

AIRD BERLIS

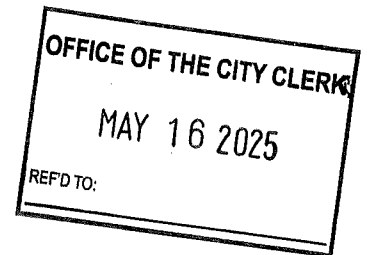
Patrick J. Harrington
Direct: 416.865.3424
E-mail: pharrington@airdberlis.com

May 16, 2025

File No. 314187

VIA E-MAIL to clerk@hamilton.ca

Matthew Trennum
City Clerk
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5



Dear Mr. Trennum:

Re: Notice of 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 (collectively, the “OPAs”)

Our firm is counsel to the below-noted landowners (collectively, “our Clients”), who own significant real property in the City of Hamilton (the “City”), the municipal addresses of which are noted below:

Greenhorizons Sod Farms

- N/A Airport Road East, Mount Hope, ON L0R 1W0
- N/A Airport Road East, Mount Hope, ON L0R 1W0

Cedar City Mount Hope Inc.

- 8113 Airport Road East, Mount Hope, ON L0R 1W0

Alinea Group Holdings Inc.

- 8122 White Church Road East, Mount Hope, ON L0R 1W0

Wilson St. Ancaster Inc.

- 8064 White Church Road East, Mount Hope, ON L0R 1W0
- 7156 White Church Road East, Mount Hope, ON L0R 1W0
- 2450 Miles Road, Mount Hope, ON L0R 1W0

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Reasons for Appeal

On April 15, 2025, we made written submissions on behalf our Clients, in respect of the draft framework for processing and evaluating urban boundary expansion applications (“**UBEs**”) in the City-initiated OPAs. The OPAs proposed identical amendments to the Urban Hamilton Official Plan and the Rural Hamilton Official Plan respecting UBEs. The OPAs were considered by City Council at its meeting held on April 16, 2025. A copy of our written submissions dated April 15, 2025 is attached as **Appendix “A”**.

We understand that the proposed OPAs seek to amend both the City’s Official Plans to revise existing policies, to add new policies to address the Provincial Planning Statement 2024 (“**PPS**”), and to prescribe procedural and assessment policies/criteria respecting private applications for UBEs within the City.

The City’s OPAs were approved together as By-laws No. 25-072 (OPA 232) and 23-073 (OPA 44) at Council’s April 16, 2025 meeting. We note that at its April 16, 2025 meeting, our requested revisions were not implemented by Council. As such, the basis of our appeal continues to be based on the comments and requested revisions as further explicated in “**Appendix A**”.

Policy and Regulatory Context

In our respectful submission, the OPAs are not consistent with the policies of the PPS. For example, the City’s proposed policies assert that privately-initiated UBEs are presumptively not in conformity with the City’s Official Plans, while the Province has definitively directed that privately-initiated UBEs are a valid means of seeking new development opportunities, such as in policies 2.3.1 and 2.3.2. These policies in the OPAs and others directly contradict the Province’s policies.

As well, the OPAs make reference to several outdated concepts, such as by tying UBE applications to Municipally Initiated Comprehensive Reviews – a concept under the Growth Plan that is not continued under the PPS. Given that one of the objectives of the OPAs is to update the City’s Official Plans to reflect the updated policy directions of the PPS, and the requirement for consistency with Provincial policies, the OPAs should be amended to remove such inconsistent, non-conforming and redundant references, as further outlined in our prior written submissions.

Notice of Appeal

Based on the foregoing, our Clients hereby appeal the UBE-related amendments made to the City’s Official Plans through OPA 232 (By-law 25-072) and OPA 44 (By-law 25-073), including

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but not limited to the specific policies highlighted above and any policy related to the concerns raised herein or in **Appendix "A"**, pursuant to subsection 17(24) of the *Planning Act*.

