



Kagan | Shastri
DeMelo | Winer | Park
LAWYERS | LLP

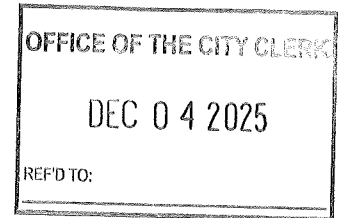
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File No. 24201

December 2, 2025

DELIVERED BY COURIER & EMAIL (clerk@hamilton.ca)

City of Hamilton
City Clerk's Office
Hamilton City Hall
71 Main Street W.,
Hamilton ON L8P 1P9



Attention: Mr. Matthew Trennum, City Clerk

Dear Mr. Trennum,

Re: Notice of Appeal to the Ontario Land Tribunal Pursuant to Subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13

Lands within the block bounded by Twenty Road West (to the north), Dickenson Road (to the south), Glancaster Road (to the west) and Upper James Street (to the east) (Ward 11)

Filed on behalf of Upper West Side Landowners Group Inc.

Formal Consultation Number: FC-23-049

City has not yet assigned a Municipal File Number

We are the solicitors for Upper West Side Landowners Group Inc. (the "**Applicant**" and "**UWSLG**"). The group is comprised of registered owners of much of the lands generally bounded by Twenty Road West (on the north), Dickenson Road (on the south), Glancaster Road (on the west) and Upper James Street (on the east). This larger block will be referred to as the **TRW Block**.

This letter and the enclosed materials comprise our client's Notice of Appeal to the Ontario Land Tribunal (the "**Tribunal**") pursuant to subsection 22(7) of the *Planning Act*, respecting a failure of the City of Hamilton (the "**City**") to make a decision on our client's OPA application ("**OPA**"). The OPA applies to lands within the TRW Block. The OPA proposes to do a number of things including but not limited to:

1. Create a Secondary Plan for the proposed new residential community on approximately 110 ha of land which are proposed to be added to the City's urban area through the UWSLG UBE appeals (being OLT Case Nos. OLT-24-000748, OLT-24-000749 and OLT-24-000750).
2. Amend the existing AEGD with respect to certain land use permissions.
3. Amend the existing AEGD with respect to the location, alignment and policies respecting planned collector roads; and
4. Amend the existing AEGD with respect to NHS mapping and policies.

APPLICATION BACKGROUND

Our client, through its planning consultants, submitted the OPA to the City on November 21, 2023.

On December 8, 2023 the City issued an initial Notice of Incomplete Application with respect to the OPA that indicated certain information and materials were outstanding. On December 14, 2023 the Applicant, through its planning consultants, responded to the initial Notice of Incomplete Application providing additional materials and information or in some cases challenging the City's position that materials were missing or that they were inadequate. In response, the City issued a Revised Notice of Incomplete Application on December 19, 2023.

On January 16, 2024, the Applicant made a motion for directions to have the Tribunal determine whether the OPA is complete pursuant to section 22(6.2) of the *Planning Act*. The motion was originally scheduled for February 11, 2025; however, on January 28, 2025 counsel for the Applicant advised the Tribunal that a revised submission for the OPA was being undertaken that may resolve some or all of the issues. The Tribunal granted the request to adjourn the motion *sine die*.

On May 16, 2025, the Applicant filed a revised OPA submission that included eleven (11) reliance letters from consultants who previously prepared studies, reports, plans (etc.) in support of the OPA. The reliance letters advise that their work undertaken in support of the OPA remained applicable to the revised submission.

The City maintained that the OPA remained incomplete and, accordingly, the motion for directions (re completeness) was heard by the Tribunal on August 14, 2025. The Tribunal issued its decision on November 26, 2025 and deemed the OPA complete effective December 14, 2023. To date the City has not made a decision on the OPA.

THE TRW BLOCK & UBE LANDS

The TRW Block is approximately 390 hectares in size and includes rural lands as well as lands within the urban area that are designated *Airport Light Industrial* and *Airport Prestige* in the Airport Employment Growth District Secondary Plan ("AEGD"). The UWSLG controlled lands within the TRW Block are approximately 222 hectares in size.

The UBE lands are approximately 110 hectares in size. The UBE lands are subject to existing OLT appeals (to include the lands in the City's urban area), which appeals are scheduled to be heard commencing April 13, 2026.

PROPOSED OFFICIAL PLAN AMENDMENT

As noted earlier, the purpose of the OPA is to introduce a new Secondary Plan for the 110 ha of UBE lands (the "UWSSP") and to amend the AEGD Secondary Plan to refine the road network, natural heritage system and permitted uses within the employment supportive centre. The two parts of the proposed OPA work together to shape the vision for the future of the TRW Block.

