

Goodmans^{LLP}

Barristers & Solicitors

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333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

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Facsimile: 416.979.1234
goodmans.ca

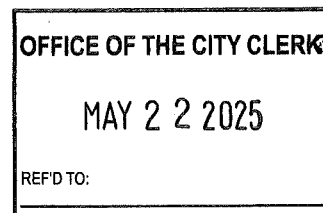
Direct Line: +1 (416) 597-5168
jhoffman@goodmans.ca

May 16, 2025

Our File No.: 241256

Via Courier and Email (clerk@hamilton.ca)

City of Hamilton
City Clerk's Office, 1st Floor
71 Main Street West
Hamilton, ON L8P 4Y5



Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Notice of Appeal – Elfrida Community Builders Group
Appeal of Official Plan Amendment No. 232 to the Urban Hamilton Official Plan
and Official Plan Amendment No. 44 to the Rural Hamilton Official Plan pursuant
to subsection 17(24) of the *Planning Act***

Along with TMA Law, we are co-counsel to the Elfrida Community Builders Group, which collectively own the majority of lands within the Elfrida Area in Hamilton.

We write on behalf of the entities listed in Schedule “A” to this letter, which are part of the Elfrida Community Builders Group, to appeal Official Plan Amendment No. 232 (“**OPA 232**”) to the Urban Hamilton Official Plan and Official Plan Amendment No. 44 (“**OPA 44**”) to the Rural Hamilton Official Plan in their entirety to the Ontario Land Tribunal (the “**Tribunal**”), pursuant to section 17(24) of the *Planning Act*.

On April 14, 2025, we wrote to Hamilton City Council setting out our clients’ significant concerns with OPA 232 and OPA 44. A copy of this letter is attached as Schedule “B”. On April 16, 2025, City Council passed By-laws No. 25-072 and 25-073 adopting and approving OPA 232 and OPA 44, respectively. For the reasons set out in our April 14th letter, OPA 232 and OPA 44 do not represent good planning and are not consistent with the Provincial Planning Statement, 2024.

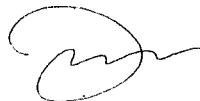
We are filing a single appeal on behalf of the entities listed in Schedule “A”, as we will be representing these entities as a collective group. Please find enclosed an appeal form, as well as a cheque in the amount of \$2,200 payable to the Minister of Finance. Please do not hesitate to contact us if any further information is required.

Goodmans^{LLP}

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Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to be 'Joe Hoffman', written over the printed name.

Joe Hoffman
Partner
JH
Encls.

Schedule "A"

ELFRIDA COMMUNITY BUILDERS GROUP

| |
|---|
| PALETTA INTERNATIONAL CORPORATION |
| 1000889299 ONTARIO INC. |
| TRIBUTE(HAMILTON) LIMITED |
| 2084696 ONTARIO INC. |
| CORRADO DISABATINO AND LAURA DISABATINO |
| CORPVEIL HOLDINGS LIMITED |
| RYMAL CENTENNIAL LIMITED |
| MEL (ELFRIDA) INC. |
| MEL (ELFRIDA 2) INC. |
| LOSANI HOMES (1998) LTD. |
| 2410002 ONTARIO INC. |
| VALERY HOMES GOLF CLUB ROAD LIMITED |
| HAMILTON COUNTRY PROPERTIES LTD. |
| MARZ HOMES (ELFRIDA) INC. |
| MARZ HOMES (BROFRIDA) INC. |
| MUDD & FIRST INC. |
| 1507565 ONTARIO INC |
| MULTI-AREA DEVELOPMENTS INC. |
| 1356715 ONTARIO INC. |
| 2188410 ONTARIO INC. |

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|----------------------------------|
| 70 MUD STREET EAST INC. |
| 197 FIRST ROAD EAST INC. |
| FIRST ROAD EAST INC. |
| CEDAR CITY UPPER CENTENNIAL INC. |
| A. DESANTIS DEVELOPMENTS LTD |

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Schedule “B”

1397-3827-4326



Barristers & Solicitors

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Direct Line: +1 (416) 597-5168
jhoffman@goodmans.ca

April 14, 2025

Our File No.: 241256

Via Email: *clerk@hamilton.ca*

Members of City Council
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Attention: City Clerk

Dear Members of Hamilton City Council:

**Re: Official Plan Amendment and Final Framework for Processing and Evaluating
Urban Boundary Expansion Applications
Report No: PED24109(b)
Elfrida Community Builders Group**

Along with TMA Law, we are co-counsel to the Elfrida Community Builders Group, which collectively own the majority of lands within the Elfrida Area in Hamilton. The Elfrida Community Builders Group consists of Hamilton homebuilders and developers. They are long-standing members of the Hamilton community and, collectively, have constructed a significant proportion of Hamilton's housing stock.

