Russell D. Cheeseman

-Barrister & Solicitor-

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

May 26, 2021

DELIVERED BY COURIER and E-MAIL

Ms. Andrea Holland City Clerk Corporation of the City of Hamilton 71 Main Street West, 1st Floor Hamilton, Ontario L8P 4Y5

Dear Ms. Holland:

Re: Notice of Appeals Pursuant to Section 22(7), 34(11) and 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended – Valery (Chedoke Browlands) Developments Inc. – 801, 820, 828, 865 and 870 Scenic Drive, City of Hamilton City of Hamilton File Nos. UHOPA-20-026, ZAC-20-041 & 25T-202008

We are counsel for Valery (Chedoke Browlands) Developments Inc., the owner of the above referenced lands in the City of Hamilton.

Valery (Chedoke Browlands) Developments Inc., through its land use planning consultants, Urban Solutions Planning & Land Development Consultants Inc., filed applications to amend both the Official Plan and the Comprehensive Zoning By-law of the City of Hamilton, as well as an application for approval of a Draft Plan of Subdivision in respect of the above referenced property on October 26, 2020. The applications were deemed complete by the City of Hamilton on November 19, 2020.

To date the City of Hamilton has failed to adopt the Official Plan Amendment and neglected to make a decision on the Zoning By-law Amendment and Draft Plan of Subdivision.

This letter will serve as our client's Notice of Appeal of Hamilton Council's failure to adopt the requested Official Plan Amendment Application pursuant to Section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. This letter will also serve as our client's Notice of Appeal of Hamilton Council's neglect to make a decision on the Zoning By-law pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. This letter will also serve as our client's Notice of Appeal of Hamilton Council's neglect to make a decision on the Draft Plan of Subdivision.

Royal Building 277 Lakeshore Road East, Suite 211 Oakville ON L6J 1H9



Toronto Meeting Rooms Brookfield Place, 161 Bay Street, Suite 2700 Toronto ON M5J 2S1 Please find enclosed our firm's cheque in the amount of \$3300.00, payable to the "Minister of Finance – Ontario", which we understand to be the required combined fee for these types of appeals. Please also find enclosed one set of completed Form "A1" of the Local Planning Appeal Tribunal, for inclusion with the documentation you will forward to the Local Planning Appeal Tribunal.

Our client is of the opinion that the applications as submitted are consistent with the Provincial Policy Statement 2020, issued under Section 3 of the *Planning Act*. We also are of the opinion that the applications are in conformity with the Growth Plan for the Greater Golden Horseshoe, which is the Provincial Plan in effect and applicable to these lands. We believe the applications that were submitted constitute good land use planning.

We trust that you will now prepare a record and forward the prescribed material to the Local Planning Appeal Tribunal within fifteen days of the receipt of this notice, in compliance with Sections 22(9), 34(23) and 51(35) of the *Planning Act*.

Thank you for your cooperation in respect of this matter.

Yours very truly,

Russell D. Cheeseman

RDC Ceeseurs

cc. Mr. Ted Valeri (via e-mail)

Mr. Paul Valeri (via e-mail



Ontario Land Tribunals

Local Planning Appeal Tribunal 655 Bay Street, Suite 1500 Toronto ON M5G 1E5

Telephone: 416-212-6349
Toll Free: 1-866-448-2248
Website: www.olt.gov.on.ca

Appellant Form (A1)

Receipt N Only)	Number (LPAT Office Use
	np Appeal Received by ity/Approval Authority

To file an appeal	, select one o	or more below
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√	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
	Second appeal of a <i>Planning Act</i> matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, Building Better <i>Communities and Conserving Watersheds Act</i> , 2017, allows appeals to the Tribunal of some <i>Planning Act</i> matters previously determined by LPAT.
	Appeals of other matters, including Development Charges, <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>Municipal Act</i> and Ontario Heritage, proceed to Section 1C

Subject of Appeal	Subject of Appeal Type of Appeal			
	Planning Act Matters			
	Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)		
Official Plan or Official Plan Amendment	Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)		
	Approval Authority failed to make a decision on the plan within 120 days	17(40)		
	Council failed to adopt the requested amendment within 120 days	22(7)		
	Council refuses to adopt the requested amendment	(,		
Zoning By-law or Zoning By-law Amendment	Appeal the passing of a Zoning By-law	34(19)		
	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 90 days	34(11)		
	Application for an amendment to the Zoning By-law – failed to make a decision within 120 days where the application is associated with an Official Plan Amendment	2 1(1.7)		
	Application for an amendment to the Zoning By-law – refused by the municipality			
Interim Control Zoning By-law	Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)		
	Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)		
Site Plan	Application for a site plan – council failed to make a decision within 30 days	41(12)		

