

October 30, 2017

Michael J. McQuaid, Q.C.
T: 416-947-5020
mcquaid@weirfoulds.com

File 11832.00001

VIA COURIER

City of Hamilton
Office of the City Clerk
71 Main St. W., 1st Floor
Hamilton, Ontario
L8P 4Y5

Dear Sir/Madam:

**Re: Notice of Appeal of Proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, Pursuant to Sections 22(7), 34(11) and 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, respectively
111 Silverwood Drive, City of Hamilton**

We are counsel for Silverwood Homes Inc. ("**Silverwood**") owner of lands municipally known as 111 Silverwood Drive (the "**Site**"), legally described as Lot 11, Concession 4, in the Town of Flamborough, now the City of Hamilton (the "**City**"). The Site is located in the Village of Waterdown and physically on the western edge of the Waterdown North Secondary Plan Area.

The Site is rectangular in shape and is approximately 7.27 hectares in size. The total area owned by Silverwood in this location is approximately 32 acres. The larger land holdings have been development in various stages through a draft plan of subdivision process, including required Zoning and Official Plan Amendments. The Site represents Phase 2/3.

On November 8, 2013, the City issued a "Notice of Complete Applications and Preliminary Circulation" (the "**Notice**"). Three concurrent applications were filed to advance the approvals required for the Phase 2/3 lands consisting of an Official Plan Amendment, a Zoning By-law Amendment and a Subdivision (collectively the "**Applications**"). The draft plan was revised by submission to the City of a draft plan dated January 29, 2014 and Silverwood seeks the necessary amendments to the applications which will implement that revised draft plan. To date, City Council has failed to adopt the requested Official Plan amendment within 180 days, or to make a decision on the proposed Zoning By-law amendment within 120 days. Similarly, more than 180 days have passed and the City, as the approval authority, has failed to make a decision on the Draft Plan of Subdivision.

Accordingly, on behalf of Silverwood, we hereby appeal the proposed Official Plan amendment and Zoning By-law amendment to the Ontario Municipal Board (the "**Board**") pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "**Act**"): in the case of the proposed Official Plan amendment, pursuant to section 22(7) of the Act; in the case of the proposed Zoning By-law pursuant to section 34(11) of the Act. We hereby also appeal the Draft Plan of Subdivision to the Board pursuant to Section 51(34) of the Act.

THE APPLICATIONS

The Site is currently vacant and is used as farmland. The purpose and effect of the Applications are described by the Notice as follows:

The purpose and effect of these Applications are described by the Notice, as follows:

Purpose and Effect of Applications

Official Plan Amendment Application (File No. OPA-13-008)

The purpose and effect of the proposed Official Plan Amendment is to permit Blocks 1, 2 and 3 to be used for the development of medium and higher density housing forms in the range of 70-100 units per hectare, instead of lower density uses as shown on the attached revised draft plan.

Zoning By-law Amendment Application (File No. ZAC-13-039)

The purpose and effect of the proposed Zoning By-law Amendment is to amend the Flamborough Zoning By-law for lands which are part of the proposed draft plan of subdivision in order to permit zoning for the following:

- medium density residential blocks (Blocks 1 and 2) which may include street townhouses, townhouses, back-to-back townhouses and semi-detached dwellings;
- a medium-high density residential block (Block 3) which may include townhouses, back-to-back townhouses and apartments (up to 15 storeys);

Subdivision Application (File No. 25T-201306)

The purpose and effect of the revised proposed draft plan of subdivision is to establish a new phase of development for lands owned by Silverwoods Homes which are situated on both the south side (Phase 2) and the north side (Phase 3) of the future East-West Arterial.

The proposed Draft Plan of Subdivision consists of the following:

- 2 Blocks for Medium Density Residential development (Blocks 1 and 2);
- 1 Block for Medium-High Density Residential for development of up to 125 units per ha. (Block 3);

The concurrent applications for an Official Plan Amendment and Rezoning were to advance a site-specific policy and implementing zoning to permit the intended subdivision layout, including a higher form of development density. The Applications are intended to facilitate a compact form of development and to assist the City in meeting the density requirement as contained in the City's Official Plan.

While Silverwood remains eager and willing to work with the City and interested stakeholders, no decision or direction has been received to conclude on the most reasonable option. Moreover, with the upcoming changes contemplated to the Act, Silverwood has decided to file a "friendly" appeal of the Applications to the Board in order to advance the development.

