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**VIA PERSONAL DELIVERY**

March 29, 2018

The City of Hamilton  
Attn: Rose Caterini, City Clerk  
City Clerk's Office  
71 Main Street West, 1st Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Madam:

**Re: APPEAL LETTER**  
**MM Green Developments (Stoney Creek) Inc. - 16 and 18 King Street, Stoney Creek (Hamilton)**  
**City of Hamilton File: ZAC-17-044**  
**Appeal Pursuant to Section 34(11) of the *Planning Act***

**THE APPEAL**

We represent MM Green Developments (Stoney Creek) Inc. ("MM Green"), owner of 16-18 King Street, Stoney Creek (the "Subject Lands"). The Subject Lands, which are currently vacant, have a frontage along King Street West and were previously used for residential purposes. Through its planning consultants, A. J. Clarke and Associates Ltd., MM Green submitted an application to amend the Stoney Creek Zoning By-Law 3692-92 on May 12, 2017. The City of Hamilton deemed the application complete on June 7, 2017. It has been more than 120 days since municipal receipt of all material and the City of Hamilton has made no decision. MM Green appeals to the Ontario Municipal Board.

**THE PROPOSAL**

The proposed development is an 8 storey residential/commercial building. The residential component will consist of 62 multiple dwelling units and 221.9 square metres of commercial space on the ground floor, fronting onto King Street West. The subject lands are located within Stoney Creek's Old Downtown Core and the proposed development will contribute to the revitalization and redevelopment of Stoney Creek's Downtown.

NANCY SMITH PROFESSIONAL CORPORATION  
TURKSTRA MAZZA ASSOCIATES, LAWYERS



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)

## 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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**Appellant Form (A1)**

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

OFFICE OF THE CITY CLERK

MAR 29 2018

**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	
<b>Zoning By-law or Zoning By-law Amendment</b>	<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	
<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(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	
<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(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did <b>not approve</b> 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)

Subject of Appeal	Type of Appeal	Act Reference (Section)
<b>Development Charges Act Matters</b>		
<b>Development Charge By-law</b>	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
<b>Development Charge Complaint</b>	<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)
<b>Front-ending Agreement</b>	<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>		
<b>Education Development Charge By-law</b>	<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)
<b>Education Development Charge Complaint</b>	<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>		
<b>Aggregate Removal Licence</b>	<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)	
<b>Municipal Act Matters</b>		
<b>Ward Boundary By-law</b>	<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	
<b>Ontario Heritage Act Matters</b>		
<b>Heritage Conservation District</b>	<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 \*  
16 and 18 King Street, Stoney Creek

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 | First Name

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) \*  
MM Green Developments (Stoney Creek) Inc.

Professional Title

Email Address

Daytime Telephone Number * 905-777-1136	ext.	Alternate Telephone Number 905-541-9399	Fax Number 905-777-1140
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### Mailing Address

Unit Number	Street Number * 69	Street Name * Markland Street	PO Box
City/Town * Hamilton	Province * ON	Country * Canada	Postal Code * L8P 2J8

## 4. Representative Information

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

Last Name | First Name  
Smith | Nancy

Company Name  
Turkstra Mazza Associates

Professional Title  
Lawyer

Email Address  
nsmith@tmalaw.ca

Daytime Telephone Number 905-529-3476	ext.	Alternate Telephone Number	Fax Number 905-529-3663
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### Mailing Address

Unit Number	Street Number 15	Street Name Bold Street	PO Box
City/Town Hamilton	Province ON	Country Canada	Postal Code L8P 1T3

**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)  
ZAC-17-044

Outline the nature of your appeal and the reasons for your appeal \*

Please see appeal letter attached

### 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 By-law Appeal - OMB Case No. PL171450

### 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?  
Two (2)

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)  
 Land Use Planner and Engineer

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)
Nancy Smith		2018/03/29

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.