Pumpkin Patch farm at 254 Garner rd (in front of the marsh) and have bought a farm in Norfolk county to be able to carry on farming. The Books were original settlers here. Lose-Lose for Hamilton The Spec wrote about it here:

<https://www.thespec.com/news/hamilton-region/2021/07/24/real-estate-firm-wipes-out-ancaster-farmers-crops-amid-pending-land-deal.html>

And here:

<https://www.thespec.com/local-ancaster/news/2021/09/13/ancaster-farming-couple-afraid-of-livelihood-as-developers-seek-to-build-warehouse.html>

Please take a moment to read these news items and understand the human impact of this application.

In 2018 the original owners of 140 Garner Rd E submitted a warehouse development application to the City but the city staff raised several issues and concerns with that original application. Among them was that **"The development does not maintain the 30 m setback from the locally significant wetland and the information provided in the submitted reports has not demonstrated that the development will not result in negative impacts on the Core Areas and Linkages located within and adjacent to the subject property, including the Significant Woodland, unevaluated wetland and watercourse"**

After that no further movement was made on the application and it appears to have been abandoned by the applicant.

Since then the land has been severed and sold and three and a half years have passed. Now the would-be marsh developer has suddenly filed a second appeal to the OLT, this one against the City of Hamilton, citing the city's "failure to render a decision on the development application within the statutory timeframe of 120 days."

Of note is that the appeal of the application was received by the City on February 1, 2022, which is **1,307 days after the application was submitted.**

So the developer's plan is to now, **three and a half years after their original application**, plead their case to the OLT that the City didn't make a decision about their application within the deadline of four months, when it's obvious that their application was abandoned by them long ago.

The developer is now asking the OLT to consolidate these two entirely different issues, 1) the HCA's permit denial and 2) the City of Hamilton's failure to render a decision - into a whole new appeal which will be lengthy and complicated and **will entirely exclude Hamiltonians from our right to provide comments and input for this development application at the municipal level.** If consolidated, the application will be handled by the provincial land tribunal only with no public consultation.

This abusive process demands opposition.

Please ensure that the City adopts the position of defending the Garner marsh, headwaters of

Ancaster Creek and indeed all the headwaters, wetlands, watercourses on the Hamilton mountain... and of course Cootes Paradise.

Please ensure that the City's legal representation vigorously opposes the developer's wish to consolidate the two cases.

Thank you for your consideration

Kind regards

Nancy Hurst, Ancaster



**From:** Akira Ourique  
**Sent:** Monday, May 2, 2022 7:46 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Garner Marsh

I ask that the letter below be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E. Ancaster.

Hello,

I am a lifelong resident of Hamilton, and live in ward 3. I'm writing today to express my complete objection of any kind of development of Garner Marsh.

Hamilton has always been my home, and part of what I love about this city is its mixed geography. Hamilton encompasses urban, rural, and natural land. Each land type serves a deep and vital set of services to our communities in Hamilton including housing, food production, recreational space, and medicine gathering. Beyond us, non-urban spaces serve the wildlife.

Rural and natural land share a wealth of resources within their biotic and abiotic systems of native plants, animals, fungi, soil profiles, and microclimates. These resources include nesting grounds for birds and small mammals, breeding sites for butterflies, fresh water for amphibians, dappled shade for pawpaw trees, and the list goes on almost endlessly as we continue to learn about our natural world and everything within it.

In the current climate crisis, we need to be doing everything we can to protect natural land and the systems within it. The Hamilton people have overwhelmingly expressed their opposition to urban sprawl, and the development of natural and rural land. We expect our councillors to move with Hamilton in the right direction, and to do our part to reduce harm to the environment. This is why I completely oppose the development of Garner Marsh, for the wildlife, the planet and the people. I ask all councillors to do their part for us, and for the earth. Vote against the development of Garner Marsh.

Thank you for your time.

