

Scott Snider
Professional Corp.
15 Bold Street
Hamilton Ontario Canada L8P 1T3
Direct Line 905 526-6183 ext. 289
Receptionist 905 529 3476 (905 LAW-FIRM)
Facsimile 905 529-3663
ssnider@tmalaw.ca

October 25, 2016

City of Hamilton Attn: Ms. R. Caterini, City Clerk 71 Main Street West, 5th Floor Hamilton, Ontario L8P 4Y5

Dear City Clerk;

Re: Penta Properties Inc.

198 First Road West and 165 Upper Centennial Parkway,

Former City of Stoney Creek

Appeals of Council's Failure to Make Decisions Regarding Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of

Subdivision

Sections 2(7), 34(11) and 51(34) of the Planning Act

City File Nos. UHOPA 14-012, ZAC 14-027 & 25T-200908R

Our File No. 13381

We are counsel to Penta Properties Inc. (Penta) in this matter.

On June 6, 2014, Penta made applications for an Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Subdivision for lands located at 198 First Road West and 165 Upper Centennial Parkway. The applications were deemed complete on June 18, 2015.

To date, Counsel has failed to make any decisions with respect to the applications. Pursuant to Sections 17(24), 34(11) and 51(34) we hereby appeal the applications to the Ontario Municipal Board.

We are attaching 3 completed Appeal Forms as well as cheques made payable to the Minister of Finance for the applicable appeal fees.

The contents of this communication are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this communication and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

City of Hamilton Attn: Ms. R. Caterini, Clerk October 25, 2016

Page 2

We are also filing appeals in respect of applications filed by Upper Centennial Developments Ltd. for the adjoining property at 165 Upper Centennial Parkway. These applications are closely related. The appeals should be consolidated with the subject appeals for the purposes of the first prehearing.

If there is anything else you may require, please do not hesitate to contact me.

Yours truly,

Scott Snider

Ss:nd Encls. 13381/3

cc: Angelo Paletta Dave Pitblado Robert Clackett

The contents of this communication are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this communication and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

Environment and Land Tribunals Ontario

Ontario Municipal Board

655 Bay Street, Suite 1500 Toronto ON M5G 1E5 Telephone: (416) 212-6349

Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.ello.gov.on.ca

Tribunaux de l'environnement et de l'aménagement du territoire Ontario

Commission des affaires municipales de l'Ontario

655 rue Bay, suite 1500 Toronto ON M5G 1E5

Téléphone: (416) 212-6349
Sans Frais: 1-886-448-2248
Télécopieur: (416) 326-5370
Site Web: www.ello.gov.on.ca



Instructions for preparing and submitting the Appellant Form (A1)

NOTICE - APPEAL FEE CHANGE

Effective July 1, 2016, Ontario Municipal Board (OMB) appeal fees are changing from \$125 to \$300. Appeals received and date-stamped by the municipality/approval authority on or after July 1, 2016, are subject to the new appeal fee.

- The fee of \$25 for each additional consent appeal filed by the same appellant against connected consent applications does not change.
- The fee of \$25 for each additional variance appeal filed by the same appellant against connected variance applications does not change.

OMB appeal fees are still \$125 for appeals with date-stamps from before July 1, 2016.

- . Complete one form for each type of appeal you are filing.
- · Please print clearly.
- A filing fee of \$300 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee <u>must</u> be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you
 retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable. <u>Do NOT send</u> <u>directly to the Ontario Municipal Board.</u>
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The Planning Act and the Ontario Municipal Board Act are available on the Board's website.