Despite these three appeals, Silverwood remains prepared to consider appropriate revisions to the proposed redevelopment, once further direction is provided by City Staff and Council. It remains our hope that this matter can be resolved on a consensual basis rather than through a contested Board hearing. However, we are filing the appeals at this stage in the expectation that the Applications for the proposed redevelopment will inevitably end up before the Board in any event, and in order to preserve our clients' place in the hearing queue. Through this hopefully continued consultation process with the City, we expect that refinements to the Draft Plan of Subdivision may be necessary, together with complementary amendments to the other concurrent planning applications.

Finally, while reasons for an appeal from a non-decision are not required under sections 22(7), 34(11) and 51(34) of the Act, we note the following in support of our clients' appeals of the Applications:

1. The proposed redevelopment of the Site is consistent with and conforms to the applicable planning policy framework as noted below:
 - (a) The Provincial Policy Statement (2014) ("**PPS**"), by providing a sustainable land use pattern for the financial well-being of the Province and the Municipality;
 - (b) The Provincial Growth Plan for the Greater Golden Horseshoe (2006) ("**Growth Plan**"), by providing a transit-supportive form of intensification within a built-up

area utilizing existing services and infrastructure. Moreover, it is a pedestrian-friendly site within a transit-oriented corridor, with major roadways and bus routes abutting the subject properties; and

- (c) The City's Official Plan, insofar as the proposed higher density mixed-use development will facilitate intensification within the built-up area;
- 2. From both a land use and urban design standpoint, the proposed redevelopment is compatible with and sensitive to the pattern of existing development within the surrounding area, in terms of the proposed heights, densities, built form, transitional elements and other urban design features. At the same time, it affords an opportunity to significantly improve the built-form and implement the approved policy framework with a high-quality and contemporary urban design.
- 3. The proposed redevelopment facilitates an appropriate form of land development and represents good land use planning.
- 4. The proposed Zoning By-law amendments for the Site include appropriate zoning regulations, which collectively eliminate or mitigate any undue impacts on adjoining properties or the surrounding community. Those zoning regulations will form the basis for a detailed site plan review.
- 5. The proposed redevelopment represents an appropriate level of redevelopment and intensification of the Site. The proposed redevelopment is in keeping with the planning and urban design framework established in the PPS, the Growth Plan, the City's Official Plan and the applicable urban design guidelines.
- 6. From a land use planning perspective, the proposed redevelopment of the Site promotes the achievement of numerous policy directives supporting intensification within built-up urban area.
- 7. Such further and other reasons as counsel may advise and the Board may permit.

In satisfaction of the Board's filing requirements, attached please find the following:

1. Three (3) Board appeal forms entitled "Appellant Form (A1)" duly completed and signed in respect of the Official Plan, Zoning, and Draft Plan of Subdivision appeals herein; and
2. One (1) cheque, in the amount of \$900.00, payable to the Minister of Finance representing the Board's filing fees for the three appeals herein.

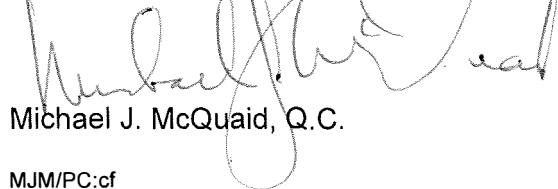
In the interim, kindly acknowledge the receipt and sufficiency of this letter and advise that the appeals have been forwarded to the Board in accordance with the provisions of sections 22(9) and 34(23) of the *Planning Act*.

By copy of this letter to the Board, we are requesting that the files on these three related appeals be processed concurrently pending a formal consolidation with one another.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact me or Paul Chronis, Senior Planner in our office, at (416) 947-5069 or pchronis@weirfoulds.com.

Yours truly,

WeirFoulds LLP



Michael J. McQuaid, Q.C.