Akira Ourique

**From:** Steven van der Woerd  
**Sent:** Monday, May 2, 2022 7:57 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** 140 Garner Road East, Ancaster

Please accept this email as our formal objection to the Development Application for this property. We object to the fact that it does not adhere to today's environmental requirements or at least has not been proven so. Protection of headwaters should be prioritized as a first priority. This application is also bypassing local input by process. Local input and agreement is necessary to maintain trust in rules and government and we submit this should not be allowed to proceed in this manner.

Steve and Annette van der Woerd

**Sent:** Monday, May 2, 2022 8:03 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Item 10.1 of May 3, 2022 Planning Committee Agenda

Hello Ms. Kelsey,

Would you please add my letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Road East?

By way of this letter, I am asking the Planning Committee to tell the Ontario Land Tribunal that the original concerns expressed by the City of Hamilton in 2018 have never been addressed. In the original 2018 Draft Plan of Subdivision Application, eight major issues were highlighted. They covered a variety of shortcomings:

- 3 important Transportation problems which will lead to gridlock on the rural 2-lane roadway of Garner Road East
- Failure to maintain the 30-metre setback from the locally significant wetland; probable negative impacts on the Core areas and linkages including the Significant Woodland, an unevaluated wetland and watercourse. (Note: this 2018 Plan was developed before Hamilton declared its awareness of a Climate Crisis in 2019. This time-worn, outdated plan fails to acknowledge the immediate Climate Emergency and mistakenly sets out to re-locate a wetland – an impossible feat.)
- No respect is shown for the conservation and protection of adjacent cultural heritage resources. Reminder: The Ancaster Sub-watershed is the headwaters for most of Hamilton's drinking water as it flows south over the Escarpment, eventually making its way to Lake Ontario
- Spatial and Zoning issues
- Poor stormwater management design and water servicing constraints – a constant issue in this City of Waterfalls

I extend my sincere thanks and appreciation to the Planning Committee who reviewed this Draft Plan of Subdivision Application in 2018 and found it completely lacking - absolutely nothing has changed in the intervening +1300 days.

One Properties has simply dragged out this excuse for employment lands in the hope that the OLT will solve their problems. Please tell the OLT the story and ensure all nearby residents are informed this time. In 2022, when the environment is top of everyone's mind, neighbours and citizens are much more aware of the impact of development on farmland and need time to make their comments.

Many thanks,  
Marie Covert



From: **John Geerts**

Date: Mon, May 2, 2022 at 8:28 AM

Subject: 143 Garner Rd. East Ancaster

To: <[Lisa.Kesey@hamilton.ca](mailto:Lisa.Kesey@hamilton.ca)>

Would like to have this letter added to the public record for item 10.1 of the May 3, 2022 planning Committee Agenda

Committee Members This letter is in support of the Hamilton Conservation Authorities denial of the permit the Developers of the Garner Marsh/warehouse Application.

To come three years after the initial application and bypass all city and HCA concerns and proceed directly to the Ontario Land Tribunal is a shirking of responsibility an lack of due diligence by the developer, AIMCO, to seek any solution, compromise, consultation other than the original submitted proposal. Thereby side stepping the whole planning/input process of this planning committee.

I believe that this committee and the HCA are in place to protect our natural resources and environment of which Garner marsh plays a significant role.

Having lived in Hamilton for 63 years I have seen many creek on this escarpment diverted and paved and filled in including the one that ran through my property when our survey was built. The wooded and wetland areas that remain must be preserved in order for us and the environment to survive.

I would hope the city and the HCA as well as citizens oppose the Garner Marsh move/development submission to the OLT and with the MPPs responsible for this even being proposed or allowed. Yours truly John Geerts

**From:** Barbara Davis  
**Sent:** Monday, May 2, 2022 8:53 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Save our stream

I am seconding all the reasons already stated why the headwaters of the Ancaster Creek MUST remain as it is untouched by this unwanted developer

Planning Committee City of Hamilton  
% Lisa Kelsey May 2, 2022  
Dear Ms Kelsey.

Please add this letter to the public record for Item 10.1 of the May 3 Planning Committee Agenda, with respect to 140 Garner Road E, Ancaster.