Given that notice of the passing of By-laws 25-072 and 25-073 was given on April 30, 2025, this appeal is filed within the twenty (20) statutory day period as stipulated in subsection 17(24) of the *Planning Act*. Please note that, given that one notice of decision was used to pass these By-laws, we are filing a single appeal letter on behalf of our Clients in respect of both OPAs. Out of an abundance of caution, we are including appeal fees for two (2) OPA appeals (although only one appeal may be necessary).

In support of this appeal, please find enclosed Ontario Land Tribunal ("OLT") Appellant Form (**Appendix "B"**) and cheques for the total amount of \$2,200.00 (**Appendix "C"**), payable to the Minister of Finance, representing the OLT's appeal fee.

Should you have any questions regarding this appeal, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington

PJH/al/nh
Encl.

cc. Client

AIRD BERLIS

APPENDIX A

AIRD BERLIS

Patrick J. Harrington
Direct: 416.865.3424
E-mail: pharrington@airdberlis.com

April 15, 2025

Our File No. 314187

VIA E-MAIL to clerk@hamilton.ca

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

Attention: Matthew Trennum, City Clerk

Dear Mayor Horwath and Members of Council:

**Re: Submissions re: Draft Urban Hamilton Official Plan
Draft Framework for Processing and Evaluating Urban Boundary Expansion
Applications under the proposed Provincial Planning Statement (PED24109)
(City Wide)**

Our firm is counsel to the below-noted landowners (collectively, "**our Clients**"), who own significant real property in the City of Hamilton (the "**City**"), the municipal addresses of which are noted below:

Greenhorizons Sod Farms

- N/A Airport Road East, Mount Hope, ON L0R 1W0
- N/A Airport Road East, Mount Hope, ON L0R 1W0

Cedar City Mount Hope Inc.

- 8113 Airport Road East, Mount Hope, ON L0R 1W0

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- 2450 Miles Road, Mount Hope, ON L0R 1W0

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The following written submissions are made on behalf of our Clients in respect of the City's proposed Official Plan Amendment in PED24109. Our understanding is that the proposed OPA seeks to amend the Urban Hamilton Official Plan to revise existing policies, and add new policies, to address 2024 Provincial Planning Statement ("PPS") conformity and to prescribe procedural and assessment policies/criteria respecting private applications for urban boundary expansions (UBEs) within the City. This municipally-initiated OPA is presently scheduled to be considered by City Council at its meeting to be held on April 16, 2025.

Our Clients' submissions have been organized in table format for ease of review. Our Clients expressly reserve their rights to raise additional issues and/or make further submissions, either on a City-wide basis (which reflects the scope of the City's proposed OPA) or on a site/area specific basis:

Proposed Policy No.	Proposed New/Revised Policy	Client Comments to Proposed Policy Changes/Revisions
A.2.3. Growth Management – Provincial	<p>One of the principal components of the Province of Ontario's A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) was a series of population and employment forecasts for upper and single-tier municipalities within the GGH. The <i>Growth Plan</i> required these forecasts be used by municipalities for planning and managing growth. The <i>Growth Plan</i> also identified a series of density and <i>intensification</i> targets which municipalities were required to plan to achieve. The Province of Ontario approval of Urban Hamilton Official Plan Amendment No. 167, as adjusted by Bill 150, <i>Planning Statute Law Amendment Act, 2023</i>, confirmed that the Urban Hamilton Official Plan growth policies, including density and intensification targets, conformed to the Growth Plan.</p> <p>The Provincial Planning Statement states that municipalities may continue to forecast growth using population and employment</p>	<p>The Ontario Ministry of Finance's population projections are to be used as the basis for population and employment forecasts. While planning authorities may use prior Growth Plan projections as the basis for local growth planning, the policies of the UHOP should be directing the use of the more up-to-date population and employment data available from the Province as opposed to looking backwards to the Growth Plan.</p> <p>Moreover, references to "Municipally Initiated Comprehensive Reviews" should be removed as the former MCR concept under the Growth Plan is not continued under the 2024 PPS.</p>