MJM/PC:cf
Enclosures

c: Paul Chronis, WeirFoulds LLP
Clients

11028532.1



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.elto.gov.on.ca

Instructions for preparing and submitting the Appellant Form (A1)

- **Important: Do not send your appeal directly to the Ontario Municipal Board (OMB).**
Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the municipality/approval authority will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the OMB.
- 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 at:
Toll free: 1-866-448-2248; or
TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the OMB. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee of \$300 is required for each type of appeal you are filing.
Example: An appeal of an official plan and a zoning by-law would be \$300 + \$300 for a total fee of \$600.
- To view the Fee Schedule, visit the OMB's website [<http://elto.gov.on.ca/omb/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the OMB if you retain a representative after the submission of this form.
- The *Planning Act*, *Development Charges Act*, *Education Act* and *Ontario Municipal Board Act* are available on the OMB's website [<http://elto.gov.on.ca/omb/legislation-and-regulations/>].
- Fields marked with an asterisk (*) are mandatory.



Ontario

Environment and Land Tribunals Ontario

Ontario Municipal Board

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Toronto ON M5G 1E5

Telephone: 416-212-6349

Toll Free: 1-866-448-2248

Fax: 416-326-5370

Website: www.elto.gov.on.ca

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

OFFICE OF THE CITY CLERK**OCT 31 2017****1. Appeal Type (Please check all applicable boxes) ***

Subject of Appeal	Type of Appeal	Act Reference (Section)
Planning Act Matters		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input checked="" type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

Page 8 of 24

Subject of Appeal	Type of Appeal	Act Reference (Section)
Development Charges Act Matters		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
Aggregate Resources Act Matters		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	<input type="checkbox"/> Revocation of licence	20(4)
Municipal Act Matters		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
Ontario Heritage Act Matters		
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Matters

Subject of Appeal	Act/Legislation Name	Section Number
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2. Location Information

Address and/or Legal Description of property subject to the appeal *

111 Silverwood Drive, Hamilton

Municipality *

City of Hamilton

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name Nesbitt	First Name John G.
----------------------	-----------------------

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Silverwood Homes Inc.

Professional Title

President

Email Address

jeff.colyer@countrygreenhomes.com

Daytime Telephone Number *	Alternate Telephone Number	Fax Number
905-693-8525 ext.		905-693-1103

Mailing Address

Unit Number C	Street Number * 410	Street Name * Industrial Drive	PO Box
City/Town * Milton	Province * Ontario	Country * Canada	Postal Code * L9T 5A6

4. Representative Information

☒ I hereby authorize the named company and/or individual(s) to represent me

Last Name McQuaid	First Name Mike
----------------------	--------------------

Company Name

WeirFoulds LLP

Professional Title

Lawyer

Email Address

mcquaid@weirfoulds.com

Daytime Telephone Number	Alternate Telephone Number	Fax Number
416-365-1110 ext. 5020		416-365-1876

Mailing Address

Unit Number 4100	Street Number 66	Street Name Wellington Street West	PO Box
City/Town Toronto	Province Ontario	Country Canada	Postal Code M5K 1B7

Note: If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☒ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Specific Information

Municipal Reference Number(s)
OPA-13-008

Outline the nature of your appeal and the reasons for your appeal *
Refer to the attached Notice of Appeal

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

☐ Oral submissions at a public meeting ☐ Written submissions to council

Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

☐ Yes ☐ No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes ☒ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

☒ Yes ☐ No ▼

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s)
Zoning and Official Plan concurrently appealed

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

☐ 1 day ☐ 2 days ☐ 3 days ☐ 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 at the hearing providing evidence/testimony?
Three

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
Planning, Engineering and Traffic

Do you believe this matter would benefit from mediation?

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

☒ Yes ☐ No

8. Required Fee

Total Fee Submitted * \$ 300

Payment Method * ☐ Certified cheque ☐ Money Order ☒ Solicitor's general or trust account cheque


9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative

Michael McQuaid

Signature of Appellant/Representative



Date (yyyy/mm/dd)

2017/10/30

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Appellant Form (A1)

Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500
 Toronto ON M5G 1E5
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OFFICE OF THE CITY CLERK

OCT 31 2017

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Heritage	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
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Subject of Appeal	Act/Legislation Name	Section Number

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Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

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Last Name
Nesbitt

First Name
John G.

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Silverwood Homes Inc.

Professional Title
President

Email Address
jeff.colyer@countrygreenhomes.com

Daytime Telephone Number *
905-693-8525

ext.