We write on behalf of the entities listed in Schedule "A" to this letter, which are part of the Elfrida Community Builders Group. In particular, we write to provide comments on the City's Official Plan Amendment and Framework for Processing and Evaluating Urban Boundary Expansion Applications in the City.

The Elfrida Area

In 2006, almost 20 years ago, the City of Hamilton identified the Elfrida Lands as the City's preferred growth area for needed housing. The Elfrida Lands are contiguous to Hamilton's built-up area and are situated along a planned higher-order transit corridor. They are ideally located and suited to help the City meet its housing needs, while making housing more attainable for people in Hamilton.

The selection of Elfrida as the City's preferred next growth area was confirmed by City Council through its adoption of the RHOP in 2006, and its adoption of the UHOP in 2009. City growth

management decisions since 2009 have built upon the GRIDS 1 process, and the City has spent significant resources to implement its growth management strategy, including work on a subwatershed study and Secondary Plan for the Elfrida area, and the extension of services to the area. As it relates to the extension of services, we understand the City has budgeted \$84.2 million for the Upper Centennial Parkway Sanitary Trunk Sewer, \$31.2 for the Dickenson Trunk Sanitary Sewer, and overall \$229 million has been allocated towards various infrastructure projects that would service Elfrida.

In 2015, through the settlement of appeals of the City's Airport Employment Growth District, City Council reaffirmed Elfrida as its first priority for residential growth in 2015, as part of the AEGD settlement.

The City then undertook its GRIDS 2 planning exercise for growth to 2051. GRIDS 2 identified a range of urban boundary expansion options. The range varied from 1310 hectares to 2,200 hectares. City staff recommended an urban boundary expansion of 1310 hectares to City Council for approval, called the Ambitious Density Scenario. Under this scenario, the Elfrida Lands were being considered for inclusion within the urban boundary. The City retained Watson & Associates Economists Ltd. (Watson) to conduct a peer-review of the City's LNA and Residential Intensification Market Demand Analysis. Watson confirmed the approach and methodology used was appropriate. However, despite the work since 2001 to implement an urban boundary expansion, despite City staff's recommendation to expand the City's urban boundary and despite advice from City and Provincial staff that a no expansion scenario would not conform to the Growth Plan, City Council approved a no urban boundary expansion scenario.

The Minister of Municipal Affairs and Housing did not accept City Council's decision and instead approved an urban boundary expansion (through OPA 167). The province later wound back urban boundary expansions and instead introduced legislation and provincial policies that allow for an urban boundary expansion application outside of a Municipal Comprehensive Review.

On November 20, 2024, the Elfrida Community Builders Group submitted an urban boundary expansion application to bring the Elfrida Area into the City's urban boundary to meet Hamilton's residential growth needs. The application was deemed completed on March 18, 2025.

Official Plan modifications to bring Elfrida back into Hamilton's urban boundary are required to ensure Hamilton's Official Plan is consistent with provincial policy. The City's own Land Needs Assessment Report confirms the City is not facing a choice of supporting intensification or urban boundary expansions. The City needs to support both intensification of its downtown and built-up areas and responsible urban boundary expansion to meet residential growth needs.

Official Plan Amendment and Final Framework for Processing and Evaluating Urban Boundary Expansion Applications

It is with this background that we write to provide comments to the City's Official Plan Amendment and Framework for Processing and Evaluation Urban Boundary Expansion Applications. To keep this letter focussed, we have chosen to speak to certain important themes. Where a policy in the draft Official Plan Amendment is not specifically addressed, this should not be taken as our clients' agreement with or acceptance of the policy.

