

# CITY OF HAMILTON

## M O T I O N

**PLANNING COMMITTEE DATE: AUGUST 3, 2022**

**MOVED BY COUNCILLOR L. FERGUSON.....**

**SECONDED BY COUNCILLOR .....**

**442, 450, 454 and 462 Wilson Street East - Ontario Land Tribunal Appeal  
Instructions**

WHEREAS, at its meeting on July 5, 2022, Planning Committee recommended refusal of the subject applications;

WHEREAS, on July 6, 2022 appeals were filed with the Ontario Land Tribunal for a failure of the City to make a decision on applications UHOPA-21-019 and ZAC-21-049 for lands located at 442, 450, 454 and 462 Wilson Street East;

AND WHEREAS, at its meeting on July 8, 2022, Council refused the subject applications;

**THEREFORE IT BE RESOLVED:**

- (a) That Legal and Risk Management Services staff be instructed to oppose the appeals for non-decision by 2691823 Ontario Inc arising from its applications for Official Plan amendment application UHOPA-21-019 and Zoning By-law amendment application ZAC-21-049;
- (a) That the Ontario Land Tribunal (OLT) be advised that the reasons for Council's opposition include but are not limited to the following:
  - (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood;
  - (ii) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to setbacks, building height, and massing;
  - (iii) There is inadequate sanitary capacity for the proposed density;
  - (iv) That the proposal is not considered to be good planning and is considered an over development of the site.

- (b) That staff from Planning and Economic Development attend the hearing to provide evidence, if necessary;
- (c) That Legal and Risk Management Services staff, in consultation with Development Planning staff, be authorized to retain such outside professional(s) in support of Council's opposition to the proposal, as necessary and charge such costs of retainers to the Development Stabilization Reserve 110086.