Subject of Appeal	Type of Appeal	Reference (Section)
	Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
Minor Variance	Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
	Appeal a decision that approved or refused the application	53(19)
Consent/Severance	Appeal conditions imposed	
	Appeal changed conditions	53(27)
	Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
	Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 120 days	51(34)
	Appeal a decision of an Approval Authority that approved a plan of subdivision	
Plan of Subdivision	Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	Appeal a lapsing provision imposed by an Approval Authority	51(39)
	Appeal conditions imposed by an Approval Authority	
	Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	Appeal changed conditions	51(48)

1 B. Appeal Type (Please check all applicable boxes) Only for appeal(s) of a new decision or non-decision by municipality or Approval Authority following a previous LPAT Decision (i.e., second appeal).

For matters subject to Bill 139 and the associated transition regulation (the second appeal).

Subject of Appeal	Type of Appeal	Reference (Section)
	Planning Act Matters	•
Official Plan or Official Plan Amendment	Appeal of a decision by Approval Authority on an OP or OPA (exempt from approval by Minister or Approval Authority) following a LPAT decision	17(24) and 17(49.6)
	Appeal of a decision by Council or Approval Authority on an OP or OPA following a LPAT decision	17(36) and 17(49.6)
	Appeal of a refusal within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12)
	Appeal of a non-decision within 90 days by Council following a LPAT decision	
Zoning By-law or Zoning By-law Amendment	Appeal of a refusal within 90 days by Council following a LPAT decision	34(11) and 34(26.5)
	Appeal of a non-decision within 90 days by Council following a LPAT decision	
	Appeal of a decision by Council following a LPAT decision	
		34(19) and 34(26.5)

Subject of Appeal	Type of Appeal	Reference (Section)
	Development Charges Act Matters	
Development Charge By- law	Appeal a Development Charge By-law	14
	Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	Appeal municipality's decision regarding a complaint	22(1)
	☐ Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	Objection to a front-ending agreement	47
	Objection to an amendment to a front-ending agreement	50
	Education Act Matters	
Education Development Charge By-law	Appeal an Education Development Charge By-law	257.65
	Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	Appeal approval authority's decision regarding a complaint	257.87(1)
	Failed to make a decision on the complaint within 60 days	257.87(2)
	Aggregate Resources Act Matters	
	One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	One or more objections against an application for a 'Class B' aggregate removal licence	(0)
	Application for a 'Class A' licence – refused by Minister	11(11)
	Application for a 'Class B' licence – refused by Minister	
	Changes to conditions to a licence	13(6)
Aggregate Removal Licence	Amendment of site plans	16(8)
	Minister proposes to transfer the licence – applicant does not have licensee's consent	
	Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	18(5)
	Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	Revocation of licence	20(4)
	Municipal Act Matters	
	Appeal the passing of a by-law to divide the municipality into wards	
Nard Boundary By-law	Appeal the passing of a by-law to redivide the municipality into wards	222(4)