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Proposed Policy No.	Proposed New/Revised Policy	Client Comments to Proposed Policy Changes/Revisions
	<p>forecasts previously issued by the Province for the purposes of land use planning.</p> <p>...until new population and employment forecasts are approved through a Municipally Initiated Comprehensive Review and Official Plan Review.</p>	
B.2.2.3	<p><i>A Privately Initiated Urban Expansion Application</i> 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. However, the Provincial Planning Statement and Planning Act allow <i>privately initiated urban boundary expansion applications</i> to be submitted at any time and Council's refusal or non-decision of a privately initiated urban boundary expansion application may be appealed to the Ontario Land Tribunal. Therefore, this Plan establishes specific land use considerations for <i>privately initiated urban boundary expansion applications</i>.</p>	<p>This policy is not in conformity with the 2024 PPS. It asserts, as a stand-alone proposition, that a privately-initiated UBE is presumptively not in conformity with the UHOP.</p> <p>The Province has definitively directed under the 2024 PPS that privately-initiated UBE applications are a valid means of seeking new development opportunities. The proposed policy attempts to re-characterize this Provincial initiative as being against the wishes of the City. The Provincial direction is paramount.</p>
B.2.2.4.c)	<p>c) Its impact on the City's ability to meet its residential intensification and redevelopment targets in Section A.2.3.</p>	<p>Policy A.2.3.4.4 states: <i>The City shall plan to achieve a minimum of 80% of all residential development occurring annually within its built-up area. A total of 88,280 units are to be accommodated within the built-up area between 2021 and 2051. The built-up area for Hamilton is identified on Appendix G.</i></p>

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Proposed Policy No.	Proposed New/Revised Policy	Client Comments to Proposed Policy Changes/Revisions
		Based on the above policy, the proposed policy sets up an impossible task for a private UBE applicant: to simultaneously justify an urban boundary expansion while also having to demonstrate how the City could achieve a minimum of 80% of all residential development within the existing built-up area. This is not in conformity with the Province's initiatives towards private UBE applications.
B.2.2.4(d)	d) Whether there is a need to designate and plan for additional land to accommodate an appropriate range and mix of land uses within the Urban Hamilton Official Plan's growth forecast.	<p>This policy does not accurately capture the required test under the 2024 PPS.</p> <p>The proper test under the PPS 2024 requires that planning authorities provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area (as per policy 2.2.1). This is a test of market need by housing type – not a test of land uses.</p> <p>We suggest this criteria be revised to the following:</p> <p><i>"Whether there is a need to designate and plan for additional land to accommodate an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of Hamilton to the horizon of the plan, in accordance with Provincially issued population forecasts or projections. This includes</i></p>

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Proposed Policy No.	Proposed New/Revised Policy	Client Comments to Proposed Policy Changes/Revisions
		<i>consideration of whether there is a need for additional supply for 'ground-related' housing, and that this type of supply cannot reasonably be provided within the existing urban area."</i>
B.2.2.5	Servicing of an approved <i>Urban Expansion Area</i> shall not occur until the City has updated its <i>Infrastructure and Community Facilities / Services Master Plans</i> to incorporate the expansion area.	This policy does not include a timeline by which the City will undertake its master plan(s) update(s). There is also a lack of clarity on whether the UBE applicant is required to provide a revision or update to the relevant master plan(s) as part of their application.
B.2.2.7	<p>b) Not remove existing or planned Infrastructure capacity in a manner that conflicts with the achievement of the intensification and density targets provided in Section E.2.0 – Urban Structure.</p> <p>c) Only be provided for lands that are contiguous with existing urban development.</p>	<p>Policy 3.6.1(e) to the 2024 PPS expressly directs the re-allocation of existing capacity to meet current and projected needs for increased housing supply. Criteria (b) is not consistent with this intended flexibility</p> <p>As well, UBEs should be available for lands that are contiguous to "planned" urban development areas, as opposed to being limited to "existing" urban development areas.</p>
B.2.2.7.f)	f) Shall have regard to all other policies of the Urban Hamilton Official Plan.	As noted above, the City is proposing a policy assertions that privately initiated UBEs are not in keeping with policy 1.4, A.2.0, A.3, among other policies. A requirement for the City's Master Plans to have regard to these policies appears to set UBE applicants up for failure. We propose that the policy be