Alternate Telephone Number

Fax Number
905-693-1103

Mailing Address

Unit Number
C

Street Number *
410

Street Name *
Industrial Drive

PO Box

City/Town *
Milton

Province *
Ontario

Country *
Canada

Postal Code *
L9T 5A6

4. Representative Information

☒ I hereby authorize the named company and/or individual(s) to represent me

Last Name
McQuaid

First Name
Mike

Company Name
WeirFoulds LLP

Professional Title
Lawyer

Email Address
mcquaid@weirfoulds.com

Daytime Telephone Number
416-365-1110

ext. 5020

Alternate Telephone Number

Fax Number
416-365-1876

Mailing Address

Unit Number
4100

Street Number
66

Street Name
Wellington Street West

PO Box

City/Town
Toronto

Province
Ontario

Country
Canada

Postal Code
M5K 1B7

Note: If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box

☒ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Specific Information

Municipal Reference Number(s)
25T-201306

Outline the nature of your appeal and the reasons for your appeal *
Refer to the attached Notice of Appeal

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

☐ Oral submissions at a public meeting ☐ Written submissions to council

6. Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes ☒ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

☒ Yes ☐ No ▼

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s)
Official Plan and Zoning concurrently appealed

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

☐ 1 day ☐ 2 days ☐ 3 days ☐ 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 at the hearing providing evidence/testimony?
Three

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
Planning, Engineering and Traffic

Do you believe this matter would benefit from mediation?

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

☒ Yes ☐ No

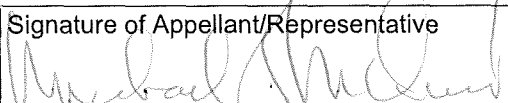
8. Required Fee

Total Fee Submitted * \$ 300

Payment Method * ☐ Certified cheque ☐ Money Order ☒ Solicitor's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Michael McQuaid		2017/10/30

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.



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.elto.gov.on.ca

Appellant Form (A1)

Instructions for preparing and submitting the Appellant Form (A1)

- **Important: Do not send your appeal directly to the Ontario Municipal Board (OMB).**

Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the municipality/approval authority will tell you where to send the form and appeal fee.

- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the OMB.
- 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 at:
 Toll free: 1-866-448-2248; or
 TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the OMB. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee of \$300 is required for each type of appeal you are filing.
 Example: An appeal of an official plan and a zoning by-law would be \$300 + \$300 for a total fee of \$600.
- To view the Fee Schedule, visit the OMB's website [<http://elto.gov.on.ca/omb/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the OMB if you retain a representative after the submission of this form.
- The *Planning Act*, *Development Charges Act*, *Education Act* and *Ontario Municipal Board Act* are available on the OMB's website [<http://elto.gov.on.ca/omb/legislation-and-regulations/>].
- Fields marked with an asterisk (*) are mandatory.



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Website: www.elto.gov.on.ca

Appellant Form (A1)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

OFFICE OF THE CITY CLERK

OCT 31 2017

1. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Act Reference (Section)
Planning Act Matters		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	22(7)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	34(11)
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	53(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

Subject of Appeal	Type of Appeal	Act Reference (Section)
Development Charges Act Matters		
Development Charge	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
Education Development	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
Aggregate Resources Act Matters		
Aggregate Removal	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
Aggregate Removal	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
Aggregate Removal	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
Aggregate Removal	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	18(5)
Aggregate Removal	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	<input type="checkbox"/> Revocation of licence	20(4)
Municipal Act Matters		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
Ontario Heritage Act Matters		
Heritage	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)
Other Matters		
Subject of Appeal	Act/Legislation Name	Section Number

2. Location Information

Address and/or Legal Description of property subject to the appeal *
111 Silverwood Drive, Hamilton

Municipality *
City of Hamilton

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name Nesbitt	First Name John G.
----------------------	-----------------------

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Silverwood Homes Inc.

Professional Title
President

Email Address
jeff.colyer@countrygreenhomes.com

Daytime Telephone Number * 905-693-8525	ext. 	Alternate Telephone Number 	Fax Number 905-693-1103
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Mailing Address

Unit Number C	Street Number * 410	Street Name * Industrial Drive	PO Box
City/Town * Milton	Province * Ontario	Country * Canada	Postal Code * L9T 5A6

4. Representative Information

☒ I hereby authorize the named company and/or individual(s) to represent me

Last Name McQuaid	First Name Mike
----------------------	--------------------

Company Name
WeirFoulds LLP

Professional Title
Lawyer

Email Address
mcquaid@weirfoulds.com

Daytime Telephone Number 416-365-1110	ext.5020	Alternate Telephone Number 	Fax Number 416-365-1876
--	----------	--------------------------------	----------------------------