	eal	Турє	of Appeal		Reference (Section)
	☐ Appeal	the passing of a by-law	to dissolve the exi	sting wards	
		Ontario He	ritage Act Matter	S	*
Designation of Prop	Derty Appeal	a Notice of intention to o	lesignate property		29(11)
	Appeal	of an amendment to a b	y-law designating	property	30.1(10)
		a Notice of Intention to r ting by-law	epeal a designatii	ng by-law or part of a	31(9)
		a council's decision to a ting by-law or part of a			32(7)/32(8)
	Appeal	council's decision to alte	r a heritage desig	nated property	33(9)
Heritage Conservat	ion Appeal study ar	the passing of a by-law	designating a heri	tage conservation	40.1(4)
	Appeal district	the passing of a by-law	designating a heri	tage conservation	41(4)
		Other A	ct Matters		
Subject of Appeal	Act/Legisla	tion Name			Section Number
Address and/or Lega	I Description of pro	pperty subject to the app Drive	eal		
Address and/or Lega 801, 820, 828, 865	I Description of pro	pperty subject to the app Drive	eal		
Address and/or Lega 801, 820, 828, 865 Municipality	I Description of pro	pperty subject to the app Drive	eal		
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton	l Description of pro and 870 Scenic	Drive	eal		
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example	I Description of pro and 870 Scenic	egion)	eal		
Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notifi	Description of pro and 870 Scenic county, district, re ctor Information	egion) change of address or te		n writing. Please quote	e your LPAT Case/Fil
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notify Number(s) after	Description of pro and 870 Scenic	egion) change of address or te	lephone number i	n writing. Please quote	e your LPAT Case/Fil
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notify Number(s) after Last Name	Description of pro and 870 Scenic county, district, re ctor Information by the LPAT of any ar they have been a	egion) change of address or teassigned.	lephone number i First Name Valeri		
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notify Number(s) after Last Name Paul Company Name or A	Description of pro and 870 Scenic county, district, re ctor Information by the LPAT of any for they have been a	egion) change of address or teassigned. Association must be inc	lephone number i First Name Valeri		
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notify Number(s) after Last Name Paul Company Name or A Valery (Chedoke B	Description of pro and 870 Scenic county, district, re ctor Information by the LPAT of any for they have been a ssociation Name (a rowlands) Develo	egion) change of address or teassigned. Association must be inc	lephone number i First Name Valeri		
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notifing Number(s) after Last Name Paul Company Name or A Valery (Chedoke B Email Address paul@valeryhomes) Daytime Telephone Noter 1800 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Description of pro and 870 Scenic county, district, re ctor Information by the LPAT of any er they have been a association Name (a rowlands) Develo	egion) change of address or teassigned. Association must be inc	First Name Valeri orporated – includ		
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notify Number(s) after Last Name Paul	Description of pro and 870 Scenic county, district, re ctor Information by the LPAT of any er they have been a association Name (a rowlands) Develo	egion) change of address or teassigned. Association must be incomments Inc.	First Name Valeri orporated – includ	te Telephone Number	
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notify Number(s) after Last Name Paul Company Name or A Valery (Chedoke B Email Address paul@valeryhomes) Daytime Telephone New 1905-547-5056 Mailing Address Unit Number	Description of pro and 870 Scenic county, district, re ctor Information by the LPAT of any er they have been a association Name (a rowlands) Develo	egion) change of address or teassigned. Association must be incomments Inc.	First Name Valeri orporated – includ	te Telephone Number	
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4. Representativ	ve Information	Physic 1973		An in the second		4 9	1982
✓ I hereby author	rize the named compa	any and/or individual(s) t	to repres	ent me			
Last Name Cheeseman			First N Russe	(2) 2 (2) (3)			
Company Name							
Professional Title Barrister and Sol	icitor						
Email Address rdcheese@aol.co	om						
Daytime Telephon 416-955-9529	e Number	ext.		Alternate 7 416-520-9	elephone Numb 9854	ber	9
Mailing Address							
Unit Number 211	Street Number 277	Street Name Lakeshore Road Eas	st				PO Box
City/Town Oakville		Province Ontario			ountry anada		Postal Code L6J 1H9
authorization this by check	n, as required by the liking the box below. have written authoriz	ant and are not licensed LPAT's Rules of Practice zation from the appellant	e and Protect a	ocedure, to a	act on behalf of	the appella	ant. Please confirm
her behalf an	d I understand that I	may be asked to produc	e this au	thorization a	at any time.		
5. Appeal Reaso	ons						
Municipal Reference UHOPA-20-026	ce Number(s)						
	hed letter dated Ma	nature of the appeal and	i the reas	sons for you	г арреаі.		
For appeals of Officintend on arguing of	cial Plans, Official Plans one or more of the fol	an Amendments, Zoning lowing:	By-laws	and Zoning	By-law Amend	ments, ple	ase indicate if you
A: A decision of a	Council or Approval A	Authority is:					
		Policy Statement, issued	l under s	ubsection 3	(1) of the <i>Planni</i>	ing Act	
_		with a provincial plan					
	form with an applicab	le Official Plan					
And							
	on or decision to refu						
_		olicy statement, issued t	under su	bsection 3(1) of the <i>Plannin</i>	g Act	
	with a provincial plan						
		unicipality's Official Plan					
if you intend on arg	juing on one or more	of the above throughou	t a proce	eding, pleas	se explain:		

