

MUNICIPAL PLANNING & DEVELOPMENT LAW

23 August 2021

Sent by Courier and Email ([clerk@hamilton.ca](mailto:clerk@hamilton.ca))

Ms. Andrea Holland, City Clerk  
City of Hamilton  
71 Main St W, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

OFFICE OF THE CITY CLERK  
AUG 23 2021  
RESP'D TO \_\_\_\_\_  
RESP'D TO \_\_\_\_\_  
RESP'D TO \_\_\_\_\_  
ACTION \_\_\_\_\_



Dear Ms. Holland:

**Re: Notice of Appeal pursuant to subsection 22(7) of the *Planning Act*  
Request to Amend the Urban Hamilton Official Plan (the "Official Plan")  
iConnect Community - NE and SE corners of Hwy 6 and Dundas St E  
City of Hamilton File: UHOPA-19-012**

We are the lawyers for The Krpan Group and Flamborough Power Centre Inc. (collectively, "Flamborough Power Centre"), the proponents of a mixed use development on lands located on the north and south sides of Dundas Street East, east of Highway 6 (the "iConnect Lands") in the City of Hamilton (the "City"). The iConnect Lands are located in the community of Waterdown and are within the *Neighbourhoods* component of the City's urban structure.

**Applications Submitted by Flamborough Power Centre**

In June 2019, Flamborough Power Centre submitted applications to the City for Official Plan amendment, Zoning By-law amendment, and draft plan of subdivision to permit the development of a complete community on the iConnect Lands (collectively, the "Applications"). The Applications included all the information and material required by the *Planning Act* and were supported by a comprehensive set of technical studies and reports. The City deemed the applications complete on 8 July 2019.

Since the submission of the Applications to the City, our client and its planning consultant, MHBC Planning, have engaged in discussions with City staff to respond to comments provided by staff and other commenting agencies regarding the Applications. In response to these comments, our client has also revised the Applications and submitted a revised Official Plan amendment, revised Zoning By-law amendment and revised draft plan of subdivision (the "Revised Instruments") along with supplementary background studies and material to support the Applications and Revised Instruments. The proposed

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Official Plan amendment seeks to amend the Urban Hamilton Official Plan to introduce a policy framework for the iConnect Lands including permissions for standalone residential uses.

Although our client and its consultants have been working in a collaborative manner with City staff, this has not resulted in the preparation of a staff recommendation report or the consideration of the Applications by City Council. While our client intends to continue with its collaborative interaction with the City on the Applications, it has decided to exercise its rights under the *Planning Act* to appeal the Applications to the Local Planning Appeal Tribunal (the "Tribunal") as Council has failed to make a decision on the Applications.

#### Appeal

Pursuant to subsection 22(7) of the *Planning Act*, Flamborough Power Centre hereby appeals City's Council's failure to make a decision on Flamborough Power Centre's Official Plan amendment application within 120 days of the application.

We enclose herewith the completed Appellant Form (A1), a cheque in the amount of \$1,100 representing the Tribunal's appeal filing fee, and a copy of the City's Notice of Complete Applications dated 8 July 2019.

Our client is simultaneously filing appeals of City Council's failure to make a decision on Flamborough Power Centre's Zoning By-law amendment application and plan of subdivision application within the time frames set out in the *Planning Act*.

In order to ensure that all relevant matters may be heard by the Tribunal in the same proceeding, we will be requesting the Tribunal to consolidate this appeal with Flamborough Power Centre's appeals of the Zoning By-law amendment application and draft plan of subdivision application under the same "PL" case number.

If you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in cursive script, appearing to read "S. Mahadevan", is written over the typed name.

Sharmini Mahadevan

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Dear Ms. Holland:

**Re: Notice of Appeal pursuant to subsection 34(11) of the *Planning Act*  
Application to Amend City of Hamilton Zoning By-law No. 05-200 (the "Zoning By-law")  
iConnect Community - NE and SE corners of Hwy 6 and Hwy 5 (Dundas St E)  
City of Hamilton File: ZAC-19-044**

We are the lawyers for The Krpan Group and Flamborough Power Centre Inc. (collectively, "Flamborough Power Centre"), the proponents of a mixed use development on lands located on the north and south sides of Dundas Street East, east of Highway 6 (the "iConnect Lands") in the City of Hamilton (the "City"). The iConnect Lands are located in the community of Waterdown and are within the *Neighbourhoods* component of the City's urban structure.

#### Applications Submitted by Flamborough Power Centre

In June 2019, Flamborough Power Centre submitted applications to the City for Official Plan amendment, Zoning By-law amendment, and draft plan of subdivision to permit the development of a complete community on the iConnect Lands (collectively, the "Applications"). The Applications included all the information and material required by the *Planning Act* and were supported by a comprehensive set of technical studies and reports. The City deemed the applications complete on 8 July 2019.