A1 Revised August 2016 Page 1 of 6



Date Stamp - Appeal Received by Municipality

Environment and Land Tribunals Ontario

Ontario Municipal Board 655 Bay Street, Sulte 1500 Toronto, Ontario M5G 1E5 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248 FAX: (416) 326-5370 www.elto.gov.on.ca

APPELLANT FORM (A1) PLANNING ACT

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

τοσοίρτ Nu	mber (OMB	Office Use 4	Only)	

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)	
Minor Variance	Appeal a decision	45(12)	
	Appeal a decision	53(19)	
Consent/Severance	Appeal conditions imposed	00(10)	
	Appeal changed conditions	53(27)	
	Failed to make a decision on the application within 90 days	53(14)	
	Appeal the passing of a Zoning By-law	34(19)	
Zoning By-law or	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)	
Zoning By-law Amendment	Application for an amendment to the Zoning By-law – refused by the municipality		
Interim Control By-law	Appeal the passing of an Interim Control By-law	38(4)	
	Appeal a decision	17(24) or 17(36)	
	Failed to make a decision on the plan within 180 days	17(40)	
Official Plan or Official Plan Amendment	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)	
	Application for an amendment to the Official Plan refused by the municipality		
	Appeal a decision	51(39)	
Plan of Subdivision	Appeal conditions imposed	51(43) or 51(48)	
	Failed to make a decision on the application within 180 days	51(34)	

Part 2: Location Information

198 First Road West and 165 Upper Centennial Parkway, Stoney Creek	
Address and/or Legal Description of property subject to the appeal:	
Municipality/Upper tier: City of Hamilton	
A1 Revised August 2016	Page 2 of 6

irst Name: <u>Angelo</u>		Last Name:Pa	letta
Penta Properties In			
Company Name or Association N	arne (Association must b	s incorporated – include	copy of letter of incorporation)
rofessional Title (if applicable):			
-mail Address:	riding an e-mail address you a	area to resolve assumptioless	lease from the CMD by a mail
оу ріо	and an e-mail address you a	gree to receive communicati	ons from the onto by e-mail.
Daytime Telephone #:905-632	-6036	Alternate Telephone	e#:
ax #:			
Mailing Address: 4480 Palet			Burlington
Street Address	ia coult	Apt/Suite/Unit#	City/Town
Ontario			L7L 5R2
Province		Country (if not Can	ada) Postal Code
Signature of Appellant:	nature not required if the	annual is automitted by	Date:
(Og	Andre Hot regulated in the	appear is audinized by e	s law conce.
ersonal information requested on the Ontario Municipal Board	Act, R.S.O. 1990, c. O. 2		
and the Ontario Municipal Board hay become available to the pub	Act, R.S.O. 1990, c. O. 2	8 as amended. After an	ne <i>Planning Act</i> , R.S.O. 1990, c. P. 13, as amende appeal is filed, all information relating to this appe
Personal information requested of the Onfario Municipal Board	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable)	8 as amended. After an	appeal is filed, all information relating to this appe
Personal information requested of and the Ontario Municipal Board hay become available to the pub Part 4: Representative Information authorize the name	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc	8 as amended. After an	appeal is filed, all information relating to this appe
Personal information requested of and the Onterio Municipal Board hay become available to the publicant 4: Representative Information authorize the name first Name: Scott	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc	8 as amended. After an lividual(s) to represe Last Name: Snid	appeal is filed, all information relating to this appearance of the second seco
Personal information requested of and the Ontario Municipal Board hay become available to the pub. Part 4: Representative Information authorize the name first Name: Scott Company Name: Turkstra Maz	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates	8 as amended. After an dividual(s) to represent the Last Name: Snid	appeal is filed, all information relating to this appearance of the second sec
Personal information requested of the Ontario Municipal Board hay become available to the publicant 4: Representative Information and the Part 4: Representative Information and the Part 4: Representative Information and Turkstander Information and Turkstander Information and Turkstander Information and Information an	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates	8 as amended. After an fividual(s) to represdual Last Name:Snid	appeal is filed, all information relating to this appear to the appear of the appear o
Personal Information requested of and the Ontario Municipal Board hay become available to the publicant 4: Representative Information authorize the name first Name: Scott Turkstra Maz Professional Title: Lawyer Schmall Address: Schlder@b	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates malaw.ca	8 as amended. After an lividual(s) to represent the Last Name: Snid	ent me:
Personal Information requested of and the Onterio Municipal Board hay become available to the publicant 4: Representative Information Part 4: Representative	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates malaw.ca	8 as amended. After an lividual(s) to represent the Last Name: Snid	appeal is filed, all information relating to this appearance in the second seco
Personal Information requested of and the Onterio Municipal Board hay become available to the publicant 4: Representative Information Part 4: Representative	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates malaw.ca	8 as amended. After an lividual(s) to represent the Last Name: Snid	ent me:
Personal information requested of and the Ontario Municipal Board hay become available to the pub. Part 4: Representative Information Part 5: Representative Information Part 7: Representative Information Part 8: Representativ	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates malaw.ca lding on e-mail address you a	8 as amended. After an lividual(s) to represe Last Name: Snid	ent me: ler lons from the OMB by e-mail. Hamilton
Personal information requested of and the Ontario Municipal Board hay become available to the publicant 4: Representative Information Part 4: Representative Information and Part 4: Representative Information and Part 4: Representative Information Part 5: Repres	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates malaw.ca lding on e-mail address you a	8 as amended. After an lividual(s) to represent the Last Name: Snid	ent me: ler lons from the OMB by e-mail.
Personal information requested of and the Ontario Municipal Board hay become available to the publicate of the Police of the Pol	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates malaw.ca lding on e-mail address you a	8 as amended. After an lividual(s) to represent the Last Name: Snid	ent me: ler ler Hamilton City/Town L8P1T3
Personal information requested of and the Ontario Municipal Board hay become available to the publication of the Post of the P	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates malaw.ca lding on e-mail address you a	8 as amended. After an lividual(s) to represe Last Name: Snid	ent me: ler lons from the OMB by e-mail. e #: Hamilton City/Town L8P1T3 Postal Code
Personal information requested of and the Ontario Municipal Board hay become available to the publicate of the Police of the Pol	Act, R.S.O. 1990, c. O. 2 lic. mation (if applicable) d company and/or inc za Associates malaw.ca lding on e-mail address you a	8 as amended. After an lividual(s) to represent the Last Name: Snid	ent me: ler ler Hamilton City/Town L8P1T3