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Proposed Policy No.	Proposed New/Revised Policy	Client Comments to Proposed Policy Changes/Revisions
		revised to remove this requirement (i.e., B.2.2.7.f)).
B.2.2.8	The timing and phasing of development of an approved <i>urban expansion area</i> shall not adversely affect the achievement of the <i>residential intensification target</i> and Greenfield density targets.	Applicants have no control over the timing and phasing of other developments. It is unclear how this requirement could be satisfied.
F.1.1.6	<p>In the absence of a <i>Municipally Initiated Comprehensive Review</i> as defined by the Urban Hamilton Official Plan, there shall be no appeal with respect to the refusal or failure of the City to adopt an Official Plan amendment for:</p> <p>a) the redesignation, conversion or addition of non-employment land uses for lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Business Park, or Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations.</p>	<p>The City has no unilateral authority to restrict appeals. If an application seeks to create “non-employment land uses” on designated employment lands, such applications are appealable unless the relevant lands meets the more restrictive definition of “area of employment” under the <i>Planning Act</i>.</p> <p>As well, the City has no authority to prescribe a requirement of “Municipally Initiated Comprehensive Reviews” to consider the conversion of employment lands as the concept of an MCR has not been continued under the 2024 PPS.</p>
F.1.1.11	In addition to the policies of the Provincial Planning Statement respecting the potential conversion of employment sites, the City may prepare and apply a set of criteria to determine the potential employment conversion sites or identification of regeneration areas.	This policy is too open-ended and creates uncertainty. The policy should simply refer to the criteria already set out in policy 2.8.2.5 of the PPS 2024 with respect to employment conversion applications.

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Proposed Policy No.	Proposed New/Revised Policy	Client Comments to Proposed Policy Changes/Revisions
F.1.1.13	...may only be considered through a Municipally Initiated Comprehensive Review...	Applications should no longer be tied to Municipally Initiated Comprehensive Reviews as the former MCR concept under the Growth Plan is not continued under the 2024 PPS.
F.1.2	The Official Plan policies do not support applications for an Urban Boundary Expansion or employment land conversion outside of a Municipally Initiated Comprehensive Review. However, the Provincial Planning Statement and <i>Planning Act</i> allow privately initiated urban boundary expansion applications and Employment Land conversions to be submitted at any time and Council's refusal or non-decision of a <i>privately initiated urban boundary expansion application</i> may be appealed to the Ontario Land Tribunal. Therefore, implementation policies have been established to ensure that these applications include the necessary <i>other information and material</i> required to comprehensively assess the proposal against applicable Official Plan policies.	This policy appears to predetermine that privately initiated UBE applications will not conform with the UHOP, despite citing that they are permitted under the PPS 2024. Applications should no longer be tied to Municipally Initiated Comprehensive Reviews as the former MCR concept under the Growth Plan is not continued under the 2024 PPS.
F.1.2.1	a)... The City may revise the Framework for Processing and Evaluating Urban Boundary Expansion applications from time to time.	If these requirements are to constitute the complete application requirements for UBE applications, then the requirements need to be changed through an Official Plan Amendment, and not "from time to time".