Since the submission of the Applications to the City, our client and its planning consultant, MHBC Planning, have engaged in discussions with City staff to respond to comments provided by staff and other commenting agencies regarding the Applications. In response to these comments, our client has also revised the Applications and submitted a revised Official Plan amendment, revised Zoning By-law amendment and revised draft plan of subdivision (the "Revised Instruments") along with supplementary background studies and material to support the Applications and Revised Instruments. The proposed Zoning By-law amendment seeks to amend the Zoning By-law to permit a range of standalone

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residential uses and provide zoning regulations relating to built form as well as holding provisions to address the phasing of development.

Although our client and its consultants have been working in a collaborative manner with City staff, this has not resulted in the preparation of a staff recommendation report or the consideration of the Applications by City Council. While our client intends to continue with its collaborative interaction with the City on the Applications, it has decided to exercise its rights under the *Planning Act* to appeal the Applications to the Local Planning Appeal Tribunal (the "Tribunal") as Council has failed to make a decision on the Applications.

#### Appeal

Pursuant to subsection 34(11) of the *Planning Act*, Flamborough Power Centre hereby appeals City's Council's failure to make a decision on Flamborough Power Centre's Zoning By-law amendment application within 120 days of the Applications.

We enclose herewith the completed Appellant Form (A1), a cheque in the amount of \$1,100 representing the Tribunal's appeal filing fee, and a copy of the City's Notice of Complete Applications dated 8 July 2019.

Our client is simultaneously filing appeals of City Council's failure to make a decision on Flamborough Power Centre's Official Plan amendment application and plan of subdivision application within the time frames set out in the *Planning Act*.

In order to ensure that all relevant matters may be heard by the Tribunal in the same proceeding, we will be requesting the Tribunal to consolidate this appeal with Flamborough Power Centre's appeals of the Official Plan amendment application and draft plan of subdivision application under the same "PL" case number.

If you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Yours very truly,

**Wood Bull LLP**

Sharmini Mahadevan

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Ms. Andrea Holland, City Clerk  
City of Hamilton  
71 Main St W, 1<sup>st</sup> Floor  
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L8P 4Y5

Dear Ms. Holland:

**Re: Notice of Appeal pursuant to subsection 51(34) of the *Planning Act*  
Application for plan of subdivision approval  
iConnect Community - NE and SE corners of Hwy 6 and Hwy 5 (Dundas St E)  
City of Hamilton File: 25T-2019005**

We are the lawyers for The Krpan Group and Flamborough Power Centre Inc. (collectively, "Flamborough Power Centre"), the proponents of a mixed use development on lands located on the north and south sides of Dundas Street East, east of Highway 6 (the "iConnect Lands") in the City of Hamilton (the "City"). The iConnect Lands are located in the community of Waterdown and are within the *Neighbourhoods* component of the City's urban structure.

#### Applications Submitted by Flamborough Power Centre

In June 2019, Flamborough Power Centre submitted applications to the City for Official Plan amendment, Zoning By-law amendment, and draft plan of subdivision to permit the development of a complete community on the iConnect Lands (collectively, the "Applications"). The Applications included all the information and material required by the *Planning Act* and were supported by a comprehensive set of technical studies and reports. The City deemed the applications complete on 8 July 2019.

Since the submission of the Applications to the City, our client and its planning consultant, MHBC Planning, have engaged in discussions with City staff to respond to comments provided by staff and other commenting agencies regarding the Applications. In response to these comments, our client has also revised the Applications and prepared a revised Official Plan amendment, revised Zoning By-law amendment and revised draft plan of subdivision (the "Revised Instruments") along with supplementary background studies and material to support the Applications and Revised Instruments. The proposed

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plan of subdivision will create legally conveyable developable blocks, municipal roads and blocks for parks and stormwater management infrastructure.

Although our client and its consultants have been working in a collaborative manner with City staff, this has not resulted in the preparation of a staff recommendation report or the consideration of the Applications by City Council. While our client intends to continue with its collaborative interaction with the City on the Applications, it has decided to exercise its rights under the *Planning Act* to appeal the Applications to the Local Planning Appeal Tribunal (the "Tribunal") as Council has failed to make a decision on the Applications.

#### Appeal

Pursuant to subsection 51(34) of the *Planning Act*, Flamborough Power Centre hereby appeals City's Council's failure to make a decision on Flamborough Power Centre's application for approval of a plan of subdivision within 120 days of the application.

We enclose herewith the completed Appellant Form (A1), a cheque in the amount of \$1,100 representing the Tribunal's appeal filing fee, and a copy of the City's Notice of Complete Applications dated 8 July 2019.

Our client is simultaneously filing appeals of City Council's failure to make a decision on Flamborough Power Centre's Official Plan amendment application and Zoning By-law amendment application within the time frames set out in the *Planning Act*.

In order to ensure that all relevant matters may be heard by the Tribunal in the same proceeding, we will be requesting the Tribunal to consolidate this appeal with Flamborough Power Centre's appeals of the Official Plan amendment application and Zoning By-law amendment application under the same "PL" case number.

If you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in cursive script, appearing to read "S. Mahadevan", is written above the printed name.

Sharmini Mahadevan