The purpose of the UWSSP is to guide the comprehensive development of a new greenfield community and establish policies, designations and infrastructure for the development of the future community. The UWSSP proposes a variety of land uses including residential, mixed-use and others. It has been structured to fit seamlessly within the Urban Structure of the UHOP. These land uses will be supported by a comprehensive road network, stormwater management facilities and an enhanced natural heritage system. Certain lands abutting the proposed Garth Street extension are proposed to be mixed-use and will feature a range of residential, commercial and offices uses which seek to attract and provide services to the surrounding residential and employment areas. To ensure compatibility with the planned employment of the AEGD, the community has been designed to avoid conflicts while still creating an attractive, pedestrian scaled environment. This will also be achieved through streetscape design, block edges, site planning and the building form of future buildings. The community has been designed to incorporate parkettes and Neighbourhood Parks, which will include both passive and active recreation opportunities. The UWSSP has been prepared to achieve a minimum density target of 70 people and jobs per hectare

Within the residential land use designation, a wide variety of housing form and types are being envisioned. This includes a range of low-density residential forms including single-detached, semi-detached and a wide variety of townhouse types. To achieve a minimum density target of 70 people and jobs per hectare, the most common form of residential housing will be townhouses. Apartments are also proposed to be permitted in certain parts of the UWSSP. The UWSSP can accommodate affordable, attainable and supportive housing opportunities.

The enhanced NHS has been proposed to ensure an ecologically diverse, healthy, and sustainable NHS in an urbanized setting. The enhanced NHS will also feature the channelization of several existing reaches located on site including reaches TTMC2 and TTMC3. These are proposed to be realigned into a common corridor, restored and maintained on the site. This provides an opportunity to replace the existing morphologically-limited channels with a naturalized riffle and pool typology, with cross-sectional dimensions closer to that of a naturalized watercourse conveying similar flows. The realignment and naturalization of these two branches provide opportunities for improved riparian conditions and well-developed bankfull channels with morphological variability. Improvement in morphology and function would provide additional benefits to sediment balance, floodplain storage, vegetation communities and terrestrial habitat features, edge impacts and restoration requirements, water balance, fish passage and water quality. The proposed future channel designs will provide an overall improvement over existing conditions for both the Secondary Plan and the existing AEGD lands.

Stormwater management (SWM) facilities have been incorporated into the OPA to ensure water quality and control functions as well as to maintain the environmental and ecological integrity of the NHS and to provide a net benefit to the environmental health of the development area, to the extent practical. End-of-pipe stormwater management facilities (dry pond) are proposed to treat the post development drainage. The use of open water facilities such as wet ponds and constructed wetlands were not recommended in order to comply with Transport Canada restrictions related to airport safety (reduction of bird strikes). In addition to the end-of-pipe SWM facilities used for quantity control, LID BMP features will be utilized throughout the site in order to satisfy requirements listed in the Stormwater Master Plan and the Eco-Industrial Design Guidelines (EIDG) related to pre-development water balance and water quality. LID BMPs will be designed to match pre-development infiltration, evapotranspiration, and runoff wherever possible. Detailed information related to locations and sizing of LID BMP features will be provided at the detailed design stage.

OVERVIEW OF PLANNING POLICY AND REGULATORY CONTEXT

As set out below, the proposal is supportive of numerous policy directions set out in the in-force Provincial Planning Statement 2024 and the Urban Hamilton Official Plan (save for the firm [current] urban boundary policy), both of which promote a range of housing options as well as the optimization of land and infrastructure.

Provincial Policy Statement (2024)

The PPS 2024 replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. It consolidates elements of both into a

single land use policy document. The PPS 2024 is therefore a consolidated statement of the government's policies on land use planning, providing policy direction on matters of Provincial interest related to land use planning and development. In accordance with Section 3(5) of the *Planning Act*, all decisions that affect a planning matter are required to be consistent with the PPS 2024. In this regard, Policy 6.1 provides that the PPS 2024 "shall be read in its entirety and all relevant policies are to be applied to each situation".

The PPS 2024 gives provincial policy direction on key land use planning issues that affect communities, such as construction of housing where it is needed, making land available for development, creating opportunities for economic development and job creation, planning for the appropriate transportation, water, sewer and other infrastructure necessary to accommodate current and future needs, protecting the environment and important resources including farmland, water, archaeology, cultural heritage, mineral aggregates and petroleum, and protecting people, property and community resources by directing development away from natural or human-made hazards, such as flood prone areas.

