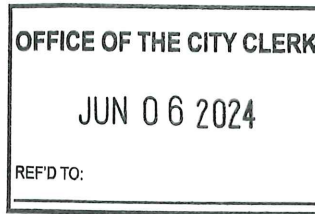


Barristers & Solicitors



June 5, 2024

VIA E-MAIL & COURIER

City Clerk
 City of Hamilton
 71 Main St. W.
 1st floor
 Hamilton, Ontario
 L8P 4Y5

Denise Baker
 Managing Partner
 t. 416-947-5090
 dbaker@weirfoulds.com

File 16938.00007

Attention: Janet Pilon, Acting City Clerk

Dear Ms. Pilon:

Re: Notice of Appeals
Applications for Site Plan and Draft Plan of Subdivision
File Numbers: DA-23-043 and 25T-202304
Sections 41(12) and 51(34) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended
157 Upper Centennial Parkway, Stoney Creek, Hamilton

We are counsel to 1520866 Ontario Limited ("**Losani Homes**"), owners of 1.87 hectares of land located on the west side of Upper Centennial Parkway between Highland Road West and Mud Street (the "**Subject Lands**"), in the City of Hamilton (the "**City**"). The Subject Lands are municipally known as 157 Upper Centennial Parkway, and are legally described as Part of Lot 25, Concession 7, Part 1 of 62R-15922.

Through its planning consultant, MHBC Planning, Losani Homes submitted applications for Draft Plan of Subdivision ("**Subdivision Application**") and Site Plan Approval ("**Site Plan Application**") on December 22, 2022. By letter dated April 13, 2023, the City advised that the Subdivision Application was deemed complete. By letter dated April 24, 2023, the City advised that the Site Plan Application was deemed complete. Following discussions with the City, a revised Site Plan Application was submitted by MHBC Planning on February 23, 2024.

The Subdivision Application and the Site Plan Application follow applications for an Official Plan and Zoning By-law amendments filed in August 2016 (the "**OPA and ZBA Applications**") which were appealed to the then Local Planning Appeal Tribunal on September 8, 2017, for non-decision (LPAT Case Number PL170991 and PL170992). The appeals of the OPA and ZBA Applications are ongoing with the Ontario Land Tribunal (the "**Tribunal**").

Collectively, the Subdivision Application, the Site Plan Application, and the OPA and ZBA Applications facilitate the development of a medium-density mixed use development on the Subject Lands.

Losani Homes hereby appeals the Subdivision Application and the Site Plan Application pursuant to sections 41(12) and 51(34) of the *Planning Act* for non-decision within the prescribed statutory timelines.

The Applications

Site Plan

The Subject Lands are located on the west side of Upper Centennial parkway north of Highland Road West. The Subject Lands have an irregular shape in the form of an "L" with 73 metres of frontage onto Upper Centennial Parkway, a depth of 213 metres and a width of 109 metres along rear lot line, with a total area of 1.87 hectares.

After Losani Homes submitted its initial Site Plan Approval Application, discussions were had between the City and MHBC Planning, on behalf of Losani Homes. Following these discussions, a revised Site Plan was submitted on February 2, 2024. The Site Plan implements the proposed development. Losani Homes has also updated the Official Plan Amendment, Zoning By-law Amendment, and the Draft Plan of Subdivision to match the revisions to the Site Plan.

Draft Plan of Subdivision

Losani Homes is proposing the development of the Subject Lands with a medium-density mixed-use development consisting of a total of 90 residential and 5 commercial units. Losani Homes has submitted a Draft Plan of Subdivision to create two separate blocks: one residential block and one mixed-use block. The residential component proposes a residential block with 81 units, with a mix of back-to-back townhouse units, and townhouse units. The mixed-use component proposes 9 residential units, and 5 commercial units, and associated parking spaces, including garage spaces. Vehicle access to the proposed development is provided from Taverny Road for the residential portion, and Upper Centennial Parkway for the mixed-use portion. An internal street network connects all townhouse units within the proposed development and pedestrian access is provided between the two blocks.

Consolidation

We respectfully request that the appeal of the Subdivision Application and the Site Plan Application be consolidated with the appeals of the OPA and ZBA Applications pursuant to Rule 16 of the OLT Rules of Practice and Procedure, which allows the Tribunal to consolidate the hearing of related appeals. All four appeals pertain to the redevelopment of the Subject Lands:

- i. have common issues and questions of fact; and
- ii. will require the calling of common evidence and the making of common submissions.

Accordingly, the most efficient manner of hearing the appeals is through consolidation.

Filing Requirements

In satisfaction of the Tribunal's filing requirements, attached please find the following:

- One Tribunal appeal form entitled "Appeal Form (A1)" duly completed and signed; and
- Two firm cheques, each in the amount of \$1,100.00, payable to the Minister of Finance, representing the Tribunal's filing fees for the appeals herein.

Kindly acknowledge receipt of this letter and advise when the appeals have been forwarded to the Tribunal.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP



Denise Baker
Managing Partner

DB/ng

cc: Client

Encls. 3
20632470.1



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

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):					
1520866 Ontario Limited (Losani Homes)					
Email Address:					
WLiske@losanihomes.com					
Daytime Telephone Number:			Alternative Telephone Number:		
905-561-1700		ext.			
Mailing Address					
Unit Number:		Street Number:		Street Name:	
203		430		McNeilly Road	
City/Town: Stoney Creek, Hamilton		Province: Ontario		Country: Canada	
				Postal Code: L8E 5E3	

Representative Information

X I hereby authorize the named company and/or individual(s) to represent me

Last Name: Baker First Name: Denise

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):
WeirFoulds LLP

Email Address: dbaker@weirfoulds.com

Daytime Telephone Number: 416-947-5090 Alternative Telephone Number:

ext.

Mailing Address

Unit Number: 201 Street Number: 1320 Street Name: Cornwall Road P.O. Box:

City/Town: Oakville Province: Ontario Country: Canada Postal Code: L6J 7W5

Note: If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the *OLT Rules of Practice and Procedure*, 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.

I certify that I understand that my representative is not licensed under the *Law Society Act* 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? Yes No

Address and/or Legal Description of property subject to the appeal:
157 Upper Centennial Parkway, Stoney Creek

Municipality: City of Hamilton

Upper Tier (Example: county, district, region):

Language Requirements

Do you require services in French? Yes 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 Site Plan Approval	<i>Planning Act</i>	41(12)
2 Draft Plan of Subdivision	<i>Planning Act</i>	51(34)
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
X	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, 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

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

90

Municipal Reference Number(s): DA-23-043, 25T-202304

List the reasons for your appeal:

Please see attached letter.

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:

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:
PL170991 and PL170992 (ZAC-16-056 and UHOPA-16-020)

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 <u>Section 3B Checklist(s)</u> located <u>here</u> 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:
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 <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 Section 4B Checklist(s) located here and submit all documents listed on the checklist.

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 <u>OLT Fee Chart</u> .			
Total Fee Submitted: \$2,200.00			
Payment Method	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> Lawyer's general or trust account cheques
	<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 <u>Fee Reduction request form</u> .			
<input type="checkbox"/> 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)
Denise Baker		2024/06/05
Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> 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 <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions.		
We are committed to providing services as set out in the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> . 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

	<p align="center">*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.</p>	
<p>Section 3A & 3B or Section 4A or Section 4B or Section 6</p>	<p align="center">Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p>	<p align="center">Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca</p>
<p align="center">Section 5</p>	<p align="center">For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p align="center">File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p align="center">For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p align="center">File with: NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>

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.