Oral/written submissions to council
If applicable, did you make your opinions regarding this matter known to council?
Oral submissions at a public meeting of council
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 LPAT Case Number(s) and/or Municipal File Number(s) City of Hamilton File Nos. ZAC-20-041 and 25T-202008
7. Mediation
Mediation is a confidential process in which the parties to an appeal talk about their differences and, with the facilitative
assistance of an impartial individual, a mediator, negotiate a consensual resolution of the appeal. Unless the Tribunal determines
that there is a good reason for not addressing the appeal with mediation, all parties shall presume that their differences will first be addressed through a mediation directed by the Tribunal. As such, parties shall act and prepare accordingly, meaning good
faith negotiation and collaboration are a priority and are expected by the Tribunal.
✓ I have read and understand the above statement.
8. Witness Information
Detail the nature and/or expertise of witnesses you will have available.
Land Use Planning, Architecture, Cultural Impact Assessment, Environmental Impact Analysis, Noise Study, Civil
Engineering, Geotechnical, Meander Belt Investigation, Slope Assessment, Traffic Impact, and Traffic Demand Management, Traffic Calming, Urban Design, Visual Impact Assessement, Hydrogeologic Investigation, Tree
Management — Manag
For all other appeal types :
Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.).
9. Required Fee
Total Fee Submitted \$ 1,100
Payment Method Certified cheque

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10. 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)

2021/05/26

Russell D. Cheeseman

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.



Ontario Land Tribunals

Local Planning Appeal Tribunal 655 Bay Street, Suite 1500 Toronto ON M5G 1E5 Telephone: 416-212-6349

Toll Free: 1-Website: w

1-866-448-2248 www.olt.gov.on.ca

Appellant Form (A1)

Receipt Only)	Number (LPAT Office Use
	mp Appeal Received by lity/Approval Authority

To file an appeal, select one or more below

✓	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
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	Appeal the passing of a Zoning By-law	34(19)	
Zoning By-law or Zoning By-law Amendment	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 90 days	34(11)	
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Site Plan	Application for a site plan – council failed to make a decision within 30 days	41(12)	

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Subject of Appeal	Type of Appeal	Reference (Section)
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Plan of Subdivision	Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	Appeal a lapsing provision imposed by an Approval Authority	51(39)
	Appeal conditions imposed by an Approval Authority	
	Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
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1 B. Appeal Type (Please check all applicable boxes) Only for appeal(s) of a new decision or non-decision by municipality or Approval Authority following a previous LPAT Decision (i.e., second appeal).

For matters subject to Bill 139 and the associated transition regulation (the second appeal).

Subject of Appeal Type of Appeal		Reference (Section)
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	Appeal of a refusal within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12
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Zoning By-law or Zoning By-law Amendment	Appeal of a refusal within 90 days by Council following a LPAT decision	34(11) and 34(26.5)
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Subject of Appeal	Type of Appeal	Reference (Section)
	Development Charges Act Matters	
Development Charge By- law	Appeal a Development Charge By-law	14
	Appeal an amendment to a Development Charge By-law	19(1)
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	Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	Objection to a front-ending agreement	47
	Objection to an amendment to a front-ending agreement	50
	Education Act Matters	
Education Development Charge By-law	Appeal an Education Development Charge By-law	257.65
	Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	Appeal approval authority's decision regarding a complaint	257.87(1)
	☐ Failed to make a decision on the complaint within 60 days	257.87(2)
	Aggregate Resources Act Matters	
	One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	One or more objections against an application for a 'Class B' aggregate removal licence	, ,(0)
	Application for a 'Class A' licence – refused by Minister	11(11)
	Application for a 'Class B' licence – refused by Minister	
	Changes to conditions to a licence	13(6)
Aggregate Removal Licence	Amendment of site plans	16(8)
	☐ Minister proposes to transfer the licence – applicant does not have licensee's consent	
	Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	18(5)
	Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	Revocation of licence	20(4)
	Municipal Act Matters	
	Appeal the passing of a by-law to divide the municipality into wards	
Ward Boundary By-law	Appeal the passing of a by-law to redivide the municipality into wards	222(4)