A1 Revised August 2016 Page 3 of 6

Part 5: Language and Accessibility
E
Please choose preferred language: English French
We are committed to providing services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.
Part 6: Appeal Specific Information
 Provide specific Information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):
(Please print)
City of Hamilton File No. ZAC-14-027
 Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.
(Please print)
The applications were deemed complete by the City on June 18, 2015. The City has failed to make a decision on the applications within 120 days.
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER
SECTION 34(11) OF THE PLANNING ACT.
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: JUNE 6, 2014 (If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:JUNE 6, 2014
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: JUNE 6, 2014 (If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.) b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: JUNE 6, 2014 (If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.) b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal: "If more space is required, please continue in Part 9 or attach a separate page. The subject lands are generally located south of New Mud Street West and west of the Upper Centennial Parkway located in the Felker neighbourhood in the former City of Stoney Creek. The lands comprised 14.24 hectares. The application proposes to rezone the lands from Neighbourhood Institutional (I1), Community Shopping Centre (Holding) (SC2-5(H)) and Multiple Residential (RM4) to Multiple Residential (RM2-23),
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:JUNE 6, 2014 (If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.) b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal: **If more space is required, please continue in Part 9 or attach a separate page. The subject lands are generally located south of New Mud Street West and west of the Upper Centennial Parkway located in the Felker neighbourhood in the former City of Stoney Creek. The lands comprised 14.24 hectares. The application proposes to rezone the lands from Neighbourhood Institutional (I1), Community Shopping Centre (Holding) (SC2-5(H)) and Multiple Residential (RM4) to Multiple Residential (RM2-23), Conservation/Hazard (P5), Residential (R5-10) and Single Residential (R4) Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016. 1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable? a. No b. Yes
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: JUNE 6, 2014 (If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.) b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal: **If more space is required, please continue in Part 9 or attach a separate page. The subject lands are generally located south of New Mud Street West and west of the Upper Centennial Parkway located in the Felker neighbourhood in the former City of Stoney Creek. The lands comprised 14.24 hectares. The application proposes to rezone the lands from Neighbourhood Institutional (II), Community Shopping Centre (Holding) (SC2-5(H)) and Multiple Residential (RM4) to Multiple Residential (RM2-23), Conservation/Hazard (P5), Residential (R5-10) and Single Residential (R4) Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016. 1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable? a. No b. Yes c.
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:JUNE 6, 2014 (If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.) b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal: **If more space is required, please continue in Part 9 or attach a separate page. The subject lands are generally located south of New Mud Street West and west of the Upper Centennial Parkway located in the Felker neighbourhood in the former City of Stoney Creek. 'The lands comprised 14.24 hectares. The application proposes to rezone the lands from Neighbourhood Institutional (I1), Community Shopping Centre (Holding) (SC2-5(H)) and Multiple Residential (RM4) to Multiple Residential (RM2-23), Conservation/Hazard (P5), Residential (R5-10) and Single Residential (R4) Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016. 1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable? a. No b. Yes c. Part 7: Related Matters (if known)

