



Nancy Smith  
Turkstra Mazza Associates  
15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Office: 905.529.3476  
[nsmith@tmalaw.ca](mailto:nsmith@tmalaw.ca)

**VIA EMAIL & COURIER**

October 26, 2021

City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

**Re: NOTICE OF APPEAL  
1312733 Ontario Inc.  
262 McNeilly Road, 1036, 1038, 1054 and 1090 Barton Street  
Municipal File No. FC-19-105**

We represent 1312733 Ontario Inc. ("**Applicant**") which owns lands legally described as Part of Lot 7 and 8, Concession Road 2, and municipally known as 262 McNeilly Road, 1036, 1038, 1054 and 1090 Barton Street, within the City of Hamilton ("**Subject Lands**"). The Applicant submitted a Zoning By-law Amendment Application and a Draft Plan of Subdivision Application (collectively referred to as the "**Applications**") to the City of Hamilton ("**City**"). The Applications allow for the development of the Subject Lands with 154 single detached dwellings, 206 street townhouse dwellings, and 185 condominium townhouse dwellings.

Future Site Plan and Draft Plan of Condominium applications will be required for the proposed condominium blocks. These applications will be submitted on a later date.

The City has failed to make a decision within the allotted timeframes, and we hereby appeal the Applications to the Ontario Land Tribunal ("**Tribunal**") pursuant to subsections 34(11) and 51(34) of the *Planning Act*, R.S.O., c. P.13.

**THE SUBJECT LANDS**

The Subject Lands are comprised of five contiguous parcels and front onto both Barton Street and McNeilly Road. The Subject Lands are irregular in shape and have a total area of approximately 21.05 hectares. The Subject Lands are generally vacant and have historically been used for agricultural purposes. Both 1036 and 1038 Barton Street are currently occupied by single detached dwellings.

The lands to the north of the Subject Lands between Barton Street and the Queen Elizabeth Way are used for light industrial uses and are designated in the Urban Hamilton Official Plan ("**UHOP**") for

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employment/business park uses. The lands abutting the Subject Lands to the east include the Winona Elementary School, as well as detached dwellings with frontages onto Lewis Road. The lands to the south of the Subject Lands front onto Highway No. 8 between McNeilly Road and Lewis Road and are comprised of commercial uses and residential lots occupied by detached dwellings. Abutting the Subject Lands to the west are detached dwellings with frontage onto McNeilly Road.

The Subject Lands are designated Greenfield Area in the UHOP, are within the City’s Urban Boundary and outside of the Built-Up Area. The Greenfield Area generally allows development. The Subject Lands are also designated Neighbourhood in the UHOP. The Neighbourhood designation primarily allows for residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.

The Subject Lands are designated Low Density Residential 2, Low Density Residential 3, Medium Density Residential 2 and Neighbourhood Park within the Fruitland Winona Secondary Plan (“**Secondary Plan**”). The Low Density Residential 2 designation of the Secondary Plan permits a net residential density of a minimum of 20 units per hectare and a maximum of 40 units per hectare. The Low Density Residential 3 designation permits all forms of townhouse dwellings and permits a minimum net residential density of 40 units per hectare and a maximum of 60 units per hectare. The Medium Density Residential 2 permits multiple dwellings except street townhouses.

The majority of the Subject Lands are zoned Agricultural Specialty (AS) within the Stoney Creek Zoning By-law No. 3692-92 (“**Stoney Creek ZBL**”), which permits agricultural uses, single detached dwellings, home occupation and accessory buildings or structures to a permitted use. However, 1036 and 1038 Barton street are zoned Rural Residential (RR) within the Stoney Creek ZBL, which permits single detached dwellings, home occupation and accessory buildings or structures to a permitted use.