Subject of App	eal	Type of Appeal	Reference (Section)
	Appeal	the passing of a by-law to dissolve the existing wards	
		Ontario Heritage Act Matters	· · · · · · · · · · · · · · · · · · ·
Designation of Prop	perty Appeal	a Notice of intention to designate property	29(11)
	☐ Appeal	of an amendment to a by-law designating property	30.1(10)
		a Notice of Intention to repeal a designating by-law or part of a ating by-law	31(9)
		a council's decision to approve or refuse the repealing of a ating by-law	32(7)/32(8)
	Appeal	council's decision to alter a heritage designated property	33(9)
Heritage Conservati District	ion Appeal study a	the passing of a by-law designating a heritage conservation rea	40.1(4)
	Appeal district	the passing of a by-law designating a heritage conservation	41(4)
		Other Act Matters	
Subject of Appeal	Act/Legisla	ation Name	Section Number
Address and/or Lega	I Description of pro	operty subject to the appeal Drive	
801, 820, 828, 865	I Description of pro	operty subject to the appeal Drive	
Address and/or Lega 801, 820, 828, 865 Municipality	I Description of pro	operty subject to the appeal Drive	
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton	l Description of pro and 870 Scenic	Drive	
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example	I Description of pro and 870 Scenic	egion)	
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notifi	Description of pro and 870 Scenic county, district, re ctor Information by the LPAT of any	egion) change of address or telephone number in writing. Please quo	ote your LPAT Case/Fi
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Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notify Number(s) after Last Name Paul Company Name or A Valery (Chedoke B Email Address	Description of pro and 870 Scenic county, district, re ctor Information by the LPAT of any er they have been a ssociation Name (rowlands) Develo	egion) change of address or telephone number in writing. Please quo assigned. First Name Valeri (Association must be incorporated – include copy of letter of inc	
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example: 3. Appellant/Object Note: You must notifing Number(s) after Last Name Paul Company Name or A Valery (Chedoke B Email Address paul@valeryhomes) Daytime Telephone Noter 1800 (Chedoke B Chedoke B Chedok	Description of proand 870 Scenic and 870 Scenic county, district, rector Information by the LPAT of any er they have been a sessociation Name (rowlands) Developments.com	egion) change of address or telephone number in writing. Please quo assigned. First Name Valeri (Association must be incorporated – include copy of letter of inc	corporation)
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Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example: 3. Appellant/Object Note: You must notifing Number(s) after Last Name Paul Company Name or A Valery (Chedoke B Email Address paul@valeryhomes) Daytime Telephone New 1905-547-5056 Mailing Address Unit Number	Description of pro and 870 Scenic county, district, re ctor Information by the LPAT of any er they have been a association Name (rowlands) Develo	change of address or telephone number in writing. Please quo assigned. First Name Valeri (Association must be incorporated – include copy of letter of incopments Inc. Alternate Telephone Number	corporation)

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4. Representative Information	4134	90	7 7 10	
✓ I hereby authorize the named compa	any and/or individual(s) to	represent	me	
Last Name Cheeseman		First Name Russell	e	
Company Name		tn-		
Professional Title Barrister and Solicitor				-
Email Address rdcheese@aol.com				
Daytime Telephone Number 416-955-9529	ext.		ternate Telephone Numb l6-520-9854	er
Mailing Address				
Unit Number Street Number 277	Street Name Lakeshore Road Eas	t		РО Вох
City/Town Oakville	Province Ontario		Country Canada	Postal Code L6J 1H9
Note: If you are representing the appella authorization, as required by the L this by checking the box below.	LPAT's Rules of Practice	and Proce	dure, to act on behalf of t	he appellant. Please confirm
I certify that I have written authoriz her behalf and I understand that I i	ation from the appellant may be asked to produce	to act as a e this autho	representative with respe rization at any time.	ect to this appeal on his or
5. Appeal Reasons				
Municipal Reference Number(s) ZAC-20-041				
For all appeal types, please outline the representation of the please see attached letter dated Ma		tne reason:	s for your appeal.	
For appeals of Official Plans, Official Plaintend on arguing one or more of the followed		By-laws an	d Zoning By-law Amendr	ments, please indicate if you
A: A decision of a Council or Approval A	Authority is:			
Inconsistent with the Provincial F	Policy Statement, issued	under subs	ection 3(1) of the Plannin	ng Act
Fails to conform with or conflicts				
☐ Fails to conform with an applicab	le Official Plan			
And				
B: For a non-decision or decision to refus	se by council:			
Consistency with the provincial po	olicy statement, issued u	ınder subse	ection 3(1) of the Planning	g Act
Conformity with a provincial plan	uniain aliteda Official Di		-11-0//-1-15:	
Conformity with the upper-tier mu	of the above throughout			

