



Kagan | Shastri  
DeMelo | Winer | Park  
LAWYERS | LLP

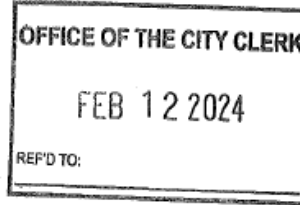
IRA T. KAGAN  
Tel: 416.368.2100 Ext. 226  
[ikagan@ksllp.ca](mailto:ikagan@ksllp.ca)

File No: 13074

February 8, 2024

**By Courier & Email**

Office of the City Clerk  
Attention: Janet Pilon  
Hamilton City Hall  
71 Main St W,  
Hamilton, ON L8P 4Y5



Email: [janet.pilon@hamilton.ca](mailto:janet.pilon@hamilton.ca)

Dear Ms. Pilon,

**Re: Appeals pursuant to sections 22(7) and 34(11) of the Planning Act  
Appeal filed on behalf of 17 Ewen (Hamilton) Corp (The "Company")  
Proposed Official Plan Amendment Urban Hamilton Official Plan.  
Proposed Zoning By-law Amendment to City of Hamilton Zoning By-law  
Respecting 17 Ewen Road in Hamilton (the "Subject Lands")**

**Municipal File No ZAC-23-020 & UHOPA-23-008**

We are the solicitors for the Company, the owner of the Subject Lands. By way of this letter and on behalf of our client we hereby appeal the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT" or "Tribunal") pursuant to sections 22(7) and 34(11) of the Planning Act. The Official Plan and Zoning By-law Amendment applications were deemed complete effective Wednesday, January 18, 2023. Since then, more than 120 days have elapsed, and the City of Hamilton has failed to make a decision on the applications.

The Subject Lands are approximately 0.43 hectares in size, roughly rectangular and front both Ewen Road to the west and Rifle Range Road to the east. Currently the Subject Lands are relatively flat and contain no buildings or meaningful vegetation. The Subject Lands are former warehouse facilities demolished in or around 2016.

The redevelopment proposes a 10-storey 359 unit, 545 bedroom, purpose-built student rental residence. The proposed redevelopment will allow for the construction of 359 desperately needed residential housing units with a density of 835 units per hectare. The proposed redevelopment will buffer the southern property line to complement the bicycle and pedestrian trail over the former railway line.

Yorkville Office:  
188 Avenue Road,  
Toronto, ON., M5R 2J1  
P. 416.368.2100 | F. 416.368.8206 | [ksllp.ca](http://ksllp.ca)

Downtown Office:  
250 Yonge Street, Ste 2302  
P.O. Box 65,  
Toronto, ON., M5B 2L7  
P. 416.368.2100 | F. 416.368.8206 | [ksllp.ca](http://ksllp.ca)

The Subject Lands were previously approved by the Ontario Municipal Board. The OMB permitted the development of a 10-storey purpose-built student housing development comprised of one-hundred and sixty five-bedroom student residential units. Since the time of the OMB hearing, market conditions have changed respecting student preferences. Due primarily to Covid-19, five-bedroom units are less desirable and students prefer their own units or fewer roommates.

The proposed redevelopment will enhance the public realm by facilitating a pedestrian-friendly environment thus implementing the goals of the City's Urban Official Plan. The proposed development is transit-supportive and will optimize existing and planned infrastructure in the area. The Subject Lands are located within walking distance of a world-class university and provide desperately needed housing units to its faculty, staff and students.