Mailing Address

Unit Number 4100	Street Number 66	Street Name Wellington Street West	PO Box
City/Town Toronto	Province Ontario	Country Canada	Postal Code M5K 1B7

Note: If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box

☒ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Specific Information

Municipal Reference Number(s)
OPA-13-008

Outline the nature of your appeal and the reasons for your appeal *
Refer to the attached Notice of Appeal

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

☐ Oral submissions at a public meeting ☐ Written submissions to council

Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

☐ Yes ☒ No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes ☒ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

☒ Yes ☐ No ▼

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s)
Zoning and Official Plan concurrently appealed

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How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
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Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
Planning, Engineering and Traffic

Do you believe this matter would benefit from mediation?

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

☒ Yes ☐ No

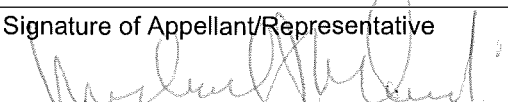
8. Required Fee

Total Fee Submitted * \$ 300

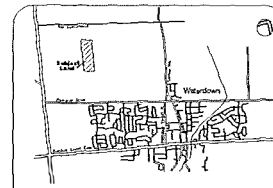
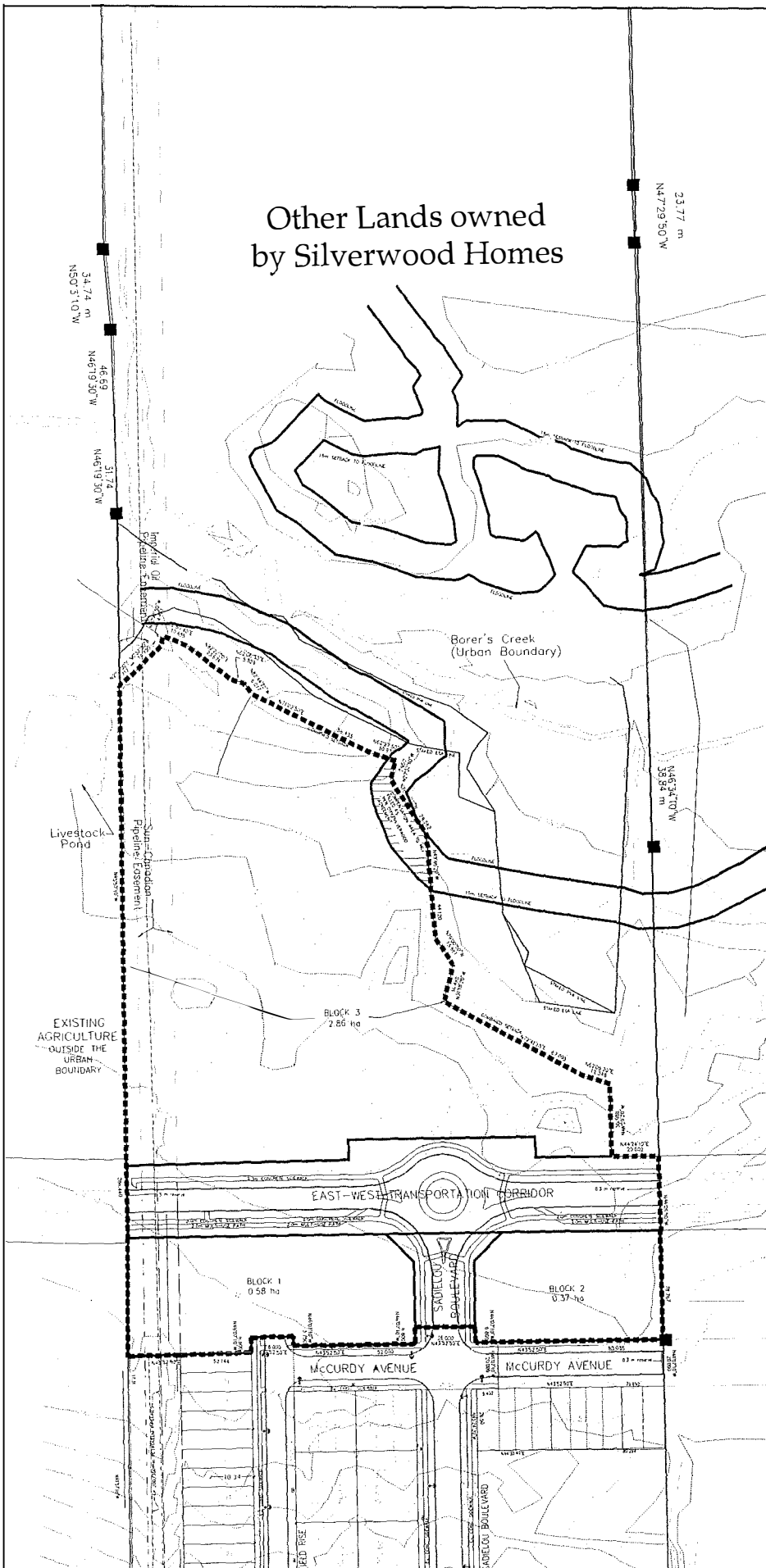
Payment Method * ☐ Certified cheque ☐ Money Order ☒ Solicitor's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Michael McQuaid		2017/10/30