Appendix "A" – Volume 1: Chapter A – Introduction

The proposed Official Plan Amendment states that Bill 150 "confirmed that the Urban Hamilton Official Plan growth policies, including density and intensification targets, conformed to the Growth Plan." This is not correct. While Bill 150 removes Elfrida and other lands from the City's urban boundary, the City is still required to meet provincial policy and, as part of this test, have sufficient lands available to meet residential growth forecasts. The City of Hamilton's current no urban boundary expansion (NUBE) strategy is not consistent with provincial policy. The City's staff and consultants have advised that this option does not conform to provincial policy and does not represent good planning. Notably, the City's own Land Needs Assessment states "As discussed at the December 2020 and March 2021 GIC meetings, the NUBE scenario was not modelled in the LNA because it did not meet Provincial planning policy requirements and was not considered to be good planning." The City's Land Need Assessment found that "if adopted, the no urban boundary scenario would produce a shortfall of approximately 59,300 ground-related units."

The proposed Official Plan Amendment provides that in evaluating urban boundary expansion applications, the population and employment forecasts from the Growth Plan shall be used (Policy A.2.3 - Growth Management – Provincial). As the City is aware, the province has released updated population and employment forecasts through the Ministry of Finance. These are more current than the former Growth Plan forecasts. These forecasts should be used. Outdated growth projections will only serve to deepen Hamilton's housing supply shortage and contribute to the region housing crisis, which is being exacerbated by Council's firm urban boundary decision.

Appendix "B" – Volume 1: Chapter B – Communities

Policy B.2.2.3 of the proposed Official Plan Amendment provides "A Privately Initiated Urban Boundary Expansion Application is not in keeping with Policy 1.4 (Principles of the Official Plan), Policy A.2.0 (Strategic Directions) and Policy A.3 (Growth Management), among others, which establish a firm urban boundary expansion growth strategy..." This policy language fails to recognize that the City's NUBE strategy is not consistent with provincial policy. Emphasis should be given to the need for the City's Official Plan to accommodate needed and required residential growth rather than the City's NUBE strategy where no analysis has been undertaken of how the increased intensification targets for the NUBE strategy will be achieved. In Report PED17010(o) dated November 9, 2021, City staff noted that "it is staff's opinion that achieving the intensification

levels as required under the No UBE scenario (81% intensification over the entirety of the planning period) are not realistic.”

Policy B.2.2.4 of the proposed Official Plan Amendment provides a list of items that shall be considered as part of privately initiated urban boundary expansion application. One item, among others, is “impact on the City’s ability to meet its residential intensification and redevelopment targets in Section A.2.3.” Section A.2.3 of the City’s Official Plan provides that the City shall plan to achieve a minimum of 80% of all residential development occurring annually within its built-up area. This intensification target is not consistent with provincial policy and this policy test should be struck from the proposed Official Plan Amendment. As noted in the March 2021 City of Hamilton Residential Market Demand Analysis prepared by Lorus and Associates, the City’s achieved intensification rate from 2008 to 2019 was only 35% and has never exceeded 50% in any year. The City needs both increased levels of intensification and responsible urban boundary expansions. Further, the extensive list of policy considerations for a private urban boundary expansion is unnecessary, is not appropriate for assessing urban boundary expansion applications and unfairly introduces additional obstacles to an urban boundary expansion application beyond those that City staff considered in making its recommendation to expand the City’s urban boundary.

Appendix “D” – Volume 1: Chapter F – Implementation

The proposed Official Plan Amendment would require privately initiated urban boundary expansion applications to be evaluated against the Council approved ‘Framework for Processing and Evaluating Urban Boundary Expansion Applications’. In particular, Policy F.1.2.1 states “Council has approved a Framework for Processing and Evaluating Urban Boundary Expansion Applications which outlines the submission requirements, land use considerations and review process for privately initiated urban boundary expansion applications. All privately initiated urban boundary expansion applications shall be assessed under this Framework. The City may revise the Framework for Processing and Evaluating Urban Boundary Expansion applications from time to time.” It is our understanding that the framework is approved and revised through Council resolution. Policy F.1.2.1 suggests the framework is part of the City’s Official Plan and an urban boundary expansion application must conform with it, however, the framework is not a decision made under the *Planning Act* nor subject to appeal to the Ontario Land Tribunal. This is not an appropriate approach to implementing criteria for which an urban boundary expansion application is to be evaluated against.

We have also reviewed the letter submitted to Planning Committee for this item by the West End Home Builders’ Association and adopt those submissions.