A1 Revised August 2016 Page 4 of 6

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below: (Please print) City of Hamilton File Nos. 25T-200908R (Plan of Subdivision) & UHOPA 14-012 (OPA) Part 8: Scheduling Information How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days r 1 week More than 1 week – please specify number of days: _ How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony? Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.): Planner & Engineer NO L YES Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate) NO L Do you believe this matter would benefit from a prehearing conference? YES (Prehearing conferences are generally not scheduled for variances or consents) If yes, why? Identification of issues given lack of comments from the City Part 9: Other Applicable Information **Attach a separate page if more space is required.

A1 Revised August 2016 Page 5 of 6

Part 10: Required Fee				
Total Fee Submitted:	\$ 300.00			
Payment Method:	Certified cheque	☐ Money Order	₹	Solicitor's general or trust account cheque
 The paymer 	nt must be in Canadian fur	nds, payable to the Mi	nister	of Finance.

PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

Do not send cash.

A1 Revised August 2016 Page 6 of 6

Environment and Land Tribunals Ontario

Ontario Municipal Board

655 Bay Street, Suite 1500 Toronto ON M5G 1E5 Telephone: (416) 212

Toll Free: Fax: Website (416) 212-6349 1-866-448-2248 (416) 326-5370 www.ello.gov.on.ca Tribunaux de l'environnement et de l'aménagement du territoire Ontario

Commission des affaires municipales de l'Ontario

655 rue Bay, suite 1500 Toronto ON M5G 1E5 Téléphone: (410 Sans Frais: 1-80

Site Web:

(416) 212-6349 1-866-448-2248 (416) 326-5370 www.ello.gov.on.ca



Instructions for preparing and submitting the Appellant Form (A1)

NOTICE - APPEAL FEE CHANGE

Effective July 1, 2016, Ontario Municipal Board (OMB) appeal fees are changing from \$125 to \$300. Appeals received and date-stamped by the municipality/approval authority on or after July 1, 2016, are subject to the new appeal fee.

- The fee of \$25 for each additional consent appeal filed by the same appellant against connected consent applications does not change.
- The fee of \$25 for each additional variance appeal filed by the same appellant against connected variance applications does not change.

OMB appeal fees are still \$125 for appeals with date-stamps from before July 1, 2016.

- . Complete one form for each type of appeal you are filing.
- · Please print clearly.
- A filling fee of \$300 is required for each type of appeal you are filling. To view the Fee Schedule, visit the Board's website.
- The filing fee <u>must</u> be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- · Do not send cash.
- Professional representation is not required but please advise the Board if you
 retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable. <u>Do NOT send</u> directly to the Ontario Municipal Board.
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The Planning Act and the Ontario Municipal Board Act are available on the Board's website.