The PPS 2024 places emphasis on increasing the mix and supply of housing, protecting the environment and public safety, reducing barriers and costs for development, and providing greater certainty, and supporting the economy and job creation. One of the key policy directions expressed in the PPS 2024 is to build strong communities by promoting efficient development and land use patterns. To that end, Chapters 2 and 3 of the PPS 2024 contain policies that promote intensification, redevelopment, and compact built form.

To achieve these objectives, the PPS 2024 outlines policies for managing and directing land use to achieve efficient development and land use patterns. It also provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs by permitting and facilitating all types of residential intensification, directing development of new housing to locations where appropriate levels of infrastructure and public service facilities are available or planned, and promoting densities for new housing which efficiently use land, resources, infrastructure, public service facilities. Development standards are to be established for residential intensification and redevelopment which minimize the cost of housing and facilitate a compact form while maintaining appropriate levels of public health and safety. The use of existing infrastructure and public service facilities should be optimized before consideration is given to developing new infrastructure

As parts of the TRW Block are included within the City's urban area while the remainder are proposed to be added to the City's urban area through the UBE appeals, the OPA will support the achievement of policy 2.3 where growth will be directed to settlement areas and will result in a complete community. Further, growth is to be focused within the locations with existing or planned transit and areas with existing or planned public service facilities. As the UWSSP is located within an area which has

been subject to recent transportation analysis through the AEGD TMP update (October 2023), the lands are located within a planned transit network as well as an area with existing and planned public service facilities.

UWSSP ensures the achievement of complete communities as it has been prepared with a diverse mix of land uses which ensure that a variety of housing units that will accommodate a diverse range and mix of households. The community has also been planned with recognition of an existing and planned transportation network, infrastructure and public services facilities, pedestrian-accessible and recreational facilities, a compact built form and assists in adapting to the impacts of a changing climate through the incorporation of green infrastructure, enhance natural heritage systems and low impact development.

Policy 4.1 establishes that natural features are to be protected for the long-term including the diversity and connectivity of the ecological function with the recognition of the importance of linkages on the natural heritage features health. It is set out that development and site alteration is not to be permitted on adjacent lands to natural heritage features unless the ecological function has been evaluated and it has been demonstrated that the development will have no negative impacts on the feature or the ecological function. Impacts from the proposed development are anticipated to be mitigated by the retention of the specific natural features, the creation and enhancements of habitats as well as the provision of extensive and new linkage functions allowing wildlife to continue under a post-development condition.

Overall, the UWSSP will assist the City in achieving the forecasted growth to 2051 as well as achieve the Provincial goal of achieving housing for a range of types and forms. It will achieve a proposed density of a minimum of 70 people and jobs per hectare and has been designed in a manner which can be serviced by existing water and wastewater infrastructure and can be financially viable over the life-cycle of the infrastructure. In addition, the proposed OPA has been prepared with stormwater management facilities which achieve provincial objectives as well as the objectives set out in the AEGD Secondary Plan. The proposed OPA has been prepared with a transportation network that can connect with existing and future transit routes as well as provide a safe environment for active transportation. An enhanced natural heritage system has been designed which protects key natural heritage features and offers expanded opportunities for linkages between features.

The proposed OPA is, therefore, consistent with the PPS 2024.

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP), as enacted by Bill 150 as OPA 167, was deemed to come into effect in November 2022. This Official Plan is the planning document for the amalgamated communities of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek. The Official Plan establishes that it will play a major role in leading the City to a sustainable, healthy future

Through OPA No.167, the minimum density target for greenfield areas shall be established through a future amendment to the Official Plan. The UWSSP is proposing to accommodate a minimum density target of 70 residents and jobs per hectare.

The Official Plan established that communities are to include a range of housing types, forms and densities, to ensure that housing is provided within complete communities, and to increase housing stock of affordable housing of all types. The UWSSP will accommodate these policies through the provision of a range of housing types and tenures.

In accordance with Sec. B.3.3, The Official Plan maintains the importance of a strong, physical form for the urban areas of the City. To ensure that new development supports this objective, several urban design goals have been identified:

- Enhance the sense of community pride and identification by creating and maintaining unique places.
- Provide and create quality spaces in all public and private development.
- Create pedestrian oriented places that are safe, accessible, connected and easy to navigate for people of all abilities.
- Create communities that are transit supportive and promote active transportation.
- Ensure that new development is compatible with and enhances the character of the existing environment and locale.
- Create places that are adaptable and flexible to accommodate future demographic and environmental changes.
- Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.
- Promote intensification and makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.
- Encourage innovative community design and technologies.