#### **THE DEVELOPMENT PROPOSAL**

The Applicant’s proposal consists of 154 single detached dwellings, 206 street townhouse dwellings, and 185 condominium townhouse dwellings. The Subject Lands will be serviced by existing watermain along Highway 8, Barton Street, McNeilly Road and Lewis Road. The proposal will require two stormwater management ponds. One of these stormwater management ponds is proposed for the north-east corner of the Subject Lands, which fronts on Barton Street. Barton Street shall have a four metre-wide Pedestrian Promenade constructed along the south side, adjacent to the Subject Lands. To accommodate this future infrastructure, a total road widening of 0.63 hectares, having a width ranging from 9.17 metres to 14.74 metres, is been provided along Barton Street. The proposal also includes a Neighbourhood Park block and an internal road network.

In summary, the development proposal includes:

- 154 single detached dwellings units ranging in lot width from 10 metres to 12.2 metres;
- 206 street townhouse units;
- 185 condominium townhouse units, which includes back-to-back townhouses, dual frontage townhouses with frontages onto Barton Street and traditional townhouse units;
- 2.45 hectare stormwater management pond;

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- 0.43 hectare neighbourhood park block;
- 0.02 hectare walkway block;
- 0.12 hectare residential reserve blocks; and
- An internal public road network consisting of 20.12 metre and 26.21 metre rights-of-way.

A series of studies and reports were submitted in support of the Applications, including:

1. Planning Justification Report
2. Urban Design Brief
3. Phase One Environmental Site Assessment Update
4. Remediation Report
5. Report on Delineation of Impacted Soils
6. Traffic Impact Study
7. Noise Feasibility Study
8. Geotechnical Investigation
9. Hydrogeological Investigation
10. Functional Servicing and Stormwater Management
11. Water Servicing Study

#### **Zoning By-law Amendment**

The purpose of the Zoning By-law Amendment (“ZBLA”) is to rezone the Subject Lands to Single Residential and Multiple Residential in the Stoney Creek ZBL to permit the development of the proposal. Additionally, the Single Residential zone provisions have been included to allow for semi-detached dwellings in addition to single detached dwellings. The inclusion of the semi-detached dwellings allows the flexibility to respond to market shifts and demands, while providing the option of introducing alternative built forms into the community.

The ZBLA will also rezone the Subject Lands to Neighbourhood Park P1 in ZBL No. 05-200 to permit the proposed Neighbourhood Park and Conservation/Hazard Lands P5 to permit the stormwater management pond.

#### **Draft Plan of Subdivision**

The purpose of the Draft Plan of Subdivision Application is to allow for the development of the Subject Lands with 154 single detached dwellings, 206 street townhouse dwellings, and 185 condominium townhouse dwellings in low and medium density built forms, three residential reserve blocks, a Neighbourhood Park block, a stormwater management pond, and an internal road network.

#### **BASIS FOR APPEAL**

The reasons for appeal include, but are not limited to, the following.

1. The Applications give appropriate regard to the matters of Provincial interest enumerated in section 2 of the Planning Act.

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2. The Subject Lands are located within a Settlement Area under the Provincial Policy Statement, 2020 (“PPS”) and designated Designated Greenfield Area under the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”). The PPS directs growth to Settlement Areas and encourages the efficient use of land, resources and infrastructure. The Growth Plan requires new development taking place in Designated Greenfield Areas to be planned, designated, zoned and designed to support the achievement of complete communities, active transportation, and encourage the integration and viability of transit services.
3. The Applications are consistent with applicable policies of the PPS and sections 1.1.1, 1.1.3, 1.4.1, and 1.6.6 in particular.
4. The Applications conform to applicable policies of the Growth Plan and sections 1.2.1, 1.2.3, and 2.2.1 in particular.
5. The Applications conform to applicable policies of the UHOP and Fruitland-Winona Secondary Plan (“FWSP”).
6. The UHOP’s development policies are aligned with the PPS and Growth Plan policies for development, including promoting the development of complete communities, protecting the natural environment and resources, conserving cultural heritage, and respecting the scale, physical character and context of established neighbourhoods. The UHOP suggests that development is directed to settlement areas to create complete settlements with diversified economic functions and opportunities and a range of housing options.
7. The proposed development is anticipated to accommodate approximately 1,482 people, which calculates to approximately 70.4 person per gross hectare, based on an overall site area of 21.05 hectares, which is in keeping with the City’s growth management objectives.
8. The proposed development provides for a portion of the planned Neighbourhood Park. The Applications are in keeping with the land use schedules, policies, goals and objectives of the FWSP and contribute to the development of a complete community that includes a range and mix of housing types.
9. The proposed road network and capacity of the surrounding roads has been assessed through the Block 3 Servicing Strategy, as well as a subsequent Traffic Impact Study prepared by GHD. The study confirms that the proposed road layout is consistent with the initial findings of the Block 3 Servicing Strategy.