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.



KEY PLAN (N.T.S.)

REQUIREMENTS OF THE PLANNING ACT,
R.S.O. 1990, c. P.13 SECTION 51(17)

- | | | |
|--------------|--------------|--------------|
| (a) See Plan | (d) See Plan | (g) See Plan |
| (b) See Plan | (e) See Plan | (h) See Plan |
| (c) See Plan | (f) See Plan | (i) See Plan |

OWNER'S CERTIFICATE

I hereby certify that the registered owner of the subject lands described in this application, has examined the contents of this application and hereby certifies that the information contained within this application is correct, true and accurate to the best of his/her knowledge and belief, and that he/she is not aware of any material misstatements or omissions in this application.

Silverwood Homes Inc. City: Milton Date: 1/20/14

SURVEYOR'S CERTIFICATE

I hereby certify that the boundaries of the lands in this application and the location of the subject lands are correct and true to the best of my knowledge and belief.

DATE: 1/20/14
TOMAS B. G. G. J.D. (S) 1998
PHONE NO. (416) 875-6555

LEGEND

- Block Boundary
- Phase Line

LAND USE SCHEDULE

USE	BLOCK #	HECTARE	ACRE
MEDIUM DENSITY RESIDENTIAL U	1-5	0.81	2.15
MEDIUM-HIGH DENSITY RESIDENTIAL	3	2.64	7.07
0.5 METRE RESERVES	N/A	0.002	0.00
ROADS			
EAST-WEST COLLECTOR	N/A	0.00	1.47
SADIELOU BOULEVARD-30m	N/A	0.11	0.37
TOTAL SITE AREA		4.72	11.66
OTHER URBAN AREA		9.84	23.82
OTHER NON-URBAN AREA		12.76	45.98
TOTAL PROPERTY AREA		32.15	79.44
PROPOSED ROADS			
EAST-WEST COLLECTOR 22m		197.97	748.83
SADIELOU BOULEVARD 30m		46.48	185.92
TOTAL ROAD LENGTH		274.15	839.44

REVISIONS

NO.	DATE	BY	REVISIONS
1	12/17/13	DR	REVISION OF STREET & PROPOSED IMPROVEMENTS
2	12/17/13	DR	REVISION OF STREET & PROPOSED IMPROVEMENTS
3	12/17/13	DR	REVISION OF STREET & PROPOSED IMPROVEMENTS

Scale 1:750



APPLICANT:
Silverwood Homes Inc.
410 Industrial Drive
Milton, ON, L8T 5A6, Canada
Phone: (905) 693-8525
Fax: (905) 693-1103

AGENT:
4450 PALETTE COURT
BURLINGTON, ON L7L 5R2
TEL: 905.637.2916
FAX: 905.637.3268
METROPOLITAN
C O N S U L T I N G
EMAIL: info@metropoli.ca

Silverwood Homes Draft Plan of Subdivision PHASE 2

LEGAL DESCRIPTION:
PART OF LOT 11, CONCESSION 4
FORMERLY IN THE TOWNSHIP
OF EAST FLAMBOROUGH, NOW
IN THE CITY OF HAMILTON.

MUNICIPALITY:
City of Hamilton
Corporation of the
City of Hamilton,
Ontario, Canada

MOI NUMBER:
N10007
DATE:
JANUARY 28, 2014