A1 Revised August 2016 Page 1 of 6



Environment and Land Tribunals Ontario Ontario Municipal Board 655 Bay Street, Suits 1500 Toronto, Ontario M5G 1E5 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248 FAX: (416) 326-5370 APPELLANT FORM (A1) PLANNING ACT

: 1-866-448-2248 SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

Receipt No	nber (OMB	Office Use	Only)	

Part 1: Appeal Type (Please check only one box)

www.elto.gov.on.ca

Date Stamp - Appeal Received by Municipality

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	Appeal a decision	45(12)
	Appeal a decision	53(19)
Consent/Severance	Appeal conditions imposed	03(79)
	Appeal changed conditions	53(27)
	Failed to make a decision on the application within 90 days	53(14)
	Appeal the passing of a Zoning By-law	34(19)
Zoning By-law or	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
Zoning By-law Amendment	Application for an amendment to the Zoning By-law – refused by the municipality	
interim Control By-law	Appeal the passing of an Interim Control By-law	38(4)
	Appeal a decision	17(24) or 17(36)
	Falled to make a decision on the plan within 180 days	17(40)
Official Plan or Official Plan Amendment	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	Application for an amendment to the Official Plan – refused by the municipality	
	Appeal a decision	51(39)
Plan of Subdivision	Appeal conditions imposed	51(43) or 51(48)
	Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information 198 First Road West and 165 Upper Centennial Parkway, Stoney Creek Address and/or Legal Description of property subject to the appeal: Municipality/Upper tier: City of Hamilton A1 Revised August 2016 Page 2 of 6

Part 3: Appellant Information		
First Name: Angelo	Last Name:Paletta	
Penta Properties Inc.		
Company Name or Association Name (Association must be	incorporated – include copy of let	ter of incorporation)
Professional Title (if applicable):		
E-mail Address:		
By providing an e-mail address you agr	ee to receive communications from the	OMB by e-mail.
Daytime Telephone #:905-632-6036	Alternate Telephone #:	
Fax #:		
Mailing Address: 4480 Paletta Court		Burlington
Street Address	Apt/Suite/Unit#	City/Town
Ontario		L7L 5R2
Province	Country (if not Canada)	Postal Code
Signature of Appellant:(Signature not required if the au	opeal is submitted by a law office.	Date:
Please note: You must notify the Ontario Municipal Boa quote your OMB Reference Number(s) after they have b		telephone number in writing. Please
Personal Information requested on this form is collected unc and the Ontario Municipal Board Act, R.S.O. 1990, c. O. 28 may become available to the public.		
Part 4: Representative Information (if applicable)		
I hereby authorize the named company and/or indi		
First Name: Scott	Last Name: Snider	
Company Name:		
Professional Title: <u>Lawyer</u>		
E-mail Address: <u>ssniden@tmalaw.ca</u> By providing an e-mail address you age		OUR L
Daytime Telephone #: 905-529-3476		
Fax #: 905-529-3663		
Mailing Address: 15 Bold Street Street Address	Apt/Suite/Unit#	Hamilton City/Town
/ //	Aposuleronia	City Town
Ontario Province	Country (If not Canada)	L8P1T3 Postal Code
(Country (ii not Canada)	
Signature of Appellant:		Date: October 25, 2016
Please note: If you are representing the appellant and ar required by the Board's Rules of Practice and Procedure, t below.	e NOT a solicitor, please confin to act on behalf of the appellant.	m that you have written authorization, as Please confirm this by checking the box
I certify that I have written authorization from the appell behalf and I understand that I may be asked to produce		n respect to this appeal on his or her
Ad Destand Assessed PRACE		

A1 Revised August 2016 Page 3 of 6

Part 5: Language and Accessibility					
Please choose preferred language: English French					
We are committed to providing services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.					
Part 6: Appeal Specific Information					
 Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s): 					
(Please print)					
City of Hamilton File No. 25T-200908R					
 Outline the nature of your appeal and the reasons for your appeal. B (for example: the specific provisions, sections and/or policies of the your appeal - if applicable). **If more space is required, please contin 	Official Plan	or By-law	which are the subject of		
(Please print)					
The applications were deemed complete by the City on June 18, 2015 applications within 180 days.	. The City ha	as failed to	make a decision on the		
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS SECTION 34(11) OF THE PLANNING ACT.	of Zoning	By-Law	AMENDMENTS UNDER		
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted <u>before</u> January 1, 2007 please use the O1 'pre' b) Provide a brief explanatory note regarding the proposal, which include category, the purpose of the desired zoning by-law change, and a desirely more space is required, please continue in Part 9 or attach a separation.	s the existing	zoning ca	ategory, desired zoning der appeal:		
Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016. 1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable? a. No b. Yes					
Part 7: Related Matters (if known)			_		
Are there other appeals not yet filed with the Municipality?	YES F	NO	_		
Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)	YES V	NO	1		
If yes, please provide OMB Reference Number(s) and/or Municipal File N	lumber(s) in t	he box be	low:		
(Please print)					
City of Hamilton File Nos. ZAC-14-027 (Zoning) & UHOPA 14-012 (OPA)					
			4.55.55.55		