A detailed analysis of applicable policies as summarized above are set out in the Planning Justification Report prepared by Glen Schnarr & Associates Inc., dated November 2020, and which is attached to this Notice of Appeal.

**FORM AND FEE**

In satisfaction of the Tribunal's processing requirements, enclosed please find:

1. Planning Justification Report, prepared by Glen Schnarr & Associates Inc. dated November 2020;
2. The required Appeal Form A1; and
3. A cheque in the amount of \$2,200, as the Tribunal's requisite appeal fees for the Applications.

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

Yours truly,



Nancy Smith  
NS/jm

TURKSTRA MAZZA ASSOCIATES



## Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
Tel: 416-212-6349 | 1-866-448-2248  
Web Site: olt.gov.on.ca

## Appeal Form (A1)

<b>Municipal/Approval Authority Date Stamp</b>	<b>Receipt Number (OLT Office Use Only)</b>	<b>Date Stamp – Appeal Received by OLT</b>
	<b>OLT Case Number (OLT Office Use Only)</b>	

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

**Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.**

### Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information					
Last Name:			First Name:		
Richard			Schumacher		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):					
1312733 Ontario Inc.					
Email Address:					
Daytime Telephone Number:				Alternative Telephone Number:	
Mailing Address					
Unit Number:	Street Number:	Street Name:		P.O. Box:	
City/Town:	Province:	Country:	Postal Code:		

<b>Representative Information</b>			
X I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
<b>Smith</b>		<b>Nancy</b>	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
<b>Turkstra Mazza Associates</b>			
Email Address:		LSO Number (if applicable):	
<b>nsmith@tmalaw.ca</b>		<b>32056M</b>	
Daytime Telephone Number:		Alternative Telephone Number:	
<b>905.529.3476</b>			
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	<b>15</b>	<b>Bold Street</b>	
City/Town:	Province:	Country:	Postal Code:
<b>Hamilton</b>	<b>ON</b>	<b>Canada</b>	<b>L8P 1T3</b>
<p><b>Note:</b> If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p> <p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>			

<b>Location Information</b>	
Are you the current owner of the subject property?    X Yes <input type="checkbox"/> No	
Address and/or Legal Description of property subject to the appeal:	
<b>Legal Description: Part of Lot 7 and 8, Concession Road 2</b>	
<b>Address: 262 McNeilly Road, 1036, 1038, 1054 and 1090 Barton Street</b>	
Municipality:	
<b>City of Hamilton</b>	
Upper Tier (Example: county, district, region):	

<b>Language Requirements</b>	
Do you require services in French? <input type="checkbox"/> Yes    X No	

To file an appeal, please complete the section below. Complete one line for each appeal type			
Subject of Appeal	Type of Appeal (Act/Legislation Name)	Reference (Section Number)	
Example    Minor Variance	<i>Planning Act</i>	<b>45(12)</b>	
1 <b>Zoning By-law Amendment</b>	<b>Planning Act</b>	<b>34(11)</b>	
2 <b>Plan of Subdivision</b>	<b>Planning Act</b>	<b>51(34)</b>	
3			
4			
5			

<b>Section 2 – Appeal Type (Mandatory)</b>		
Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
X	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,	3A