I would be grateful if you would remove my name, phone number and email address, included at the bottom. I wish to express my opposition to the renewed effort to overturn the Conservation Authority's denial of their permit to pave the marsh and develop land at 140 Garner Road E, that would result in the destruction of an existing significant woodland, wetland and watercourse there. It is hard to understand why these natural resources are not cared for in the same way that we care about our grandchildren. The protection of our environment is the reason why the City of Hamilton has declared a climate emergency, and why this project, and others like it, must be stopped permanently. This vexatious challenge, based on the fallacy that the city has failed to make a decision in time, even though the developer failed to respond to city concerns for over three years, is of concern to all Ontarians. Such a cynically transparent attempt to subvert a democratic municipal decision, to finagle permission to build here after a rejection over 3 years ago, must be stopped. No permit to develop any part of this property should ever be allowed. All residents who live close to 169 Garner Road must be kept informed about the appeals to the Ontario Land Tribunal, and be permitted to participate in the appeal process. The recent decision by the city to freeze the urban boundary must also be considered as part of this matter. Wetlands, even small ones, are essential for our future. Protecting wetlands contributes to our welfare by providing value that no other ecosystem can deliver, such as natural water quality improvement and flood protection. We also know that wetlands store carbon within their plant communities and soil instead of releasing it to the atmosphere as carbon dioxide, which means that they help moderate global climate conditions. Every single time we do not take active steps to preserve our environment, we contribute to a degraded future. Right now, one small step we can take to save our planet is to protect the future of the headwaters of Ancaster Creek, by protecting the wetland at 140 Garner Road East. 140 Garner Road East is not a good place to build, because it is naturally saturated with water. Filling it in will force the water somewhere else. This means the buildings located at 140 Garner Road E, while destroying an important resource that belongs to the greater community, will likely face continuous challenges managing water no matter what mitigation is undertaken. I will not elaborate more about this abusive attempt to revive this warehouse project, except to say the people of Hamilton care about our environment and future, and are watching the process and decisions about this property closely.

Aleda O'Connor

**From:** Christine & Gene Fitzpatrick

**Date:** May 2, 2022 at 9:16:12 AM EDT

**Cc:** [SaveOurStreams@gmail.com](mailto:SaveOurStreams@gmail.com)

**Subject:** 140 Garner Road development

Lisa....Please add our letter to public record 10.1..with respect to 140 Garner Road development which should be denied and we oppose consolidation as it will prevent public consultation and have a negative impact on headwaters of Ancaster creek.

Developers are not answering city's concerns....we want no urban expansion . It is a climate emergency!

Thank you

Chris/ Gene Fitzpatrick

From: Liz Rabishaw

Sent: Monday, May 2, 2022 9:21 AM

To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

Subject: Item 10.1 of May 3, 2022 Planning Committee Agenda, 140 Garner Rd. E., Ancaster

To: Lisa Kelsey

I would like this letter entered as part of the public record for Item 10.1 of the May 3, 2022 Planning Committees Agenda, about 140 Garner Rd. E., Ancaster, The Garner Marsh.

I am very concerned that the developer is now, after being denied already once, has, years after the fact, made an appeal to the Ontario Land Tribunal effectively bypassing the City's and its citizens' concerns.

My understanding is the proposed development will negatively impact the headwaters of Ancaster Creek which has implications for water all the way to Cootes Paradise, and wildlife at both the source and throughout. In addition, how this proposed development is being handled has implications for everyone, everywhere, who is having their water sources challenged by developments.

Why is this being challenged again, having been denied due to significant concerns, that have not been addressed, and in a manner that wrests it from the people nearby the land and water that it affects?

I also ask that a co-ordinated, official process be set up to inform all near (and far) residents about this appeal, and how to become involved. What is happening to the Garner Marsh AFFECTS EVERYONE WHO RELIES ON WATER IN GENERAL (all of us, everyone, relies on water), and The Garner Marsh in particular.