#### **Consistency with the Provincial Policy Statement 2020 ("PPS")**

The proposed redevelopment is consistent with the PPS. The Subject Lands are within a settlement area, which is the focus of growth and intensification under the PPS. More specifically, the proposed development is consistent with the following policies in the PPS:

- Policy 1.1.1 which provides that healthy, livable and safe communities are sustained by efficient development and land use patterns that financially bear the Province and municipalities over the long term and accommodates an affordable and market based range and mix of residential housing types.
- Policy 1.1.3.1 which provides that settlement areas shall be the focus of growth and development.
- Policy 1.1.3.2 which provides that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion, and are transit-supportive, where transit is planned, exists or may be developed.
- Policy 1.1.3.2 which provides for appropriate and efficient use of infrastructure, public service facilities and support active and transit supportive transportation.
- Policy 1.1.3.3 which provides that planning authorities shall identify appropriate locations to promote opportunities for transit supportive development. These developments should accommodate a significant supply and range of housing options.
- Policy 1.1.3.4 which provides that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form while avoiding or mitigating risks to public health and safety.
- Policy 1.4.1 which provides that in order to provide for an appropriate range and mix of housing options and densities planning authorities shall accommodate residential growth for a minimum of 15 years through intensification and redevelopment.
- Policy 1.4.3 which provides that planning authorities should provide for an appropriate range and mix of housing options and densities to meet projected market based and affordable housing needs of current and future residents.
- Policy 1.6.3(a) which provides that before consideration is given to developing new infrastructure and public service facilities the use of existing infrastructure and public service facilities should be optimized.

- Policy 1.6.6.1 which provides that planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage and water services.
- Policy 1.6.6.2 which provides that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.
- Policy 1.6.7.2 which provides that efficient use should be made of existing and planned infrastructure.
- Policy 1.6.7.4 which provides that land use patterns density and a mix of uses should be promoted to minimize the length and number of vehicle trips.
- Policy 1.7.1 which provides that the City should optimize its long-term economic prosperity.
- Policy 1.8. which requires the City to encourage improved air quality, reduce greenhouse gas emissions, and prepare for the impacts of a changing climate through land use and development patterns.

**Conformity with A Place to Grow: The Growth Plan, 2021 (“Growth Plan”)**

The proposed development conforms with the following policies in the Growth Plan:

- Policy 1.2.1 which provides that development should achieve complete communities that are designed to support healthy active living and meet people’s needs for daily living throughout an entire lifetime.
- Policy 1.2.3 which provides that the policies of the Growth Plan represent minimum standards.
- Policy 2.1 which provides that, to support the achievement of complete communities, this Growth Plan establishes minimum intensification and density targets.
- Policy 2.1 which provides that it is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development while also providing flexibility for local decision-makers to respond to housing needs and market demand. The Growth Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.
- Policy 2.2.1.2(a) which provides that the “vast majority of growth will be directed to settlement areas that: i) have a delineated built boundary; ii) have existing or planned municipal water and wastewater systems; and iii) can support the achievement of complete communities”.
- Policy 2.2.1(3)(c) which provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.
- Policy 2.2.2(3)(d) which ensures that lands are zoned and development is designed in a manner that supports the achievement of complete communities.

- Policy 2.2.1.4 which provides that the policies of the Growth Plan will support the achievement of complete communities.
- Policy 2.2.2.1 which provides that a minimum of 50% of all residential development within the City of Hamilton will be within the delineated built-up area.
- Policy 2.2.2.3 which requires all municipalities to develop a strategy that will achieve the minimum intensification targets.
- Policy 2.2.1.3 (c) which provides that the city should manage forecasted growth in a way that provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors.
- Policy 5.2.5(1) which provides that the minimum intensification and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS or any other provincial plan.

### **Conformity with the Urban Hamilton OP (“UHOP”)**

Bearing in mind that the development proposes an amendment to the UHOP and thus strict adherence to the UHOP is not required, the proposed development nevertheless conforms with certain aspects of the UHOP. The Subject Lands are designated Mixed Use – Medium Density in the UHOP and are located steps away from McMaster University which is identified as a *Major Activity Centre*. The proposed development conforms with the following policies in the UHOP:

- Section E.4.6 which provides that it is the intent of the *Mixed Use - Medium Density* designation to permit a full range of service commercial entertainment and residential accommodation at a moderate scale.
- Section E 4.6.2 which provides that *Mixed Use – Medium Density* designations shall be applied to traditional main street commercial areas outside the designated *Downtown Mixed Use* to promote the continuation of these places as pedestrian-oriented areas.
- Section E.4.6.4 which provides that *Mixed Use- Medium Density* areas shall serve as vibrant people places with increased day and night activity through the introduction of residential development.
- Section E 4.6.10 which provides that permitted uses shall be located in single or mixed-use buildings.
- Section E 4.6.16 which provides that new development shall be designed and oriented to create comfortable and vibrant areas that are stimulating pedestrian oriented streets.
- Section 4.6.17 which provides that *Mixed Use- Medium Density* areas are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation.
- Section E 4.6.24 which provides that development shall respect existing built form of adjacent neighbourhoods by providing gradation in building height and densities and by locating and designing new development to minimize the effects of shadowing and overview on adjacent properties.
- Section 4.6.27 which provides that reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.

The proposed development also complies with the following Ainslie Wood Neighbourhood Plan policies and guidelines:

- 
- Policy 6.2.17.4 c) ii) which provides that any multiple dwelling shall be designated as student accommodation.

### **Meets General Principles of Good Planning**

The Subject Lands have been identified at the provincial, regional, and local level as an area where growth should be directed. The proposed development meets the general principles of good planning by contributing significantly to long-term, orderly growth and efficient use of services in a transit-oriented area.

### **Conclusion**

For the foregoing reasons, and others to be provided at the hearing of the appeals, our client appeals its Official Plan Amendment and Zoning By-law Amendment Applications to the OLT. In support of the appeals please find enclosed the following documents:

1. The OLT Appeal Form A1 (completed);
2. A draft Official Plan Amendment;
3. A draft Zoning By-law Amendment; and
4. Our firm's cheque in the amount of \$2,200 payable to the Minister of Finance, Ontario, representing the OLT's appeal fees.

Our client requests that both appeals be heard together. By separate appeal letter our client is also appealing its Official Plan Amendment and Zoning By-law Amendment applications for its development at 1629, 1635, 1637 and 1655 Main Street West, Hamilton. That property is adjacent to the Subject Lands. It would be efficient if the appeals of both properties were scheduled for the same first CMC as we suspect that many parties of one appeal will seek status in the other appeal. We are not asking that the appeals of the two properties be consolidated at this time; only that they be administratively joined for the purpose of the first CMC. Thank you.

[Signature page follows]



**KAGAN SHASTRI DeMELO WINER PARK LLP**

Ira T. Kagan

Enclos: Appeal Form (A1), Appeal Fee, Draft OPA, Draft ZBLA

Cc: Client

GSP Group Inc.

Please Reply to the: Yorkville Office



**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)**

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

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:
Hendrie		Michael
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):		
17 Ewen (Hamilton) Corp		
Email Address:		
<a href="mailto:mhendrie@aventusdevelopments.com">mhendrie@aventusdevelopments.com</a>		
Daytime Telephone Number:		Alternative Telephone Number:
905-464-5209	ext.	

Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	1418	Ontario Street	
City/Town:	Province:	Country:	Postal Code:
Burlington	Ontario	Canada	L7S 1G4



Representative Information			
X I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
Kagan		Ira	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
Kagan Shastri DeMelo Winer Park LLP			
Email Address:			
<a href="mailto:ikagan@ksllp.ca">ikagan@ksllp.ca</a>			
Daytime Telephone Number:		Alternative Telephone Number:	
416-368-2100	ext. x226	(437) 781-9549	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	188	Avenue Road	
City/Town:	Province:	Country:	Postal Code:
Toronto	Ontario	Canada	M5R 2J1
<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>			

Location Information	
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:	
17 Ewen Road	
Municipality:	

Hamilton
Upper Tier (Example: county, district, region):
N/A

Language Requirements	
Do you require services in French?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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>	45(12)
1	Official Plan Amendment	<i>Planning act</i>	22(7)
2	Zoning By-law Amendment	<i>Planning Act</i>	34(11)
3			
4			
5			

