

<b>OFFICE OF THE CITY CLERK</b>	
OCT 27 2017	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____
_____	

October 25, 2017

**VIA COURIER**

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

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

File 11832.00001

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  
609 & 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle,  
Waterdown, City of Hamilton**

We are counsel for Parkside Hills Inc. (Country Green Homes Inc.) ("**Parkside**") owner of lands municipally known as 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle (the "**Site**"). The Site is located in the Village of Waterdown, within the City of Hamilton (the "**City**") and geographically located on the west side of Hamilton Street North between Nisbet Boulevard and Parkside Drive. The Site is also legally described as Part of Lot 8, Concession 4, Geographic Township of East Flamborough, in the City.

The Site is irregular in shape and is approximately 1.15 hectares in size, having a 132.2 metre frontage and a depth of 104.5 metres. The Site is currently vacant. 609 and 615 Hamilton Street North were the sites of two former gasoline service stations. 3 Nisbet Boulevard and 129-137 Truedell Circle are remnant parcels from an abutting subdivision being used as a temporary turning circle.

On March 22, 2016, a Formal Consultation meeting was held with the City. Following that meeting, on December 23, 2016, concurrent Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications (the "**Applications**") were filed with the City of Hamilton (the "**City**"). By letter dated January 19, 2017, these Applications were declared complete by the City (File No's: UHOPA-17-03, ZAC-17-013 and 25T-201702). To date, City Council has failed to adopt the requested Official Plan amendment within 270 days (the processing period extended by the City from the 180 pursuant to Section 17(40.1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "**Act**"), 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 Parkside, we hereby appeal the proposed Official Plan amendment and Zoning By-law amendment to the Ontario Municipal Board (the "**Board**") pursuant to section 22(7) of the Act, in the case of the proposed Official Plan amendment, and pursuant to section 34(11) of the Act in the case of the proposed Zoning By-law amendment. 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 designated by the City's Official Plan as *Neighbourhoods and Mixed Use – Medium Density* in the Waterdown North Secondary Plan, save and except the lands municipally known as 609 and 615 Hamilton Street North, which are outside the Secondary Plan. The City's Zoning By-law zones the Site as Automotive Commercial "AC-2" Zone, Modified (609 and 615 Centre Road) and Medium Density Residential "R6-16" Zone, Modified (3 Nisbet Boulevard) Development "D". Both the City's Official Plan and Zoning By-law contemplate the intensification and urbanization of the Site.

The subject lands are proposed to be redeveloped for a multi-lot residential development for 63 units consisting of street back-to-back townhouse units, block townhouse units, block back-to-back townhouse units, and semi-detached units. A future Common Element Condominium will establish a shared private road that 39 units will front onto and 12 visitor parking spaces. The remaining 24 units will front onto municipal right-of-ways.

The lands will be subdivided to create two (2) lots, three (3) blocks, and one (1) street, as follows:

- Lots 1 and 2: Two (2) semi-detached dwelling units;
- Block 1: 14 street back-to-back townhouse units;
- Block 2: Road widening of Hamilton Street North, to be dedicated to the City;
- Block 3: 47 dwelling units, consisting of eight (8) street back-to-back townhouse units, 24 block back-to-back townhouse units, and 15 block townhouse units; and,

- Street 'A' – Municipal right-of-way (i.e., extension of Truedell Circle).

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 some minor designation changes and the introduction of zoning regulatory performance standards. Specifically, an Official Plan Amendment is required to permit the block townhouse units in a "Low Density Residential" area of the "Neighbourhoods" designation and will remove the subject lands from the boundaries of the Waterdown North Secondary Plan Area. The Rezoning will provide for appropriate and contemporary zoning regulations to govern the future development of the residential enclave.

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 Parkside 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, Parkside has decided to file a "friendly" appeal of the Applications to the Board in order to advance the development.

Despite these three appeals, Parkside 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. This may include the conversion of the Draft Plan of Subdivision into a draft plan of condominium, predominantly due to the common element road discussed above.

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](mailto:pchronis@weirfoulds.com).

Yours truly,

**WeirFoulds LLP**



Michael J. McQuaid, Q.C.

MJM/PC:cf  
Encl.

c: Paul Chronis, WeirFoulds LLP  
Clients



Ontario

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](http://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.



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Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

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

Subject of Appeal	Type of Appeal	Act Reference (Section)
<i>Planning Act Matters</i>		
 <b>Official Plan or Official Plan Amendment</b>	<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 checked="" 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)
 <b>Zoning By-law or Zoning By-law Amendment</b>	<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	34(11)
 <b>Interim Control Zoning By-law</b>	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
 <b>Minor Variance</b>	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
 <b>Consent/Severance</b>	<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)
 <b>Plan of Subdivision</b>	<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 <b>approved</b> a plan of subdivision	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did <b>not approve</b> 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)
<b>Development Charges Act Matters</b>		
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
<b>Education Act Matters</b>		
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)
<b>Aggregate Resources Act Matters</b>		
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	
	<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	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	18(5)
	<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)	
<b>Municipal Act Matters</b>		
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	
<b>Ontario Heritage Act Matters</b>		
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)
<b>Other Matters</b>		
Subject of Appeal	Act/Legislation Name	Section Number



**2. Location Information**

Address and/or Legal Description of property subject to the appeal \*  
609 & 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle, Watertown, 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)  
Parkside Hills 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)  
UHOPA-17-03, ZAC-17-013 & 25T-201702

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)  
Subdivision 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

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, Traffic & Urban Design

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		2017/10/25

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.



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	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	51(48)
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Subject of Appeal	Act/Legislation Name	Section Number

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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)  
Parkside Hills 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
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**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)  
UHOPA-17-03, ZAC-17-013 & 25T-201702

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)  
Official Plan and Subdivision 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 ▶

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, Traffic & Urban Design



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		2017/10/25

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](http://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.



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 Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

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

Subject of Appeal	Type of Appeal	Act Reference (Section)
<b>Planning Act Matters</b>		
<b>Official Plan or Official Plan Amendment</b>	<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)
<b>Zoning By-law or Zoning By-law Amendment</b>	<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	34(11)
<b>Interim Control Zoning By-law</b>	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
<b>Minor Variance</b>	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
<b>Consent/Severance</b>	<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)
<b>Plan of Subdivision</b>	<input checked="" 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 <b>approved</b> a plan of subdivision	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did <b>not approve</b> 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)
<b>Development Charges Act Matters</b>		
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
<b>Education Act Matters</b>		
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)
<b>Aggregate Resources Act Matters</b>		
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	
	<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	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	18(5)
	<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)	
<b>Municipal Act Matters</b>		
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	
<b>Ontario Heritage Act Matters</b>		
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)
<b>Other Matters</b>		
Subject of Appeal	Act/Legislation Name	Section Number

**2. Location Information**

Address and/or Legal Description of property subject to the appeal \*  
609 & 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle, Watertown, Hamilton

Municipality \*  
City of Hamilton

Upper Tier (Example: county, district, region)

**3. Appellant/Objector Information**

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Last Name Nesbitt	First Name John G.
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Professional Title  
President

Email Address  
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Last Name McQuaid	First Name Mike
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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
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Michael McQuaid		2017/10/25

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