Thank you,

LizTaylorRabishaw

**From:** Cindy Bernstein  
**Sent:** Monday, May 2, 2022 9:23 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Watersheds and wildlife and waste of money

Dear Lisa I have watched the brutal, steady encroachment, waste and destruction of perfectly useful and much needed land for farmers, wildlife and the environment at large. Building more roads is not the answer. It brings more pollution, more congestion and more loss of resources and wildlife necessary for a sustainable environment. Widening roads is not the answer. Affordable commutes, thinking progressively for solutions, making the existent roads less traveled by car *is* the answer. When there is less travel by car and more travel by commuter trains and more people being able to work from home instead of time wasting, money wasting and exhausting travel; well then maybe we are on the right track, a path not destructive and environmentally necessary.

I hope someone listens and develops a civic understanding of the duty called for.

Cynthia Bernstein

**From:** Seymour, Colin  
**Sent:** Monday, May 2, 2022 9:33 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Wetlands at 140 Garner Road E, Ancaster

Hi Lisa,

I'd like to add my voice to arguing against planning permission for this site. I think such a late appeal, on grounds designed to limit public input, an affront to local democracy.

Please add to item 10.1 on the planning committee agenda,

Thanks,

Colin

**From:** Mothersill, Carmel  
**Sent:** Monday, May 2, 2022 9:50 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Garner Marsh

Please add my objection to the public record for Item 10.1 of the **May 3, 2022** Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I totally object to the dirty tricks these developers are using to silence Hamiltonians concerned about losing even more wetland habitat to concrete.

Their plan is utterly despicable.

Sincerely,

Carmel Mothersill



**From:** Anne Washington  
**Sent:** Monday, May 2, 2022 10:08 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Letter to the Hamilton Planning Department re Garner Marsh

Hello Lisa:

Please make sure that this letter is received by all members of the Hamilton City Council Planning Meeting tomorrow, May 3 2022. Thank you.

Anne Washington.

Dear Members of the Hamilton Planning Department:

It has been drawn to my attention that the latest permit denied by the Hamilton Region Conservation Authority to the developer to build on the Garner Marsh, 140 Garner Road, is to be discussed at your meeting on May 3 2022,. Please uphold it.

On the agenda, is a request from the developer to combine an application from them three years ago to build on the same property and that the two applications be combined. This is confusing. For clarity, surely it would be better to consider them separately! Also, has the public had an opportunity to comment on that application from a few years ago?

I support the decision of the Hamilton Region Conservation Authority, and the wishes of thousands of Hamiltonians, that no permits be granted to build on the Garner Marsh.

The City declared a Climate Emergency in 2019 which was applauded locally and wider afield. Preserving and protecting these wetlands, which are so vital to the counteract the impact of changes in the climate, is vital. You have the power and responsibility to do that.

Please uphold the decision of the HRC not to build on Garner Marsh.

Respectfully,  
Anne Washington

Sent: Monday, May 2, 2022 10:13 AM  
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
Subject: save our environment and streams

Dear Ms. Kelsey,  
Please include this letter to be presented at the bill 101 meeting today. The science is clear. I firmly object to moving the marshes and natural water ways and our farm lands should never be built on.  
Marilyn Marchesseau.

**From:** lindaghughes

**Sent:** Monday, May 2, 2022 10:15 AM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** Objection to the Garner Marsh development

- The Hamilton Conservation Association was given the mandate to protect our local environment. Marshlands are an important part of flood control, water retention, species survival and the biodiversity that has made our area the wonderful habitat that it is.
- I totally support the HCA as the body given the authority to make recommendations in the best interests of Hamilton.
- The fact that it would even be considered to consolidate the two appeals removes Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek and its downstream flow.
- The city planning committee needs to ensure all nearby residents know about and can apply to be part of the OLT appeal[s].
- The earliest development application was abandoned and can't be appealed being over 3 years old and the ownership has changed:

From: Heather Vaughan  
Sent: Monday, May 2, 2022 10:24 AM  
To: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
Subject: Garner Marsh

Hello

I am a proud citizen of Hamilton (Dundas), a mother and physiotherapist at St Peter's Hospital. I am writing to the city planning committee with respect to the attempted development on the Garner Marsh in Ancaster. I ask that my letter be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Road E, Ancaster.