	Site Plans, Minor Variances, Consents and Severances	
<input type="checkbox"/>	Appeal of <i>Development Charges Act</i> , <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act</i> , <i>Environmental Protection Act</i> , <i>Nutrient Management Act</i> , <i>Ontario Water Resources Act</i> , <i>Pesticides Act</i> , <i>Resource Recovery and Circular Economy Act</i> , <i>Safe Drinking Water Act</i> , <i>Toxics Reduction Act</i> , and <i>Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5A
<input type="checkbox"/>	Application to amend the <i>Niagara Escarpment Plan</i>	5B
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act</i> , <i>Mining Act</i> , <i>Lakes and Rivers Improvement Act</i> , <i>Assessment Act</i> , and <i>Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

## Section 3A – Planning Matters

## Appeal Reasons and Specific Information

Number of new residential units proposed:

**545**

Municipal Reference Number(s):

**Municipal File No. FC-19-105**

List the reasons for your appeal:

Please see attached covering letter.

Has a public meeting been held by the municipality? ☒ Yes ☐ No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- ☐ Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- ☐ Fails to conform with or conflicts with a provincial plan
- ☐ Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:



<input checked="" type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i> <input checked="" type="checkbox"/> Conformity with a provincial plan <input checked="" type="checkbox"/> Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan If it is your intention to argue one or more of the above grounds, please explain your reasons:
<b>Please see attached covering letter.</b>
<b>Oral/Written submissions to council</b>
Did you make your opinions regarding this matter known to council?
<input type="checkbox"/> Oral submissions at a public meeting of council <input type="checkbox"/> Written submissions to council <input checked="" type="checkbox"/> Not applicable
<b>Related Matters</b>
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:
<b>Section 3B – Other Planning Matters</b>
<b>Appeal Specific Information (Continued)</b>
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 3B Checklist(s)</a> located <a href="#">here</a> and submit all documents listed.
<b>Section 4A – Appeals under Environmental Legislation</b>
<b>Appeal Specific Information</b>
Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:
Portions of the decision in dispute:
Date of receipt of Decision or Director's Order (yyyy/mm/dd):
Applying for Stay? <input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed <a href="#">here</a> )
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 4A Checklist(s)</a> located <a href="#">here</a> and submit all documents listed on the checklist.
<b>Section 4B – Environmental Application for Leave to Appeal</b>
Are you filing an Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Identify the portions of the instrument you are seeking to appeal:
Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 4B Checklist(s)</a> located <a href="#">here</a> and submit all documents listed on the checklist.

**Section 5A – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act***

<b>Appeal Specific Information</b>
Development Permit Application File No:
Name of Applicant for Development Permit:
Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website ( <a href="http://www.escarpment.org">www.escarpment.org</a> ))

**Section 5B – Application to amend the *Niagara Escarpment Plan***

<b>Owner</b>			
Last Name:		First Name:	
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
ext.			
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:

<b>Property Location &amp; Information</b>			
Municipality:	Street Number:	Street Name:	
Lot:	Concession:	<b>And/or</b>	Plan:
Assessment Roll Number or PIN:	Lot Size:		

<b>Property Servicing</b>					
Existing Road Frontage:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Road Frontage:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private
Existing Water	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Water	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private

Supply: Existing Sewage Disposal: <input type="checkbox"/> Municipal <input type="checkbox"/> Private	Supply: Proposed Sewage Disposal: <input type="checkbox"/> Municipal <input type="checkbox"/> Private
Is the Proposal the Subject of a Current Application? Please identify:	
<input type="checkbox"/> Development Permit under <i>Niagara Escarpment Planning and Development Act</i> <input type="checkbox"/> The <i>Planning Act</i> (Official Plan or Zoning By-law Amendment) <input type="checkbox"/> The <i>Aggregate Resources Act</i> (License) <input type="checkbox"/> Committee of Adjustment (Minor Variance) <input type="checkbox"/> Land Division Committee (Severance) <input type="checkbox"/> Other:	
Description of the Property	
Describe the current use of the property including any existing buildings or structures:	
Category of the Proposed Amendment	
<input type="checkbox"/> Change in Designation <input type="checkbox"/> Change to Policy <input type="checkbox"/> Request for Urban Servicing <input type="checkbox"/> Change to Plan Boundary <input type="checkbox"/> Other:	
Detailed Description of Proposed Amendment	
Provide a detailed description of the proposed amendment:	
Justification and Rationale (Including Reasons, Argument and Evidence in Support of the Amendment) (See Niagara Escarpment Plan Amendment Guidelines)	
The justification submitted with the application should address the following:	
<ol style="list-style-type: none"> <li>1. Analysis of how the proposed amendment is consistent with the <i>Niagara Escarpment Planning and Development Act</i>, the Niagara Escarpment Plan, and shall be consistent with other relevant Provincial plans.</li> <li>2. A justification which includes the rationale for the amendment, as well as reasons, arguments or evidence in support of the change to the Plan proposed through the amendment.</li> </ol>	
The following studies and reports may be necessary to be submitted in support of justification of the proposed amendment (The applicability of the following will depend on the nature of the application):	
<input type="checkbox"/> Agricultural Land Use Impacts <input type="checkbox"/> Air Quality Impact Assessment <input type="checkbox"/> Engineering Reports <input type="checkbox"/> Environmental Impact Study <input type="checkbox"/> Geological Studies <input type="checkbox"/> Grading Plans – Existing and proposed and Slope Stabilization Plans and Typical Cross Sections <input type="checkbox"/> Historical/Cultural/Archeological Impact Assessment	