**Section 2 – Appeal Type (Mandatory)**

**Please select the applicable type of matter**

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	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, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, 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>	5
<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:

359

Municipal Reference Number(s):

ZAC-23-020 & UHOPA-23-008

List the reasons for your appeal:

See attached Letter

Has a public meeting been held by the municipality? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:
<input type="checkbox"/> Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the <i>Planning Act</i>
<input type="checkbox"/> Fails to conform with or conflicts with a provincial plan
<input type="checkbox"/> Fails to conform with an applicable Official Plan
<b>And</b>
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:
See attached letter

<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:

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**Section 3B – Other Planning Matters**

**Appeal Specific Information (Continued)**

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 Section 3B Checklist(s) located here and submit all documents listed.

**Section 4A – Appeals under Environmental Legislation**

**Appeal Specific Information**

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.

**Section 4B – Environmental Application for Leave to Appeal**

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 <u>Section 4B Checklist(s)</u> located <u>here</u> and submit all documents listed on the checklist.

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

<b>Appeal Specific Information</b>
Development Permit Application File No:
Address or legal description of the subject property:
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 6 – Mining Claim and Conservation Matters**

<b>Appeal Specific Information</b>
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 <i>Mining Act</i> 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:

<b>Respondent Information</b>			
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 <u>Section 6 Checklist(s)</u> located <u>here</u> 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

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. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

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)
Ira Kagan		2024/02/08

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 5	<b>For the Areas of:</b> Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara	<b>For the Areas of:</b> Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)

	<p>City of Hamilton</p> <p><b>File with:</b></p> <p>NIAGARA ESCARPMENT COMMISSION</p> <p>232 Guelph Street, 3<sup>rd</sup> Floor Georgetown, ON L7G 4B1</p> <p>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>File with:</b></p> <p>NIAGARA ESCARPMENT COMMISSION</p> <p>1450 7<sup>th</sup> Avenue Owen Sound, ON N4K 2Z1</p> <p>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>
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**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.

**APPENDIX C**

**DRAFT**

**Urban Hamilton Official Plan**

**Amendment No. [REDACTED]**

The following text constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to modify Site-Specific Policy Area D for the lands located at 17 Ewen Road, to permit a 10-storey student residence with a maximum density of 359 units (545 bedrooms).

**2.0 Location:**

The lands affected by this Amendment are known municipally as 17 Ewen Road, within the former City of Hamilton.

**3.0 Basis:**

The basis for permitting this Amendment is :

- The requested density increase is consistent with the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020;
- The proposed development conforms to the Urban Hamilton Official Plan with the exception of the maximum density; and
- The proposed development will serve the Ainslie Wood Westdale community by providing new purpose-built student housing that will add housing choice to students in proximity to McMaster University as well as active transportation infrastructure, public transit networks, and commercial amenities, health services, and public service infrastructure.

**4.0 Actual Changes:**

**4.1 Text Changes**

Urban Hamilton Official Plan Volume 2, Chapter B, Specific Policy – Area D, Policy B.6.2.17.4 b) is deleted and replaced with the following:

- b) a student residence with a maximum of 359 units (545 bedrooms) shall be permitted;

**5.0 Implementation:**

An implementing Zoning By-law Amendment and Site Plan will give effect to the intended use on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2023.