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Proposed Policy No.	Proposed New/Revised Policy	Client Comments to Proposed Policy Changes/Revisions
	<p>c) Where the applicant of a <i>privately initiated urban boundary expansion</i> Official Plan Amendment has opted to not proceed through a Formal Consultation:</p> <p>i. Notwithstanding Section F.1.19.15, all Other Information and Materials identified in F.1.2.1 shall be submitted for a <i>privately initiated urban boundary expansion</i> application to be deemed complete.</p> <p>d) Other information and material submitted in support shall be in accordance with endorsed Terms of Reference and in accordance with the Framework for Processing and Evaluating Urban Boundary Application applications.</p> <p>e)...</p> <p>i. Where feasible, provide multiple public notice signs at approximately 500 metre intervals of the subject lands frontage along public rights-of-way.</p> <p>ii. Any required written notice shall be provided to every owner of land within 400 metres of the proposed urban expansion area.</p>	<p>We propose the following revision so that staff have the power to waive certain studies if they don't make sense for an Urban Boundary Expansion Application (i.e., Elevations, Landscape Plan, Tree Management Plan):</p> <p><i>i. Notwithstanding Section F.1.19.15, Other Information and Materials identified in F.1.2.1 shall be submitted for a privately initiated urban boundary expansion application to be deemed complete at the discretion of the City of Hamilton.</i></p> <p>In relation to policy F.1.2.1(d), more clarity is needed on the process for creating and receiving the terms of reference.</p> <p>Requirements for notice should be consistent with the prescribed requirements under O. Reg. 543/06.</p>
F.1.2.8	a) Separate secondary plans shall be prepared for all <i>urban expansion areas</i> .	This policy should confirm that a secondary plan may be privately initiated and approved concurrently with an urban boundary expansion.

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Proposed Policy No.	Proposed New/Revised Policy	Client Comments to Proposed Policy Changes/Revisions
Appendix “E” – Volume 1: Chapter G - Glossary	Municipally Initiated Comprehensive Review: means a plan, undertaken by the City, which comprehensively applies the policies and schedules of the Provincial Planning Statement and the Official Plan. It can be undertaken on specific land use components, such as residential, employment, or undertaken as one comprehensive plan.	The former MCR concept under the Growth Plan is not continued under the 2024 PPS. Keeping this definition creates policy expectations and procedural hurdles that are no longer present in the PPS 2024.
Framework	N/A	<p>In relation to the Whitebelt, the Framework specifically states <i>“Based on the City’s Official Plan policies which restrict sensitive land uses above 28 Noise Exposure Forecast (or NEF) contours, approximately 2,198 hectares could accommodate future community land uses and the other 2,122 hectares could accommodate employment uses”</i>.</p> <p>The restriction on the development of sensitive land uses below the 30 Noise Exposure Forecast contour is not consistent with the 2024 PPS as outlined under Section 3.4.2.a).</p>

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Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, reading "Patrick J. Harrington". The signature is written in a cursive, flowing style.

Patrick J. Harrington

cc. Client

64077902.6

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APPENDIX B



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:
Please see attached list of owners and property ownership	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):	
Please see attached list of owners and property ownership	
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:		
Harrington		Patrick J.		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Aird and Berlis LLP				
Email Address:				
<u>pharrington@airdberlis.com</u>				
Daytime Telephone Number:		Alternative Telephone Number:		
416.865.3424	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
1800	181	Bay Street		
City/Town:	Province:	Country:	Postal Code:	
Toronto	ON	Canada	M5J2T9	
<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:	

Please see attached list of owners and property ownership
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 232/44	Planning Act	17(24)
2			
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 Act</i> , <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>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</i>	4A

	<i>Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act matters</i>	
<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:

N/A

Municipal Reference Number(s):

By-law 25-073 and By-law 25-072

List the reasons for your appeal:

Please see attached covering 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:
<input 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 covering 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 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:

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 *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, 200.00			
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 .			
<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)

Patrick J. Harrington		May 16, 2025
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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:	For the Areas of:

	<p>Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION</p> <p>232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p>Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p>Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION</p> <p>1450 7th Avenue Owen Sound, ON N4K 2Z1</p> <p>Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</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.

List of Landowners and Property Ownership:

Greenhorizons Sod Farms

- N/A Airport Road East, Mount Hope, ON L0R 1W0
- N/A Airport Road East, Mount Hope, ON L0R 1W0

Cedar City Mount Hope Inc.

- 8113 Airport Road East, Mount Hope, ON L0R 1W0

Alinea Group Holdings Inc.

- 8122 White Church Road East, Mount Hope, ON L0R 1W0

Wilson St. Ancaster Inc.

- 8064 White Church Road East, Mount Hope, ON L0R 1W0
- 7156 White Church Road East, Mount Hope, ON L0R 1W0
- 2450 Miles Road, Mount Hope, ON L0R 1W0

APPENDIX C