A1 Revised August 2016 Page 4 of 6

Part 8: Scheduling Information				
	-	_	_	
How many days do you estimate are needed for hearing this appeal?	half day	1 day	2 days	3 days
4 days 1 week More than 1 week – please specify	number of days	3:		
How many expert witnesses and other witnesses do you expect to have a	at the hearing pro	oviding evid	lence/lestime	ony?
Describe expert witness(es)' area of expertise (For example: land use planer and Engineer	nner, architect, o	angineer, e	tc.):	
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES 🔽	NO L		
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES V	NO [
If yes, why?_identification of issues given lack of comments from the City				
Part 9: Other Applicable Information **Attach a separate page if more	re space is requ	iired.		

A1 Revised August 2016 Page 5 of 6

Part 10: Required Fee	3			
Total Fee Submitted:	\$ 300.00			
Payment Method:	Certified cheque	Money Order	₹	Solicitor's general or trust account cheque
 The payme 	nt must be in Canadian fu	nds, payable to the Mir	nister	of Finance.

- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

A1 Revised August 2016 Page 6 of 6

Environment and Land Tribunals

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-886-448-2248
Fax: (416) 236-5370
Website: www.eto.gov.on.ca

Tribunaux de l'environnement et de l'aménagement du territoire Ontario

Commission des affaires municipales de l'Ontario 655 ne Bay, suite 1500 Toronto ON M5G 1E5 Téléphone: (416) 212-6349

Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopleur: (416) 326-5370
Site Web: www.elfo.gov.on.ca



Instructions for preparing and submitting the Appellant Form (A1)

NOTICE - APPEAL FEE CHANGE

Effective July 1, 2016, Ontario Municipal Board (OMB) appeal fees are changing from \$125 to \$300. Appeals received and date-stamped by the municipality/approval authority on or after July 1, 2016, are subject to the new appeal fee.

- The fee of \$25 for each additional consent appeal filed by the same appellant against connected consent applications does not change.
- The fee of \$25 for each additional variance appeal filed by the same appellant against connected variance applications does not change.

OMB appeal fees are still \$125 for appeals with date-stamps from before July 1, 2016.

- . Complete one form for each type of appeal you are filing.
- · Please print clearly.
- A filing fee of \$300 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee <u>must</u> be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- · Do not send cash.
- Professional representation is not required but please advise the Board if you
 retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable. <u>Do NOT send</u> <u>directly to the Ontario Municipal Board</u>.
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The Planning Act and the Ontario Municipal Board Act are available on the Board's website.

A1 Revised August 2016 Page 1 of 6



Date Stamp - Appeal Received by Municipality

LITATION TO LAND LAND THOUSAND OF ITATIO
Ontario Municipal Board
855 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370
state elle cour en en

APPELLANT FORM	(A1)
PLANNING A	

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

Receipt Numb	or (OMB Office Use Only)	

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	Appeal a decision	45(12)
Consent/Severance	Appeal a decision Appeal conditions imposed	53(19)
	Appeal changed conditions	53(27)
	Failed to make a decision on the application within 90 days	53(14)
	Appeal the passing of a Zoning By-law	34(19)
Zoning By-law or Zoning By-law Amendment	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days Application for an amendment to the Zoning By-law – refused by the	34(11)
Interim Control By-law	Appeal the passing of an Interim Control By-law	38(4)
	Appeal a decision	17(24) or 17(36)
	Failed to make a decision on the plan within 180 days	17(40)
Official Plan or Official Plan Amendment	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	Application for an amendment to the Official Plan – refused by the municipality	
	Appeal a decision	51(39)
Plan of Subdivision	Appeal conditions imposed	51(43) or 51(48)
	Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