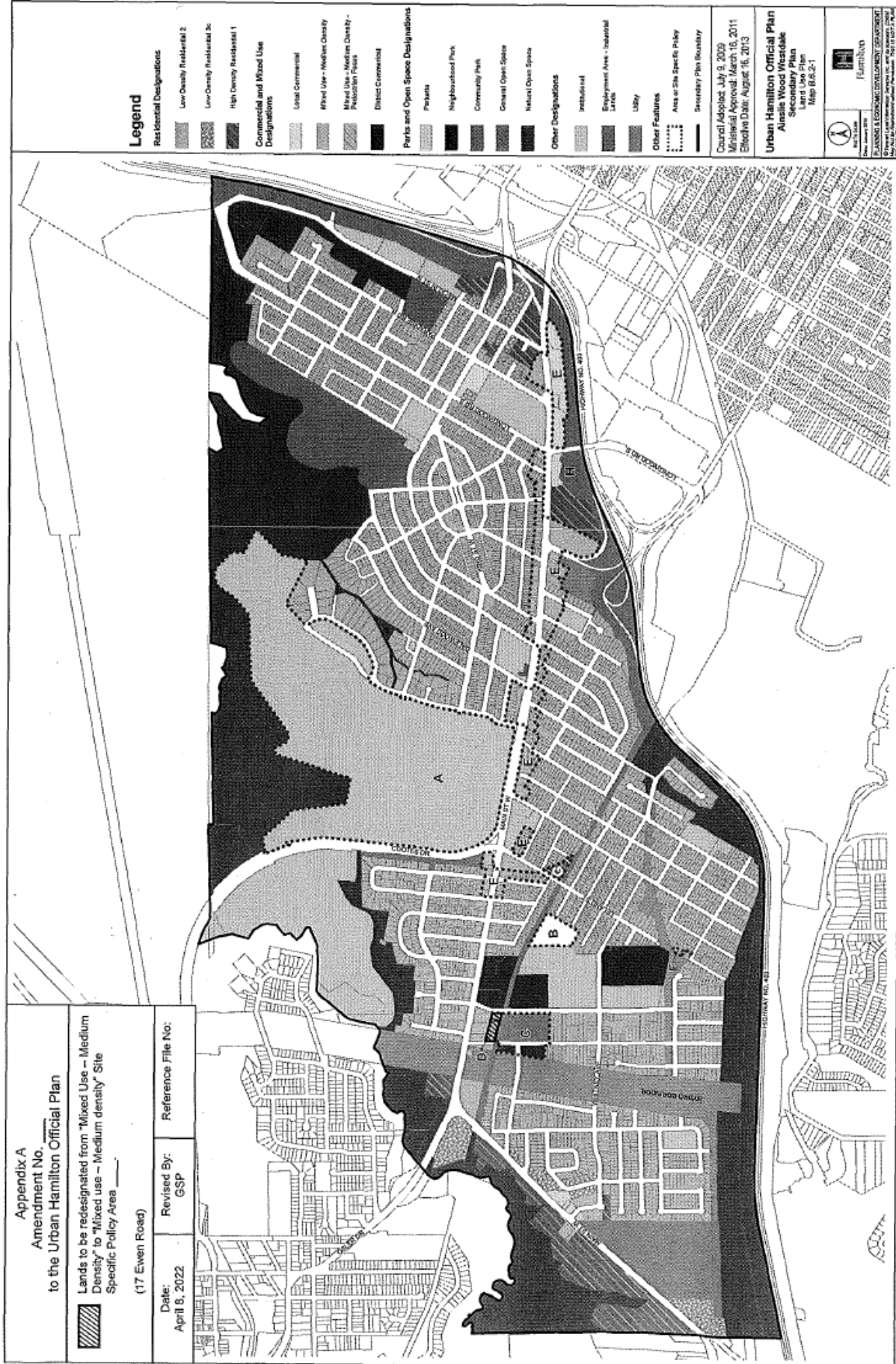
**The  
City of Hamilton**

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MAYOR

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CITY CLERK



APPENDIX D

PROPOSED DRAFT  
CITY OF HAMILTON  
BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton), respecting  
lands located at 17 Ewen Road

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan under the Planning Act, upon approval by the Ontario Municipal Board of the Urban Hamilton Official Plan, as modified;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W-46 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "J/S-1552" (Light and Limited Heavy Industry, Etc.) District, Modified, to the "E-3" High Density Multiple Residential ) District, Modified, on the lands the extent and boundaries of which are shown on the plans hereto annexed as Schedule "A".
2. That the "E-3" (High Density Multiple Residential) District regulations, as contained in Section 11C of Zoning By-law No. 6593, be modified to include the following special requirements:
  - (a) That notwithstanding Section 11C.(1) of Zoning By-law No. 6593, the following use shall be the only permitted:
    - (i) A "**Student Residence**"
  - (b) For the purposes of this By-law, a "Student Residence" shall be defined as:

**"Student Residence"** means the whole of any multiple dwelling designed for accommodating students and consisting of **Dwelling Units**, each providing up to 5 bedrooms for hire or gain directly or indirectly that does not have the exclusive use of both a kitchen and a bathroom with the exception of bachelor and one-bedroom

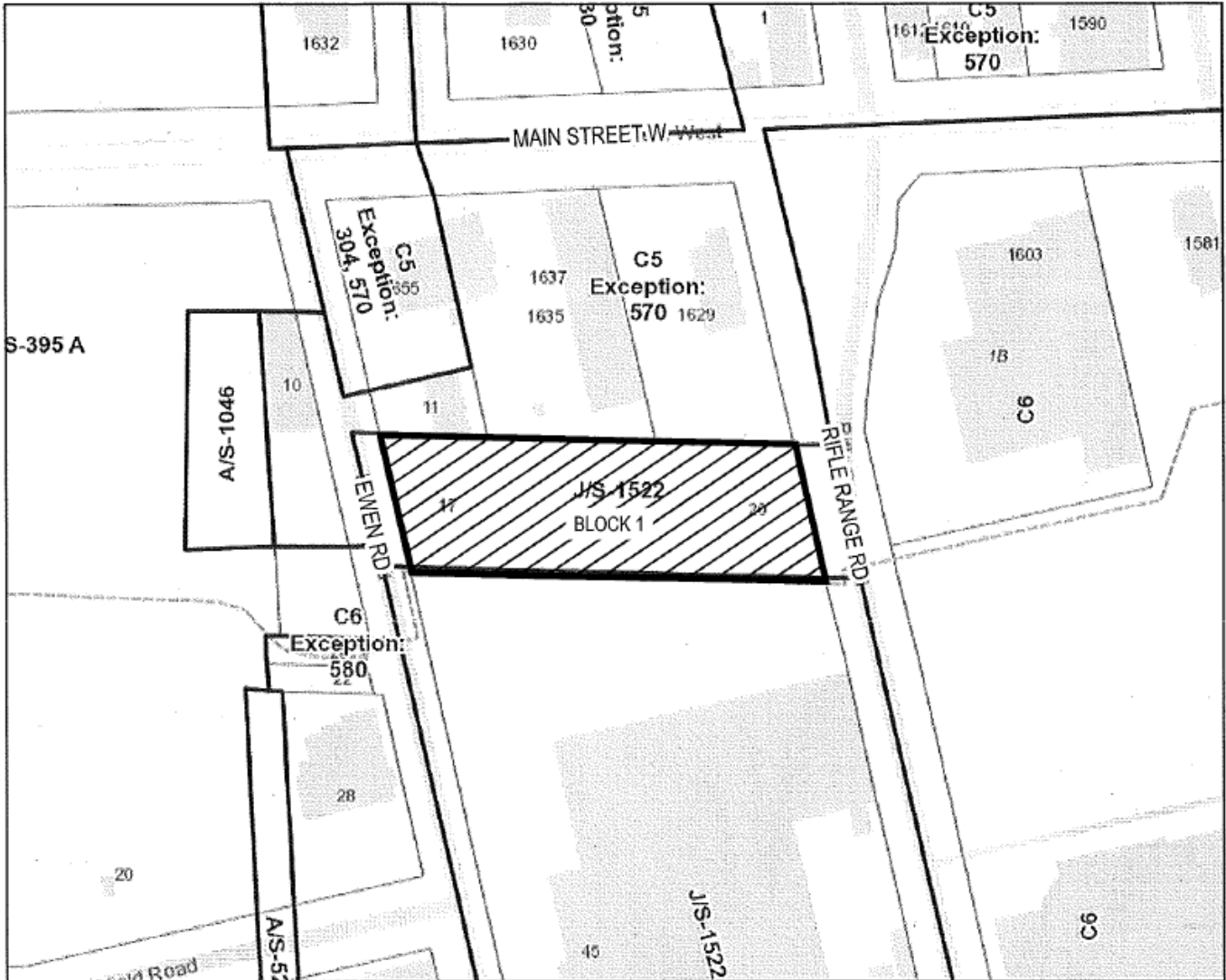
units for which exclusive use of both a kitchen and bathroom shall be permitted. The building may also include common areas."

