



5.8

20 Rousseaux Street, Ancaster L9G 2W5

Hon D. Ford,
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1
By email: premier@ontario.ca

31 October 2023

Dear Mr. Ford,

Ancaster Village Heritage Community (AVHC) is a citizens group focused on preserving heritage in one of Ontario's oldest communities, but as important supporting positive developments that will result in the increase in homes, we all know Ontario needs.

The combination of the Green Belt land swaps and the back door access to amendments of Official Plans in 14 communities and those amendments being employed in Ontario Land Tribunal appeals is perhaps the worst example of citizens being abused by government for a long time.

AVHC asks you to make it right. Rollbacks of changes to the Official Plans are a start, but the Ontario Land Tribunal decisions that relied on those changes must also be reversed.

For Ancaster, we ask your government to act decisively and roll back the Ontario Land Tribunal decisions made on the basis of revisions imposed by the province November 4, 2022 on the City of Hamilton Urban Official Plan.

In particular we refer to amendments to section E2.2.3.12 that permitted a density increase from 50 persons/hectare to 150 units/hectare (about 260 pers/hectare) and a height increase from 2.5 stories to up to 8 stories. These developer originated changes were not minor tweaks. **AVHC asks:**

1. Your government initiates whatever process is necessary to vacate the Ontario Land Tribunal approval for two projects in Ancaster's Village Core for two over-size developments approved under the Official Plan wording advanced by Mr. Johnston. These are OLT files 22-003888 and 22-004156.
2. Impose a full hold on these developments pending the outcome of the UHOP reversals and handling of OLT decisions to ensure construction does not start. There is a development hold on both approvals pending a revised Functional Servicing Report. However, AVHC believes developers need a crystal-clear message to stop all work today.

AVHC recognizes there is no easy path back to honest, open, transparent development decisions as a twisted mess of this magnitude is unprecedented, but we believe citizens deserve your leadership with a quick and simple move on your part.

Background

These revisions tied the hands of the Tribunal with the 2 developments in the Ancaster Community Node (Village Core) before them as they brought the Official Plan into alignment with the application, the reverse of what should have happened.

Worse still the revisions originated with a specific request from an individual with an interest in one of the developments. The province just “cut and pasted” the requested wording into the Official Plan revisions imposed on Hamilton to the benefit of the OLT appeal the individual was involved with.

AVHC sees this as a significant breakdown of integrity in your government. A quick check on active OLT appeals would have shown this.

Hamilton Ward 12 Councillor Craig Cesar in an October 27, 2023, statement said “These revelations also call into question outcomes of the OLT hearings for two appeals on Wilson Street in Ancaster (Wilson/Rousseaux St and Wilson/Academy St). The unilateral changes of the City's Official Plan undoubtedly had a significant positive impact for proponents once it was modified with input from private interests.”

Councillor Cesar is too kind by half. We do not yet know who invited Urban Solutions Planner Matt Johnston to submit a wish list for a project he was involved with to the Housing Ministry, but I believe we do know what happened:

1. Mr. Johnston advanced specific wording for amendments to the Urban Hamilton Official Plan to Steve Clark, then Minister of Housing on July 2, 2022.
2. Mr. Clark’s Chief of Staff, Ryan Amato, invited Mr. Johnston to review several planned changes to Official Plans on October 31, 2022. Mr. Johnston indicated he was comfortable with them.
3. On November 4, 2022 the Housing Ministry imposed 77 changes to the Urban Hamilton Official Plan, not appealable, with no consultation with the City including the changes suggested by Mr. Johnston which were copied word for word from his July 2 submission.
4. The behaviour by Urban Solutions and the province did much more than make a “positive impact” as Councillor Cassar says.

The changes made it impossible for the Ontario Land Tribunal to ultimately do anything but approve the development Mr. Johnston was involved with in a subsequent settlement hearing. The “cut and paste” amendments brought the development into alignment with the “new” Official Plan. The development height was 3.2 times higher, and its density was about 5 times higher than permitted in the Urban Hamilton Official Plan (UHOP) in place before the province copied Mr. Johnston’s requested wording into the November 4, 2022 Official Plan. The Development Application had been filed under the lower Official Plan provisions. AVHC believes the OLT would not have approved Official Plan amendments of this magnitude in a hearing free of outside interference.

5. Next, after his changes were incorporated into the UHOP Mr Johnston was an expert witness for the Applicant at the written Settlement Hearing for OLT 22-003888.

6. If there is any doubt of the impact of all this a short quote from Tribunal decision 22-003888, issued September 19, 2023 where Mr Johnston was an expert witness should dispel it.

Member Bitu M Rajae stated “Both Messrs. Kasprzak and Johnston attested to the Proposal’s satisfaction of the City’s new policies governing heights and density within the Community Node”. Yes, those are the “new” policies Mr Johnson submitted on July 2.

7. Further, the Tribunal Decision states “Mr. Kasprzak and Mr. Johnston are relied upon by the Tribunal and, without objection, their opinions are qualified as expert opinion evidence in their respective fields of Urban Design and Land Use Planning”.

You as the Premier can Make This Right

Citizens of Hamilton were victims of these back room politics. If the OLT decision stands the impact lasts for generations:

--A low density neighbourhood is expected to absorb a development with 5 times the density of surrounding properties.

--The sewer system this development would rely on is at capacity.

--Traffic is among the worst in the City by the City’s own admission.

--A key heritage structure on the streetscape, Marr Philip House, would likely be destroyed to allow the build

--the height and mass of the building is totally out of proportion with the surrounding structures

While there is no indication Mr Johnston was involved in OLT file 22-004156 it benefited from the revised Official Plan changes he submitted. It brings its own set of significant negative issues in its 7 stories just 100 meters east of the structure in 22-004156.

AVHC is not aware of any other Hamilton OLT decisions affected by the amendments referred to, but a full investigation by the Province and reversal of any decisions that relied on amendments to Urban Hamilton official Plan E.2.3.3.12 is essential.

We appreciate your attention to this matter and trust it is one of many steps needed to restore confidence in the development system in Ontario.

Sincerely



Jim MacLeod
Vice President
Ancaster Village Heritage Community

cc Hon Paul Calandra--Minister of Municipal Affairs and Housing
Sandy Shaw, MLA
Donna Skelly, MLA
Hamilton City Council