- ☐ Hydrogeological Impact Assessment  
☐ Landscape/Visual Impact Analysis  
☐ Noise Impact Assessment  
☐ Setback from the Brow of the Escarpment  
☐ Suitable for Septic Systems  
☐ Traffic Impact Assessment  
☐ Tree Removal/Planting including Berming and Landscaping  
☐ Other:

#### Site Plan

Please attach an accurate Site Plan drawn to scale. The Site Plan may be drawn on a blank sheet; on an attached Survey, or by using mapping software (Ontario Make a Map etc.). The Site Plan must show existing features, such as, buildings and structures, streams, changes in grades, rock outcrops, driveways, forested areas and proposed uses to changes to the property or the features.

**NOTE:** For amendments regarding Mineral Resource Extraction Areas, please provide copies of the Site Plan as required by Regulation under the *Aggregates Resources Act*.

#### Section 6 – Mining Claim and Conservation Matters

##### Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

##### Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local

newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 6 Checklist(s)</a> located <a href="#">here</a> and submit all documents listed on the checklist.			

**Section 7 – Filing Fee****Required Fee**

Please see the attached link to view the OLT Fee Chart.

Total Fee Submitted: **\$2,200.00**

Payment Method	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> Lawyer's general or trust account cheque
	<input type="checkbox"/> Credit Card		

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form.

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).☐ Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)**Section 8 – Declaration (Mandatory)****Declaration**

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

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
----------------------------------	---------------------------------------	-------------------

Nancy Smith



2021/10/26

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.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 at [OLT.Coordinator@ontario.ca](mailto:OLT.Coordinator@ontario.ca) or toll free at 1-866-448-2248 as soon as possible.**Section 9 – Filing Checklists (Mandatory)****Filing/Submitting your form and documentation**

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.
If the completed Section is:	You must file with the following:
Section 3A	Municipality or the Approval Authority/School Board  *If you are filing under the <i>Ontario Heritage Act</i> , including under <b>s. 34.1(1)</b> , please carefully review the specific section of that legislation to determine if your

	appeal needs to be filed with the Tribunal <b>in addition</b> to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349   1-866-448-2248 Website: <a href="http://www.olt.gov.on.ca">www.olt.gov.on.ca</a>
Section 5A or 5B	<p><b>For the Areas of:</b> Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p><b>File with:</b> NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3<sup>rd</sup> Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: <a href="http://www.escarpment.org">www.escarpment.org</a> Email: <a href="mailto:necgeorgetown@ontario.ca">necgeorgetown@ontario.ca</a></p>	<p><b>For the Areas of:</b> Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p><b>File with:</b> NIAGARA ESCARPMENT COMMISSION 1450 7<sup>th</sup> Avenue Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: <a href="http://www.escarpment.org">www.escarpment.org</a> Email: <a href="mailto:necowensound@ontario.ca">necowensound@ontario.ca</a></p>

**NOTE:** Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

**NOTE:** Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.