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Oral/written submissions to council
If applicable, did you make your opinions regarding this matter known to council?
Oral submissions at a public meeting of council
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 LPAT Case Number(s) and/or Municipal File Number(s) City of Hamilton File Nos. UHOP-20-026 and 25T-202008
25 July 3 1 1 2 3 1 2 3 1 2 3 1 2 3 2 3 1 2 3 2 3
7. Mediation
Mediation is a confidential process in which the portion to an appeal talk about their difference of the day of
Mediation is a confidential process in which the parties to an appeal talk about their differences and, with the facilitative assistance of an impartial individual, a mediator, negotiate a consensual resolution of the appeal. Unless the Tribunal determines that there is a good reason for not addressing the appeal with mediation, all parties shall presume that their differences will first be addressed through a mediation directed by the Tribunal. As such, parties shall act and prepare accordingly, meaning good
faith negotiation and collaboration are a priority and are expected by the Tribunal.
✓ I have read and understand the above statement.
8. Witness Information
Detail the nature and/or expertise of witnesses you will have available.
Land Use Planning, Architecture, Cultural Impact Assessment, Environmental Impact Analysis, Noise Study, Civil Engineering, Geotechnical, Meander Belt Investigation, Slope Assessment, Traffic Impact, and Traffic Demand Management, Traffic Calming, Urban Design, Visual Impact Assessement, Hydrogeologic Investigation, Tree Management
For all other appeal types :
Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.).
9. Required Fee
Total Fee Submitted \$ 1,100
Payment Method Certified cheque Money Order Lawyer's general or trust account cheque

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10. 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)

Russell D. Cheeseman

RD Cleeseur

2021/05/26

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.



Ontario Land Tribunals

Local Planning Appeal Tribunal 655 Bay Street, Suite 1500 Toronto ON M5G 1E5

Telephone: 416-212-6349
Toll Free: 1-866-448-2248
Website: www.olt.gov.on.ca

Appellant Form (A1)

Receipt Number (LPAT Office Use Only)
Date Stamp Appeal Received by Municipality/Approval Authority

To file an appeal, select one or more below

/	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
	Second appeal of a <i>Planning Act</i> matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, Building Better <i>Communities and Conserving Watersheds Act</i> , 2017, allows appeals to the Tribunal of some <i>Planning Act</i> matters previously determined by LPAT.
	Appeals of other matters, including Development Charges, Education Act, Aggregate Resources Act, Municipal Act and Ontario Heritage, proceed to Section 1C.

Subject of Appeal	Type of Appeal	Reference (Section)
	Planning Act Matters	
	Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
Official Plan or Official Plan Amendment	Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	Approval Authority failed to make a decision on the plan within 120 days	17(40)
	Council failed to adopt the requested amendment within 120 days	22(7)
	Council refuses to adopt the requested amendment	(-)
	Appeal the passing of a Zoning By-law	34(19)
Zoning By-law or Zoning By-law Amendment	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 90 days	34(11)
	Application for an amendment to the Zoning By-law – failed to make a decision within 120 days where the application is associated with an Official Plan Amendment	2.(,
	Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)
Site Plan	Application for a site plan – council failed to make a decision within 30 days	41(12)

Subject of Appeal	Type of Appeal	Reference (Section)	
	Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)	
Minor Variance	Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)	
	Appeal a decision that approved or refused the application	53(19)	
Consent/Severance	Appeal conditions imposed		
	Appeal changed conditions	53(27)	
	Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)	
	Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 120 days	51(34)	
	Appeal a decision of an Approval Authority that approved a plan of subdivision		
Plan of Subdivision	Appeal a decision of an Approval Authority that did not approve a plan of subdivision		
	Appeal a lapsing provision imposed by an Approval Authority	51(39)	
	Appeal conditions imposed by an Approval Authority		
	Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)	
	Appeal changed conditions	51(48)	

1 B. Appeal Type (Please check all applicable boxes) Only for appeal(s) of a new decision or non-decision by municipality or Approval Authority following a previous LPAT Decision (i.e., second appeal).

For matters subject to Bill 139 and the associated transition regulation (the second appeal).

