

November 20, 2023

By E-Mail Only clerk@hamilton.ca

Mayor and Members of Council
City of Hamilton
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: City Clerk

Dear Madam Mayor and Members of Council:

**Re: Agenda Item 6.4 - Planning Committee Meeting (Item 11) – Province
Winding Back Changes on Official Plans and Official Plan Amendments
(PED23252) (City Wide)**

We are writing further to the correspondence sent to Planning Committee by our co-counsel, Ms. Denise Baker, in relation to the above mentioned matter, on behalf of our clients, Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and the estate of Elaine Vyn, collectively, the “Twenty Road East Landowners Group”). A copy of Ms. Baker’s correspondence is enclosed for your information.

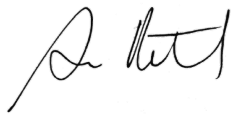
The Planning Committee’s recommendation that Council reconfirm its position on Urban Hamilton Official Plan Amendment 167 and Rural Hamilton Official Plan Amendment 34, as adopted by Council on June 8, 2022 would result in the adoption of Official Plans which do not conform to the Growth Plan, nor are they consistent with the Provincial Policy Statement. The Planning Act is clear that any Official plan adopted or approved must conform to the Growth Plan and must be consistent with the Provincial Policy Statement.

As noted in Ms. Baker’s correspondence, prior to council’s adoption of the Official Plan on June 8, 2023, staff were very clear that the City’s ability to achieve the housing it requires in order to conform to the provincial policy under a “no urban boundary expansion” was based on unreasonable and unachievable intensification and densification targets. Because it was obvious that the City would never meet its targets under this scenario and thus has a shortfall of needed housing, planning staff was clear that the ambitious density scenario permitting an urban boundary which would include the Twenty Road East, Twenty Road West and Elfrida lands was the right option for adoption

by Council. All of these lands are in the Whitebelt. This option meets the right balance to ensure that needed housing could be provided, while continuing to promote ambitious intensification within the built boundary, together with ambitious density targets, to minimize the extent of expansion land needed to meet the City's housing requirements.

In light of the forgoing, should Council proceed with a "no urban boundary expansion" option, an assessment of its conformity with provincial policy must be undertaken. We therefore request that Planning Committee's recommendations be amended to include a request to the Province to refer OPA 167 and OPA 34 to the Ontario Land Tribunal for a full assessment.

Yours sincerely,
DAVIES HOWE LLP



Susan Rosenthal
Professional Corporation

SR:SR
encl.:

copy: Clients
Maria Gatzios, Gatzios Planning
Denise Baker, Weir Foulds