It has come to my attention that the developer has appealed to the OLT requesting them to overturn the HCA's decision to deny their permit to develop on top of the Garner Marsh. This marsh is of crucial importance to the species that live there and all the citizens of the region who are concerned about flooding and other impacts of yet further development over our precious waterways.

Specifically, I strongly request that the planning committee formally support the HCA in their denial of the developer's permit, and oppose the consolidation of the two appeals. This consolidation will remove the RIGHT of the local citizens to have PUBLIC CONSULTATION on this proposal. This appeal should not be allowed because the earlier development application was ABANDONED, the ownership of the land has changed, the land has since been severed, the developers did not respond to the city's initial response, and the city has since declared a climate emergency and made a decision to protect this land as part of its no urban boundary expansion.

Thank you for your consideration and I implore you to use your powers in this situation on behalf of the current and future citizens of Hamilton.

Sincerely  
Heather Vaughan

**From:** Carolyn VanHoevelaak  
**Sent:** Monday, May 2, 2022 10:29 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Development of 140 Garner Road E, Ancaster

Please add my letter in opposition to the development of land at 140 Garner Road E. to the public record for Item 10.1 of the May 3 Planning Committee Agenda.

I am calling on the City of Hamilton to support the HCA's denial of the permit to developers and to oppose the consolidation of the two appeals as unfair to us that oppose the development on marsh lands. Hamiltonians deserve the right to have public consultation on development proposals that would have a negative impact on the headwaters of Ancaster Creek.

The City has declared a climate emergency and has protected food lands by a no urban boundary expansion decision. Please make sure that the people of Hamilton have a say in the decision by the Ontario Land Tribunal.

Carolyn VanHoevelaak

**From:** Janet

**Sent:** Monday, May 2, 2022 10:38 AM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster, ON

Ms. Kelsey and the City of Hamilton Planning Committee,

With respect to 140 Garner Road East, I am very disheartened to learn of the strategy being employed by the would-be developer on this environmentally significant property.

I respectfully ask that the Planning Committee:

- oppose the consolidation of the two appeals to the OLT as it will prevent the citizens of Hamilton from providing important input on a development proposal that would have a significant harmful impact on the headwaters of Ancaster Creek.
- provide notice to residents residing near the development so that they can apply to be part of any OLT appeals
- formally support the Hamilton Conservation Authorities' denial of a development permit
- communicate to the OLT that the original development application was clearly abandoned and therefore should not be subject to appeal

Please include my letter in the public record for Item 10.1 of the May 3, 2022, Planning Committee Agenda.

Sincerely,

Janet OSullivan  
Hamilton, ON

**From:** Louise McCann  
**Sent:** Monday, May 2, 2022 10:39 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Cc:** SaveOurStreamsHamilton@gmail.com  
**Subject:** Letter for Planning Committee Agenda May4 Item 10.1

Hello Lisa

Please add my letter to the public record for item 10.1 of the Planning Committee Agenda with respect to 140 Garner Rd E. Ancaster.

- 1.I wish to add my voice to a group of people that wishes Hamilton to formally support the HCA denial of a permit to the developers who wish to develop this piece of property, which is a vital piece of the local ecosystem.
- 2.The HCA have been excellent stewards of the lands around Ancaster and should be listened to as they have the science to back their decision.
- 3.Please ensure that all nearby residents know about how to apply to be part of the OLT , which is where the appeal will be heard. The local citizens need a voice because if this development goes ahead it will impact them.
- 4.There have been changes in ownership and severance , since the initial application. It is now past due to make such an appeal to the first decision made by the HCA.

--

Best,  
Louise

**From:** Sarah Filice  
**Sent:** Monday, May 2, 2022 10:58 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Letter re: Item 10.1 on Planning Committee Agenda

Dear Lisa Kelsey,

I am writing to you today regarding Item 10.1 on the Planning Committee's next agenda. I would like to request that my letter be added to the public record for this item.