Subject of Appeal	Type of Appeal	Reference (Section)	
	Planning Act Matters	***	
Official Plan or Official Plan Amendment	Appeal of a decision by Approval Authority on an OP or OPA (exempt from approval by Minister or Approval Authority) following a LPAT decision	17(24) and 17(49.6)	
	Appeal of a decision by Council or Approval Authority on an OP or OPA following a LPAT decision	17(36) and 17(49.6)	
	Appeal of a refusal within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12)	
	Appeal of a non-decision within 90 days by Council following a LPAT decision		
Zoning By-law or Zoning By-law Amendment	Appeal of a refusal within 90 days by Council following a LPAT decision	34(11) and 34(26.5)	
	Appeal of a non-decision within 90 days by Council following a LPAT decision		
	Appeal of a decision by Council following a LPAT decision		
		34(19) and 34(26.5)	

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Subject of Appeal	ect of Appeal Type of Appeal			
	Development Charges Act Matters			
Development Charge By- aw	Appeal a Development Charge By-law	14		
	Appeal an amendment to a Development Charge By-law	19(1)		
evelopment Charge complaint	Appeal municipality's decision regarding a complaint	22(1)		
	Failed to make a decision on the complaint within 60 days	22(2)		
ront-ending Agreement	Objection to a front-ending agreement	47		
	Objection to an amendment to a front-ending agreement	50		
	Education Act Matters			
Education Development Charge By-law	Appeal an Education Development Charge By-law	257.65		
	Appeal an amendment to an Education Development Charge By-law	257.74(1)		
ducation Development harge Complaint	Appeal approval authority's decision regarding a complaint	257.87(1)		
	Failed to make a decision on the complaint within 60 days	257.87(2)		
	Aggregate Resources Act Matters			
94	One or more objections against an application for a 'Class A' aggregate removal licence	11(5)		
	One or more objections against an application for a 'Class B' aggregate removal licence			
	Application for a 'Class A' licence – refused by Minister	11(11)		
	Application for a 'Class B' licence – refused by Minister			
	Changes to conditions to a licence	13(6)		
Aggregate Removal Licence	Amendment of site plans	16(8)		
	Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)		
	Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer			
	Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer			
	Revocation of licence	20(4)		
	Municipal Act Matters			
	Appeal the passing of a by-law to divide the municipality into wards			
Ward Boundary By-law	Appeal the passing of a by-law to redivide the municipality into wards	222(4)		

Subject of Appe	eal	Туре	of Appeal		Reference (Section)	
	Appeal t	he passing of a by-law to	dissolve the exi	sting wards		
		Ontario Heri	tage Act Matter	3		
Designation of Prope	erty Appeal a	Appeal a Notice of intention to designate property			29(11)	
	Appeal of	Appeal of an amendment to a by-law designating property				
		Appeal a Notice of Intention to repeal a designating by-law or part of a designating by-law				
		Appeal a council's decision to approve or refuse the repealing of a designating by-law or part of a designating by-law				
	Appeal o	council's decision to alter	a heritage desig	nated property	33(9)	
Heritage Conservation District		Appeal the passing of a by-law designating a heritage conservation study area				
	Appeal t	Appeal the passing of a by-law designating a heritage conservation district				
	,	Other Ac	t Matters			
Subject of Appeal	Act/Legisla	tion Name			Section Number	
Address and/or Lega	I Description of pro	perty subject to the appe Drive	eal			
801, 820, 828, 865	I Description of pro	perty subject to the appe Drive	eal			
Address and/or Lega	I Description of pro	perty subject to the appe Drive	eal			
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton	l Description of pro and 870 Scenic	Drive	eal			
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example	Description of pro and 870 Scenic and 870 Scenic and 870 Scenic and a	Drive	eal			
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notif	Description of pro and 870 Scenic and county, district, re	gion) change of address or tel		n writing. Please quote	your LPAT Case/Fil	
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notif	Description of pro and 870 Scenic and 870 Scenic an	gion) change of address or tel		n writing. Please quote	your LPAT Case/Fil	
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notifn Number(s) after Last Name Paul	Description of pro and 870 Scenic and 870 Scenic an	gion) change of address or tellssigned. Association must be income	ephone number i First Name Valeri			
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notifing Number(s) after Last Name Paul Company Name or And Valery (Chedoke Brail Address	Description of pro and 870 Scenic and 870 Scenic an	gion) change of address or tellssigned. Association must be income	ephone number i First Name Valeri			
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notifn Number(s) after Last Name Paul Company Name or A	Description of pro and 870 Scenic and 870 Scenic an	gion) change of address or tellssigned. Association must be income	ephone number in Valeri orporated – include Alterna			
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notifing Number(s) after Last Name Paul Company Name or A Valery (Chedoke B Email Address paul@valeryhomes) Daytime Telephone March 1980.	Description of pro and 870 Scenic and 870 Scenic an	gion) change of address or tellssigned. Association must be incomments Inc.	ephone number in Valeri orporated – include Alterna	te Telephone Number		
Address and/or Lega 801, 820, 828, 865 Municipality City of Hamilton Upper Tier (Example 3. Appellant/Object Note: You must notifing Number(s) after Last Name Paul Company Name or A Valery (Chedoke B Email Address paul@valeryhomes) Daytime Telephone Noting Address Unit Number	Description of pro and 870 Scenic and 870 Scenic an	gion) change of address or tellssigned. Association must be incomments Inc.	ephone number in Valeri orporated – include Alterna	te Telephone Number		