- (c) That notwithstanding Section 11C (1a) of Zoning By-law No. 6593, the height of a building or structure shall not exceed 10-storeys and 35 metres.
  - (d) That notwithstanding Section 11C(2) of Zoning By-law No. 6593, the following yards shall be required:
    - 1) A westerly yard (Ewen Road) having a depth of not less than 2.1 metres adjacent to a building height of 22.3 metres (7 storeys); 5.9 metres adjacent to a building height of 24 metres (8 storeys); and 11.39 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.
    - 2) A northerly yard having a depth of not less than 12 metres shall be provided and maintained for all buildings and structures.
    - 3) A southerly yard having a depth of not less than 3.0 metres shall be provided and maintained for all buildings and structures.
    - 4) An easterly yard (Rifle Range Road) having a depth of not less than 2.1 metres adjacent to a building height of 22.3 metres (7 storeys); and 13.7 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.
  - (e) That notwithstanding Section 11C(4) of Zoning By-law No. 6593, no buildings or structures shall have a total Gross Floor Area of more than 19,000m<sup>2</sup> plus 4,234m<sup>2</sup> below grade parking structure totaling 23,234m<sup>2</sup>.
  - (f) That notwithstanding Section 11C(5) of Zoning By-law No. 6593, there shall be provided and maintained at least 15% of the area of the lot as landscaped area.
  - (g) That notwithstanding Section 18A. (1) of Zoning By-law No. 6593, the minimum parking ratio shall be 0.25 parking spaces per bedroom inclusive of visitor parking;
  - (h) That notwithstanding Section 18A. (1)(c) of Zoning By-law No. 6593, no loading spaces shall be required.
  - (i) That notwithstanding Section 18A. (14g) of Zoning By-law No. 6593, required parking shall be permitted in a required front yard.
  - (j) That no vehicular access or egress shall be provided to Ewen Road.
  - (k) That the maximum density shall be 359 units including a maximum of 545 bedrooms.
  - (l) That the principal pedestrian entrance shall be from/to Rifle Range Road.
  - (m) That no communal outdoor amenity areas and no rooftop amenity area shall be permitted.
3. That no building or structure shall be erected, altered, extended or enlarged; nor shall any building or structure or part thereof be used; nor shall any land be used, except in accordance with the "E-3" (High Density Multiple Residential) District provisions, subject to the special requirements referred to in Sections 2 and 3.
4. That By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-169.



5. That Sheet No. W-46 of the District Maps is amended by marking the lands referred in Section 1 of this By-law as S-1609.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED and ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.



<p>This is Schedule "A" to By-Law No. 22-</p> <p>Passed the ____ day of _____ 2022</p>	<p>_____</p> <p style="text-align: center;">Mayor</p> <p>_____</p> <p style="text-align: center;">Clerk</p>
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<p><b>Schedule "A"</b></p> <p>Map Forming Part of By-law No. 22-____</p> <p>to Amend By-law No. 05-200</p>	<p><b>Subject Properties</b> 1629 - 1655 Main Street West</p> <p> BLOCK 1: Lands to be rezoned from "Light And Limited Heavy Industry" (J/S-1522) to the "Mixed use Medium Density" (C5, ____) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: _____</p>
<p>Date: April 8, 2022</p>	<p>Prepared By: GSP Group</p>