



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Legal and Risk Management Services Division**  
**and**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 3, 2022
<b>SUBJECT/REPORT NO:</b>	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)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Patrick MacDonald (905) 546-2424 Ext. 4708 E. Tim Vrooman (905) 546-2424 Ext. 5277 Melissa Kiddie (905) 546-2424 Ext. 1290
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Ron Sabo Acting City Solicitor Legal and Risk Management Services
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

**Discussion of this Confidential Report in closed session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the *Ontario Municipal Act, 2001*:**

- Litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board
- The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- 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.

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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.

**RECOMMENDATION (CLOSED SESSION)**

- (a) That Legal and Risk Management Services be authorized to seek party status on behalf of the City in the appeal to the Ontario Land Tribunal of the decision of the Hamilton Conservation Authority (HCA) to deny Permit Application No. A/F,C,A/21/15 in order to be accorded procedural rights in the matter and support the HCA's refusal of the submitted Permit Application No. A/F,C,A/21/15. The City's reasons for seeking party status include, but are not limited to, the interrelated nature of the HCA Permit Application and the Draft Plan of Subdivision;
- (b) That the Tribunal be advised that the reasons for Council's opposition to Permit Application No. A/F,C,A/21/15 include, but are not limited to:
  - a. The relocation of the watercourse, removal of the wetland and creation of a new wetland:
    - i. is not consistent with the Provincial Policy Statement (2020);
    - ii. does not conform to the Growth Plan for the Greater Golden Horseshoe; and,
    - iii. does not comply with the policies of the Urban Hamilton Official Plan and the Airport Employment Growth District Secondary Plan;
- (c) That Legal and Risk Management Services staff, in consultation with Development Planning staff, be authorized to retain such outside professional(s) in support of Council's opposition to the proposal, as necessary and charge such costs of retainers to the Development Stabilization Reserve 110086.

**RECOMMENDATION (OPEN SESSION)**

- (a) That the directions to staff in closed session respecting Report LS22020/PED22096(a) be released to the public, following approval by Council;
- (b) That the balance of Report LS22020/PED22096(a) remain confidential.