3049E (2020/06) Page 5 of 8

Page 6 of 8

4. Representativ	e Information		Tel 1			
✓ I hereby authori	ize the named comp	any and/or individual(s) t	o repres	ent me		
Last Name Cheeseman			First Name Russell			
Company Name			1.			
Professional Title Barrister and Soli	icitor					
Email Address rdcheese@aol.co	om					
Daytime Telephone 416-955-9529	e Number	ext.		Alternate 416-52	e Telephone Number 0-9854	
Mailing Address						
Unit Number 211	Street Number 277	Street Name Lakeshore Road Eas	t			PO Box
City/Town Oakville		Province Ontario			Country Canada	Postal Code L6J 1H9
authorization this by check	i, as required by the king the box below.	lant and are not licensed LPAT's Rules of Practice	and Pro	ocedure, t	ociety Act, please confirm to act on behalf of the ap	n that you have written pellant. Please confirm
l certify that I her behalf and	have written authorized I understand that I	zation from the appellant may be asked to produc	to act a	s a repres Ithorizatio	sentative with respect to t n at any time.	this appeal on his or
5. Appeal Reaso	ons			75		
Municipal Reference 25T-202008	ce Number(s)					
	ned letter dated Ma	nature of the appeal and	the reas	sons for y	our appeal.	
For appeals of Officintend on arguing o	cial Plans, Official Plans one or more of the fo	an Amendments, Zoning llowing:	By-laws	and Zon	ing By-law Amendments	, please indicate if you
A: A decision of a (Council or Approval	Authority is:				
☐ Inconsistent	with the Provincial	Policy Statement, issued	under s	ubsection	3(1) of the Planning Act	
		with a provincial plan				
☐ Fails to conf	orm with an applicat	ole Official Plan				
And						
B: For a non-decision	on or decision to refu	use by council:				
		policy statement, issued ι	ınder su	bsection	3(1) of the <i>Planning Act</i>	
	vith a provincial plan					
		unicipality's Official Plan				
If you intend on arg	uing on one or more	of the above throughout	a proce	eding, pla	ease explain:	

Oral/written submissions to council
If applicable, did you make your opinions regarding this matter known to council?
Oral submissions at a public meeting of council
Written submissions to council
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☐ Yes ✓ No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application)
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If yes, please provide LPAT Case Number(s) and/or Municipal File Number(s) City of Hamilton File Nos. UHOP-20-026 and ZAC-20-041
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✓ I have read and understand the above statement.
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Detail the nature and/or expertise of witnesses you will have available. Land Use Planning, Architecture, Cultural Impact Assessment, Environmental Impact Analysis, Noise Study, Civil Engineering, Geotechnical, Meander Belt Investigation, Slope Assessment, Traffic Impact, and Traffic Demand Management, Traffic Calming, Urban Design, Visual Impact Assessement, Hydrogeologic Investigation, Tree Management
For all other appeal types :
Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.).
9. Required Fee
Total Fee Submitted \$ 1,100
Payment Method ▶ ☐ Certified cheque ☐ Money Order ☑ Lawyer's general or trust account cheque

3049E (2020/06) Page 7 of 8

10. 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)

2021/05/26

Russell D. Cheeseman

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