Specifically, I am calling on the planning committee to:

1. Formally support the HCA's denial of a permit to the developers and oppose the consolidation of the two appeals as unfair to marsh defenders, including the HCA.
2. Oppose consolidation as it will remove the rights of Hamiltonians for public consultation on a development proposal. This is vital, as it would have a negative impact on the headwaters of Ancaster Creek.
3. Request that all nearby residents are made aware of, and can apply to be part of, the OLT appeal(s).
4. Tell the OLT that the earlier development application was abandoned and cannot be appealed because it is over 3 years old. Furthermore, since the application the ownership of the land has changed, the Committee of Adjustment has severed the property into two parcels, and the city's concerns about the application were not answered by the developers.

I am kindly asking the Planning Committee to take the above actions because the public has been excluded from commenting on the new development proposal and, most importantly, the city has declared a climate emergency since the original application and has protected food lands by proclaiming a "no urban boundary expansion" decision.

These lands require protection for the sake of the Earth's wellbeing, in addition to our own.

Thank you for your thoughtful consideration of this important issue.

Kind regards,

Sarah Filice



May 2, 2022

Chair and Members of the Planning Committee

**Re: Appeal of Draft Plan of Subdivision Application for Lands at 140 Garner Road East, Ancaster**

Dear Chair and Members of the Committee:

As a longtime contributor to the Hamilton Conservation Foundation, I support the Hamilton Conservation Authority's opposition to ONE Properties' application for a massive warehouse complex at the Garner Marsh wetland. This ecologically important property is the wrong location for a project that will inevitably have a detrimental effect on a locally significant wetland in the headwaters of Ancaster Creek.

ONE Properties' proposed wetland offsetting arrangement was studied and rejected by the HCA, as well as organizations such as very reputable Environmental Defence, which are making their views known to the Ontario Land Tribunal in preparation for an upcoming OLT Case Management Conference. I urge the Committee to join with concerned citizens and organizations and formally support the HCA's denial of a permit to ONE Properties' development on this site.

I'm also concerned about ONE Properties proposal to consolidate their two appeals to the OLT. In fact, I question if ONE Properties can file an appeal under the Planning Act as the development application is more than three years old, the ownership of the land has changed and the Committee of Adjustment has severed the property into two parcels.

The extensive concerns that the city expressed about the original application in 2018, development, as reviewed in the Information Report to the Planning Committee for this meeting, remain a major issue. In my view, the Committee should advise the OLT that the Planning Act "Appeal of Council's Non-Decision" cannot be appealed.

Thank you.

Gord McNulty

**From:** Dorothy McIntosh  
**Sent:** Monday, May 2, 2022 11:31 AM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Item 10.1 May 3rd Planning Committee meeting

Dear Ms. Kelsey, Please add the following letter to the agenda for the May 3rd planning Committee, Item 10.1

As a new resident of Hamilton, I've been impressed to see City Council's intention to limit urban sprawl and protect our farmland, forests and waterways. In this respect, it was alarming to hear of the resurgence of a proposal to damage the headwaters of the Ancaster Creek. So I'm hoping the Planning Committee and subsequently City Council will turn down the attempt to resurrect this project and uphold the Conservation Authority decision.

Hamilton Council has also led the way in opposing the new Ontario government development policies to prevent resident's input and municipal oversight. The proposal to build warehousing that will impact the headwaters is one of the first examples of this policy in action and as such is especially important to deal with.

Thank you for the opportunity to comment. Regards...Dorothy McIntosh

May 2, 2022

Lisa.Kelsey@hamilton.ca Legislative Coordinator City

Planning Committee City of Hamilton Re: 140 Garner Rd E. Ancaster

Dear Ms. Kelsey, Kindly add this letter to the public record for Item 10.1 of the May 3, 2022 Planning Committee Meeting Agenda: My father still lives in the house I grew up in, built by my grandfather and uncle in 1961, situated behind the White Brick Church which is directly across from these lands. As such, I am long familiar with the lands in question and their unique features including, most critically, Garner Marsh. To think this environmentally sensitive area, headwaters of the Ancaster Creek that flows over Sherman Falls into Cootes Paradise would be threatened by warehouses and pavement is mind-boggling! But here we are, facing owners and developers who appear to be circumventing the wise decision of the Hamilton Conservation Authority to deny a permit, and the unaddressed concerns of the city over the original application of greater than three years ago - now revamped and under new ownership - by appealing to the Ontario Land Tribunal and asking that the two separate issues be consolidated! It is vital to permit the citizens of Hamilton to have a voice in these decisions, as they will greatly affect not just this parcel of land, but all others that developers are eager to move on in our city and surrounds. The citizens of Hamilton have been clear about their desire to be participants in the planning and decision process, as we must be mindful of the impact for future generations. PLEASE protect the right of Hamiltonians to decide their future, not a rubber-stamping OLT!

