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VIA EMAIL & HAND DELIVERY

May 28, 2024

City of Hamilton
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Janet Pilon, City Clerk, clerk@hamilton.ca

Dear Ms. Pilon:

**Re: NOTICE OF APPEAL
210 Calvin Street, Hamilton
Failure to Make a Decision to Amend Official Plan
Failure to Make a Decision to Amend Zoning By-law**

We represent 210 Calvin Street GP Inc. ("**Client**"), owner of 210 Calvin Street, located in Ancaster, in the City of Hamilton ("**Subject Lands**").

On February 18, 2020, applications for an Official Plan Amendment ("**OPA**") and a Zoning By-law Amendment ("**ZBA**"; collectively, "**Applications**") were submitted to the City of Hamilton ("**City**") in respect of the Subject Lands on behalf of the previous owner, Mr. Ron Ticchiarelli. Subsequently on February 24, 2021, our Client acquired the Subject Lands and took carriage of the Applications.

Schedule B to the Urban Hamilton Official Plan ("**UHOP**"), Natural Heritage Features, identifies the Subject Lands as being within a Core Area. As such, an amendment to the UHOP is required to revise the limits of the Core Area on the Subject Lands. The Subject Lands are zoned Deferred Development "D" Zone in Ancaster Zoning By-law No. 87-57. The ZBA sought by our Client would rezone the developable portion of the Subject Lands to permit the residential uses permitted in

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the RM4, RM5 and RM6 zones, including block townhouse dwellings, triplex dwellings, multi-plex dwellings, apartment buildings and multiple residential housing for senior citizens.

Following submission of the original Applications, extensive comments were received from City staff and commenting agencies.

On October 8, 2021, our Client provided a resubmission of materials in response to the comments received regarding the first submission.

Our client then received further comments from the City’s Development Engineering Department and provided a partial resubmission of materials in response to those comments on June 21, 2022.

Following the partial resubmission in June 2022, our Client again received further comments from City staff and submitted additional and updated materials in response to those comments on December 7, 2023.

Given that more than 120 days has passed since the Applications were submitted, and the City has failed to make a decision, we hereby appeal the Applications to the Ontario Land Tribunal, pursuant to Subsections 22(7) and 34(11) of the *Planning Act*, R.S.O., c. P.13.

THE SUBJECT LANDS

The Subject Lands are located in Ancaster, within the City of Hamilton. As shown in **Figure 1**, the property is bound by the Highway 403 and Highway 6 interchange to the east, Highway 403 to the south, a stream and an existing residential neighbourhood to the west, and the Hamilton Golf & Country Club to the north.

Access to the Subject Lands is planned to be provided off of Calvin Street from the west, which currently terminates before the property boundary begins.



Figure 1. 210 Calvin Street Location Map

DEVELOPMENT PROPOSAL

In keeping with the surrounding neighbourhood character, the Subject Lands are proposed to be developed for residential purposes, housing no more than 100 residential units. This is in keeping with the Subject Lands' "Neighbourhoods" designation in the UHOP.

An extension of Calvin Street from the west is required to introduce pedestrian and automobile access to the Subject Lands. This will involve the construction of a bridge over a stream that runs north-south, located west of the Subject Lands boundary.

The bridge and street are proposed to be constructed to minimize impacts to existing trees and vegetation to the greatest extent possible, while also providing for a right-of-way that can adequately and appropriately accommodate emergency vehicles. The street is proposed to curve northward into the developable portion of the Subject Lands, where there will be a private "loop" road to provide access to the residential units. The detailed layout and design of the development will be determined at a later stage of development, once the zoning for the Subject Lands is in place. The proposed development is intended to be guided by the urban design principles outlined in the City's Urban Design Guidelines.

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BASIS FOR APPEAL

The reasons for appealing the Applications include but are not limited to the following, as further described in the Planning Justification Report prepared by SGL Planning & Design Inc. ("SGL"), dated April 2020, which is attached to this Notice of Appeal:

1. The Applications have appropriate regard to matters of provincial interest set out in Section 2 of the *Planning Act*;
2. The Applications are consistent with the Provincial Policy Statement, 2020;
3. The Applications conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
4. The Applications meet the intent and purpose of the UHOP; and
5. The Applications represent good planning and are in the public interest.

FORM AND FEE

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

1. The required OLT Appeal Form A1 for the OPA and ZBA; and
2. A copy of SGL's Planning Justification Report dated April 2020.

The filing fee in respect of this appeal is \$2,200.00 and we kindly request that you contact the undersigned to process the payment via credit card.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,



Jennifer Meader
JM/mb

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TMA LAW



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)

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

You may be able to submit your appeal online using our new e-file service if:

- the approval authority you are submitting your appeal to is registered on e-file; or
- you are appealing directly to the Ontario Land Tribunal

Please visit our [e-file page](#) to learn more.

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:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
210 Calvin Street GP Inc.			
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:

Representative Information			
X I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
Meader		Jennifer	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
TMA Law			
Email Address:			
jmeader@tmalaw.ca			
Daytime Telephone Number:		Alternative Telephone Number:	
905.529.3476	ext.	2740	416.605.0508
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
2010	25	Main Street West	
City/Town:	Province:	Country:	Postal Code:
Hamilton	ON	Canada	L8P 1H1
Note: 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.			
<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.			

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:
210 Calvin Street
Municipality:
Hamilton
Upper Tier (Example: county, district, region):

Language Requirements

Do you require services in French?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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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 Act, 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, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and 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, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6

<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
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Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

No more than 100 residential units

Municipal Reference Number(s):

UHOPA-20-013 & ZAC-20-017

List the reasons for your appeal:

Please see Appeal Letter attached.

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:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- 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:

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Oral/Written Submissions to Council
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

Related Matters
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:

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? Yes No

If Yes, outline the reasons for requesting a stay:

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 4A Checklist\(s\)](#) located [here](#) 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 *Environmental Bill of Rights, 1993*? Yes 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 Section 4B Checklist(s) located here and submit all documents listed on the checklist.

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

Appeal Specific Information
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 (www.escarpment.org))

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 <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:

Respondent Information				
Conservation Authority:				
Contact Person:				
Email Address:				
Daytime Telephone Number:	Alternative Telephone Number:			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"></td> <td style="width: 5%; text-align: center;">ext.</td> <td style="width: 25%;"></td> </tr> </table>		ext.		
	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 [Section 6 Checklist\(s\)](#) located [here](#) 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 type="checkbox"/>	Lawyer's general or trust account cheque
	<input checked="" 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)
Jennifer Meader		2024/05/28

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 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 s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition 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: www.olt.gov.on.ca
Section 5	For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton File with: NIAGARA ESCARPMENT COMMISSION	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) File with: NIAGARA ESCARPMENT COMMISSION 1450 7 th Avenue

	232 Guelph Street, 3 rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca	Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca
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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.