Conclusion

Our client’s urban boundary expansion application has been deemed complete. While we agree with the City staff report which notes “that under the Planning Act these new Official Plan policies

Goodmans^{LLP}

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cannot be applied retroactively to an urban boundary expansion application that has been deemed complete,” our client has substantive concerns with the Official Plan Amendment and Final Framework for Processing and Evaluating Urban Boundary Expansion Applications.

Given the many concerns with the Official Plan Amendment and Final Framework for Processing and Evaluating Urban Boundary Expansion Applications, we ask City Council to defer making a decision on this matter and send the Official Plan Amendment and Framework back to City staff for further consideration.

We thank you for your consideration of this letter. We ask that we be notified of any reports, meetings or decision respecting this matter.

Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to be 'Joe Hoffman', with a stylized, cursive script.

Joe Hoffman
JH/rr
1397-8244-2261

Schedule A

ELFRIDA COMMUNITY BUILDERS GROUP

| |
|---|
| PALETTA INTERNATIONAL CORPORATION |
| 1000889299 ONTARIO INC. |
| TRIBUTE(HAMILTON) LIMITED |
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| FIRST ROAD EAST INC. |
| CEDAR CITY UPPER CENTENNIAL INC. |
| A. DESANTIS DEVELOPMENTS LTD |



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): | |
| Elfrida Community Builders Group Inc. (refer to list of Participating Owners in Schedule A to attached Appeal Letter) | |
| 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 | | | | | |
| <input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me | | | | | |
| Last Name: | | | First Name: | | |
| Hoffman | | | Joe | | |
| Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation): | | | | | |
| Goodmans LLP | | | | | |
| Email Address: | | | | | |
| jhoffman@goodmans.ca | | | | | |
| Daytime Telephone Number: | | | Alternative Telephone Number: | | |
| (416) 597-5168 | ext. | | | | |
| Mailing Address | | | | | |
| Unit Number: | Street Number: | Street Name: | | P.O. Box: | |
| 3400 | 333 | Bay Street | | | |
| City/Town: | Province: | Country: | Postal Code: | | |
| Toronto | ON | Canada | M5H 2S7 | | |
| <p>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.</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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Address and/or Legal Description of property subject to the appeal: |
| |
| 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 |

| 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 232 (By-law 25-072) | <i>Planning Act</i> | 17(24) |
| 2 | Official Plan Amendment 44 (By-law 25-073) | <i>Planning Act</i> | 17(24) |
| 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:

N/A

Municipal Reference Number(s):

By-law No. 25-072 (OPA 232) and By-law 25-073 (OPA 44)

List the reasons for your appeal:

Please see attached Appeal 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: |
| <input checked="" type="checkbox"/> Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the <i>Planning Act</i> <input checked="" type="checkbox"/> Fails to conform with or conflicts with a provincial plan <input checked="" type="checkbox"/> Fails to conform with an applicable Official Plan |
| And |
| 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 type="checkbox"/> Conformity with a provincial plan <input 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: |
| Please see attached Appeal Letter. |

| |
|---|
| 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 checked="" type="checkbox"/> Written submissions to council <input 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: |
| <p>The Elfrida Community Builders Group Inc. submitted an urban boundary expansion application for the Elfrida area to the City of Hamilton, which was deemed complete on March 18, 2025. The City's file No. for the application is UHOPA-25-007 and RHOPA-25-008.</p> <p>The Elfrida Area is located within Hamilton Whitebelt lands, immediately adjacent to the City's existing urban boundary. Approximately 1200 gross hectares (approx. 930 net hectares) in size, the Elfrida Area is generally</p> |

bounded by Mud Street East to the north, Second Road East and Hendershot Road to the east, Golf Club Road to the south, Trinity Church Road to the west and the existing urban boundary to the northwest.

The application is still being process by the City and no decision has yet been made.

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: |
| |
| 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 4A Checklist(s)</u> located <u>here</u> 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.

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 *Mining Act* 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: | |
| | 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 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) |
|----------------------------------|---|-------------------|
| Joe Hoffman |  | 2025/05/16 |

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 | <p>Municipality or the Approval Authority/School Board</p> <p>*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> | |
| Section 3A & 3B or Section 4A or Section 4B or Section 6 | <p>Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p> | <p>Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca</p> |
| Section 5 | <p>For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>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>For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>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.