Best regards, Peggy McKeil

**Letter for the Public Record**

**Item 10.1 May 3, 2022**

**Planning Committee Agenda**

**Regarding 140 Garner Rd. E. Ancaster**

I am a long time resident of Ancaster. I support in full the Hamilton Conservation Authority's denial to permit warehouse development etc. on the Garner Marsh, headwaters

to Ancaster Creek. That matter is the original application on this property, resulting in a first appeal to the OLT, of which I am listed as a participant.

A second appeal to the OLT has now surfaced, on the above same property, by new owners. According to the City's information report, *there are extensive concerns about the application which have not been answered by the developers*. This new appeal will entirely exclude Hamiltonians from the right to provide comments and input for this development application at the municipal level. How can I, as a resident, now know what I am participating in at a consolidated future OLT?

Thank You for this submission,  
Carolanne Forster

**Sent:** Monday, May 2, 2022 11:45 AM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** May 3, 2022 Planning Committee Meeting, Item 10.1

I am adding my support to all those who recognize the need to preserve the wetlands at 140 Garner Rd. E., Ancaster and the predictable devastation to those lands and beyond, should developers be permitted to proceed with their building and paving.

Having grown up in Ancaster, I have been saddened and disturbed by the continuing destruction of pristine agricultural and natural lands in the name of residential and commercial development.

These specific lands under review are so important to the ecosystem, not only in Ancaster but all the way to Cootes Paradise. Hamilton City Council has an obligation to protect lands such as these, despite outside pressures to abandon their role and allow developers to desecrate our precious environment.

Do the right thing, say no!

Please add my plea to the public record for Item 10.1 of the May 3 Planning Committee agenda regarding 140 Garner Dr. E., Ancaster.

Thank you,

Virginia L. Gibson, Hamilton

**From:** Lynn Gates

**Sent:** Monday, May 2, 2022 11:53 AM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster

Dear Ms. Kelly.

I am writing in response to the *Information Report to the Planning Committee, Appeal of Draft Plan of Subdivision Application 25T-201806 for Lands Located at 140 Garner Road East, Ancaster (PED22096) (Ward 12)*. I am in support of issues/concerns that were outlined when the original Application was circulated in 2018. The extensive concerns identified by City staff at that time have not been addressed by the developer.

Also, it seems undemocratic that an abandoned application from 2018 could now be appealed to the Ontario Land Tribunal.

I fully support the Hamilton Conservation Authority decision to deny this request for development of a warehouse.

Please append my letter to the Planning Committee Agenda of May 3, 2022.

Sincerely,

Lynn M. Gates,  
Hamilton, Ontario

**From:** Adan Amer

**Sent:** Monday, May 2, 2022 11:59 AM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** May 3rd Planning Committee Meeting: With Respect to Agenda Item 10.1

To whom it may concern,

As a resident of Ancaster, I am sending this letter to ask the Planning Committee to please consider the following actions with regards to Item 10.1 - 140 Garner Rd East on tomorrow's agenda:

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA, as this removes Hamiltonians rights to public consultation on this development
3. ensure all nearby residents know about and can apply to be part of the OLT appeal

I ask that this letter be added to the public record for item 10.1.

Best wishes,  
Adan Amer

**Sent:** Monday, May 2, 2022 12:02 PM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** 140 Garner Rd "They Paved Over Paradise And Put Up Parking Lot"

Dear Lisa

Please do not allow the paving over of the critical wetland habitat at 140 Garner Road Ancaster.