198 First Road West and 165 Upper Centennial Parkway, Stoney Creek Address and/or Legal Description of property subject to the appeal:	
Municipality/Upper tier: City of Hamilton	
A1 Revised August 2016	Page 2 of 6

Part 3: Appellant Information			
First Name: Angelo	_Last Name:	Paletta	
Penta Properties Inc.			
Company Name or Association Name (Association must be in	corporated – inc	lude copy of letter of in	ncorporation)
Professional Title (if applicable):			
E-mail Address:	to receive commu	ications from the OMB by	e-mail.
•,		•	
Daytime Telephone #: 905-632-6036	Alternate Telep	hone #:	
Fax #:	_		
Mailing Address: 4480 Paletta Court		Bu	urlington
Street Address	Apt/Suite/Unit		City/Town
Ontario Province	Country (if not		L 5R2 Postal Code
Signature of Appellant:	, , , , , , , , , , , , , , , , , , , ,	,	Date:
(Signature not required if the appe	eal is submitted	by a law office.)	
Please note: You must notify the Ontario Municipal Board quote your OMB Reference Number(s) after they have been		of address or telepi	hone number in writing. Please
Personal information requested on this form is collected under and the Ontario Municipal Board Act, R.S.O. 1990, c. O. 28 at may become available to the public.			
Part 4: Representative Information (if applicable)			
I hereby authorize the named company and/or indivi		resent me	
First Name: Scott			
Company Name:Turkstra Mazza Associates			
Professional Title: Lawyer			
E-mail Address: ssnider@tmalaw.ca By providing an e-mail address you agree	to receive commu	ications from the OMB by	e-mail.
Daytime Telephone #:905-529-3476	Alternate Telep	hone #:	
Fax #: 905-529-3663			
Mailing Address:15 Bold Street			Hamilton
Street Address / / /	Apt/Suite/Uniti		City/Town
Ontario			L8P1T3
Province /	Country (if not	Canada)	Postal Code
Signature of Appellant:			Date: October 25, 2016
Please note: If you are representing the appellant and are required by the Board's Rules of Practice and Procedure, to below.			
I certify that I have written authorization from the appellar behalf and I understand that I may be asked to produce the	nt to act as a rep nis authorization	resentative with respe at any time.	ect to this appeal on his or her
A1 Revised August 2016			Page 3 of 6

