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File No. 800204

February 13, 2017

By E-Mail Only to ida.bedioui@hamilton.ca and denis.farr@hamilton.ca

Planning Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Planning Committee:

**Re: Planning Committee Meeting
Item 5.4 - GRIDS 2 and Municipal Comprehensive Review –
Terms of Reference and Work Plan
Report PED17010**

We are writing on behalf of our clients, Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and Elaine Vyn (collectively, the "Twenty Road East Landowners Group"), the owners of lands in the south area of the City of Hamilton, in the Twenty Road area. The lands are centered around the intersection of Twenty Road and Miles Road, located immediately adjacent to the south central urban area of the City of Hamilton, east of the Hamilton International Airport, west of the Glanbrook area business park, and north of Dickenson Road.

We are writing in furtherance to our previous correspondence to City staff (attached). As such, we ask that the Planning Committee formally receive this communication at its meeting on February 14, 2017, and append same to this item when it is subsequently considered by Council.

We acknowledge and appreciate the City's confirmation that the Twenty Road East Landowners Group lands will be included for consideration as part of the municipal comprehensive review, as required by both the Provincial Policy Statement and Growth Plan.



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The City of Hamilton's Planning and Economic Development department has stated in its correspondence dated January 26, 2016, that "the intent of the City of Hamilton is that the Elfrida lands are its first priority for non-employment lands; and The Twenty Road East lands as shown in Schedule D [AEGD Minutes of Settlement dated February 3, 2015 (the "Minutes")] are the City's next priority for non-employment and after the Elfrida lands". This sentiment is reiterated in Appendix A to Report PED17010.

Importantly, Twenty Road East Landowners Group is not a party to the AEGD Minutes of Settlement, nor did it agree to the purported priority scheme set out therein at Schedule D. It remains our position that the question of which lands, if any, should be included in the City's urban boundary is an issue that is still to be addressed by the Ontario Municipal Board, in the context of the current appeal of the City's Urban and Rural Official Plans. Moreover, it is contrary to Provincial policy, including the Provincial Policy Statement, to embark on a municipal comprehensive review with a predisposition as to which lands should be given priority for an urban boundary expansion. The City is required to review all properties equally.

Our client continues to maintain this as an issue at the Ontario Municipal Board hearing, and does not agree that the inclusion of its lands should only follow after the Elfrida lands have been accommodated, either as part of the current Official Plan appeals or in the context of future municipal comprehensive reviews conducted by the City. In that regard, any growth management studies should consider our clients' lands at the same time, on the same basis, and under the same considerations as the Elfrida lands. Importantly, the Twenty Road East Landowners Group lands are non-prime agricultural lands within the White Belt, and as such, should be properly given priority over the Elfrida lands, which are prime agricultural lands, in accordance with Provincial policy.

As such, we object to the Terms of Reference and Work Plan set out in Report PED17010, and ask the Planning Committee to properly refuse same.



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Yours sincerely,
DAVIES HOWE PARTNERS LLP

A handwritten signature in blue ink, appearing to be 'Susan Rosenthal', written over a horizontal line.

per: Susan Rosenthal
Professional Corporation

SR:KJ

copy: Twenty Road East Landowners Group
Ms. Maria Gatzios, Gatzios Planning
City Clerk