Wetlands are vital for wildlife and the community: for your consideration

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
  - the application is over three years old (over 1300 days from application to filing the appeal)
  - since the application, the ownership of the land has changed
  - since the application, Committee of Adjustment has severed the property into two parcels
  - the extensive city concerns about the application were not answered by the developers
  - the public has been excluded from commenting on the new development proposal
  - the city has declared a climate emergency since the original application
  - the city has protected food lands by a no urban boundary expansion decision

Susan Borghese

Meadowlands Ancaster



**From:** Eileen Booty  
**Sent:** Monday, May 2, 2022 12:20 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** Garner Road Marsh Development. City of Hamilton

Dear Lisa,

I am deeply disturbed, to have learned that the city is considering overturning the agreement made with HCA to **not develop** over the Garner marsh. These types of decisions completely erode the public's trust in our politicians . The earlier development application was abandoned. It is now three years old, the ownership of the land has changed and the property has now been severed into two parcels so therefore it cannot be appealed.

Please do the right thing. We can always find places to pave-over but we cannot build new wetlands. They take hundreds and thousands of years to form and ultimately serve the health of our planet and ourselves. **WAKE UP!**

Thank you for your time, Eileen Booty

**From:** Janice Locke  
**Sent:** Monday, May 2, 2022 12:55 PM  
**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
**Subject:** City Planning Committee

Hi Lisa:

I ask that this email be added to the public record for Item 10.1 of the May 3, 2022 Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster.

I was born in Hamilton (raised in the West Mountain area) and currently live in Ancaster. I love this community and have served on numerous Boards including Mohawk College, St. Joe's Hospital, the Art Gallery of Hamilton and The HPO. I am also a CPA and business leader. My request below is made after careful consideration of the need for growth balanced by the need to protect are natural spaces.

I respectfully request that the Planning

1. formally support the HCA's denial of a permit to the developers
2. oppose the consolidation of the two appeals as unfair to marsh defenders including the HCA
3. oppose consolidation as it will remove Hamiltonian's rights for public consultation on a development proposal which would have a negative impact on the headwaters of Ancaster creek
4. ensure all nearby residents know about and can apply to be part of the OLT appeal[s]
5. tell the OLT the earlier development application was abandoned and can't be appealed because:
  - the application is over three years old (over 1300 days from application to filing the appeal)
  - since the application, the ownership of the land has changed
  - since the application, Committee of Adjustment has severed the property into two parcels
  - the extensive city concerns about the application were not answered by the developers
  - the public has been excluded from commenting on the new development proposal
  - the city has declared a climate emergency since the original application
  - the city has protected food lands by a no urban boundary expansion decision

Your consideration is greatly appreciated.  
Janice Locke

**From:** Mike Gill

**Sent:** Monday, May 2, 2022 10:13 AM

**To:** Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>

**Subject:** Addition to the Public Record - May 3 regarding 140 Garner Rd. E, Ancaster

Hello Lisa. Please add my letter below to the public record for Item 10.1 of the **May 3, 2022** Planning Committee Agenda with respect to 140 Garner Rd E, Ancaster. Thank you.

The Hamilton Conservation Authority denied a permit to the developers intent on building structures on the property of 140 Garner Rd. E, Ancaster. I add my support to this denial of the permit. The headwaters of Ancaster Creek require protection to ensure the health of the creek which runs through the city in which my family and I live.

I oppose any action that transfers the decision making process regarding the permit and use of the property (140 Garner Rd. E) from the municipal government of Hamilton and its citizens, to the Ontario Land Tribunal. In particular I oppose the consolidation of the issues of the HCA's permit denial and the City of Hamilton's failure to render a decision into a new appeal.

I request that the City Planning Committee informs all residents nearby 140 Garner Rd. E of the developer's appeal. Indeed, all residents of Hamilton should be informed of this appeal since, as I've stated, Ancaster Creek is a significant part of the City of Hamilton.

The natural spring at 140 Garner Rd. is the source of the Ancaster Creek. The Ancaster Creek is a part of the city of Hamilton and as such the headwaters, which are a vital part of the creek, require protection from development.

Michael Gill,