Part 5: Language and Accessibility		
Please choose preferred language: F English French		
We are committed to providing services as set out in the Accessibility for any accessibility needs, please contact our Accessibility Coordinator as so		5. If you have
Part 6: Appeal Specific Information		
 Provide specific information about what you are appealing. For Number(s), Official Plan Number(s) or Subdivision Number(s): 	r example: Municipal File Numb	oer(s), By-law
(Please print)		
City of Hamilton File Nos. UHOPA 14-012		
 Outline the nature of your appeal and the reasons for your appeal. Be (for example: the specific provisions, sections and/or policies of the your appeal - if applicable). **If more space is required, please continue. 	Official Plan or By-law which are	the subject of
(Please print) The applications were deemed complete by the City on June 18, 2015. applications within 180 days.	. The City has failed to make a d	ecision on the
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS O	OF ZONING BY-LAW AMENDM	ENTS UNDER
SECTION 34(11) OF THE PLANNING ACT.		
	-Bill 51' form.) s the existing zoning category, description of the lands under appeal:	sired zoning
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted before January 1, 2007 please use the O1 'pre- b) Provide a brief explanatory note regarding the proposal, which includes category, the purpose of the desired zoning by-law change, and a description.	-Bill 51' form.) s the existing zoning category, description of the lands under appeal: ate page. dments, zoning by-laws/an or after July 1, 2016.	
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted before January 1, 2007 please use the O1 'pre- b) Provide a brief explanatory note regarding the proposal, which include category, the purpose of the desired zoning by-law change, and a description of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the purpose of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the de	-Bill 51' form.) s the existing zoning category, description of the lands under appeal: ate page. dments, zoning by-laws/an or after July 1, 2016.	
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted before January 1, 2007 please use the O1 'pre- b) Provide a brief explanatory note regarding the proposal, which includes category, the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the d	-Bill 51' form.) s the existing zoning category, description of the lands under appeal: rate page. dments, zoning by-laws/amn or after July 1, 2016.	
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted before January 1, 2007 please use the O1 'pre- b) Provide a brief explanatory note regarding the proposal, which includes category, the purpose of the desired zoning by-law change, and a desc **If more space is required, please continue in Part 9 or attach a separ Bill 73 - This question applies only to official plans/amend and minor variances that came into effect/were passed on 1. Is the 2-year no application restriction under section 22(2.2) or 34 a. No b. Yes	-Bill 51' form.) s the existing zoning category, description of the lands under appeal: rate page. dments, zoning by-laws/amn or after July 1, 2016.	
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted before January 1, 2007 please use the O1 'pre- b) Provide a brief explanatory note regarding the proposal, which includes category, the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the desired zoning by-law change, and a description of the purpose of the p	Bill 51' form.) s the existing zoning category, description of the lands under appeal: rate page. dments, zoning by-laws/am n or after July 1, 2016. (10.0.0.2) or 45(1.4) applicable? YES NO YES NO	
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted before January 1, 2007 please use the O1 'pre- b) Provide a brief explanatory note regarding the proposal, which includes category, the purpose of the desired zoning by-law change, and a desc "If more space is required, please continue in Part 9 or attach a separ Bill 73 - This question applies only to official plans/amend and minor variances that came into effect/were passed on 1. Is the 2-year no application restriction under section 22(2.2) or 34 a. No b. Yes Part 7: Related Matters (if known) Are there other appeals not yet filed with the Municipality? Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)	Bill 51' form.) s the existing zoning category, description of the lands under appeal: rate page. dments, zoning by-laws/am n or after July 1, 2016. (10.0.0.2) or 45(1.4) applicable? YES NO YES NO	
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted before January 1, 2007 please use the O1 'pre- b) Provide a brief explanatory note regarding the proposal, which includes category, the purpose of the desired zoning by-law change, and a description of the desired zoning by-law change, and a description of the purpose is required, please continue in Part 9 or attach a separal minor variances that came into effect/were passed of a. Is the 2-year no application restriction under section 22(2.2) or 34 a. No b. Yes Part 7: Related Matters (if known) Are there other appeals not yet filed with the Municipality? Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application) If yes, please provide OMB Reference Number(s) and/or Municipal File No.	Bill 51' form.) s the existing zoning category, description of the lands under appeal: ate page. dments, zoning by-laws/am or after July 1, 2016. (10.0.0.2) or 45(1.4) applicable? YES NO YES NO Umber(s) in the box below:	

Part 8: Scheduling Information						
How many days do you estimate are needed for hearing this appeal?	half da	, г	1 day	2 da	avs [3 days
era pro			-		-,-	,-
4 days 1 week More than 1 week – please specify number of days;						
How many expert witnesses and other witnesses do you expect to have a	at the he	aring pr	oviding	evidence	/testim	ony?
Describe expert witness(es)' area of expertise (For example: land use pla Planner and Engineer	nner, ar	chitect,	engine	er, etc.):		
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES	<u>~</u>	NO	Γ		
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES	V	NO	Γ		
If yes, why? Identification of issues given lack of comments from the City						
Part 9: Other Applicable Information **Attach a separate page if mo	re space	is req	uired.			

A1 Revised August 2016 Page 5 of 6

Part 10: Required Fee	9			
Total Fee Submitted:	\$300.00			
Payment Method:	Certified cheque	Money Order	Solicitor's ge	eneral or trust account cheque
 The payme 	nt must be in Canadian fu	nds, payable to the Min	ister of Finance.	
 Do not sen 	d cash.			

. PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

A1 Revised August 2016 Page 6 of 6