The UWSSP has been prepared with an appreciation of the existing character and development patterns of the existing residential community to the north of Twenty Road West and along the boundary roads. The UWSSP has been designed to produce a quality public environment achieved by integrating a natural heritage system in a manner which acts both to protect environmental features as well as encourages active transportation modes. The road network has also been designed to support the public environment by encouraging active transportation and by providing for a safe

pedestrian experience. The proposed road network implements the preferred road network from the AEGD Transportation Master Plan . Public spaces and parks have been planned in accordance with Official Plan policies.

The Official Plan provides general design principles and direction for new development within the urban area. Particularly, new development shall respect existing characters, development patterns, be consistent with the surrounding environment, recognizing cultural history, respecting built heritage, conserving natural heritage, demonstrating sensitivity towards community identity, contribute to the character of the community, respect sites, views and vistas and incorporate public area (Section B.3.3.2.3). The UWSSP has been designed to be consistent with the existing residential community to the north and the planned employment to the south. The proposed development will increase density in a manner which is cognizant of the built form of the community.

General NHS Policies for urban areas are provided in Sections C.2.2, C.2.3, C.2.5 and C.2.7. The UWSSP identified Core Areas as well as linkages and Key Hydrologic Features. The UWSSP has been designed to work with all identified natural heritage features and incorporates an enhanced natural heritage system within the TRW Block.

As proposed to be amended, the OPA conforms to the Urban Hamilton Official Plan.

City of Hamilton Zoning By-Law 05-200

Zoning By-law No. 05-200 (consolidated as of March 2017) has been developed as the primary zoning by-law for all areas of City. It represents the consolidation of all zoning by-laws existing prior to and following the amalgamation of the City of Hamilton. In the Zoning by-law, the UWS Secondary Plan lands are presently generally zoned as A2 – Rural Zone and P4 – Open Space 4.

Following approval of the OPA, draft plans of subdivision and zoning by-law amendments can be approved.

Niagara Peninsula Conservation Authority

The Niagara Peninsula Conservation Authority (NPCA) was established under the Conservation Authorities Act and regulates the environmental impacts of human activities and human growth on the Niagara Peninsula Watershed.

The Niagara Peninsula Conservation Authority (NPCA) is the governing body for the subject lands. To protect natural heritage features, the NPCA has established setbacks and buffers. As per the Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document (2011).

The OPA has been designed to protect the natural heritage system and significant features such as wetlands and woodlots.

CONCLUSION

The OPA has been designed to facilitate the delivery of critical road infrastructure which can accommodate the construction of much needed housing while providing improved access to employment opportunities found within the AEGD. Specifically, the planned housing opportunities in the UWSSP serves to partially satisfy the forecasted residential growth and land needs for the City to 2051.

The UWSLG is committed to working with the City to advance this OPA as well as deliver key infrastructure for the area. The OPA is appropriate, represents good planning and is in the public interest.

For all of the foregoing reasons, our client hereby appeals the OPA to the Ontario Land Tribunal and requests that a Case Management Conference be scheduled. In support of this appeal, please find enclosed the following:

1. A completed and signed Tribunal Appeal Form; and
2. A solicitor's cheque in the amount of \$1,100, payable to the "Minister of Finance", which represents the Tribunal's prescribed appeal fees.

Despite the filing of this appeal, our client remains committed to trying to resolve the issues without a contested hearing and would support OLT-led mediation. Should you have any questions or require further information, please do not hesitate to contact me directly.

Yours truly,

KAGAN SHASTRI DeMELO WINER PARK LLP



Ira Kagan
Encls

cc. Upper West Side Landowners Group Inc.



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

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

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):	
Upper West Site Landowners Group Inc.	
Email Address:	
Daytime Telephone Number:	Alternative Telephone Number:

	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:

Representative Information			
X I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
Kagan		Ira	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
Kagan Shastri DeMelo Winer Park LLP			
Email Address:			
ikagan@ksllp.ca			
Daytime Telephone Number:		Alternative Telephone Number:	
416-368-2100	ext. 226	437-781-9549	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	188	Avenue Road	
City/Town:	Province:	Country:	Postal Code:
Toronto	Ontario	Canada	M5R 2J1
<p>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? X Yes <input type="checkbox"/> No
Address and/or Legal Description of property subject to the appeal:
Lands within the block bounded by Twenty Road West (to the north), Dickenson Road (to the south), Glancaster Road (to the west) and Upper James Street (to the east) (Ward 11)
Municipality:
City of 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	<i>Planning Act</i>
		22(7)
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, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6

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

Appeal Reasons and Specific Information

Number of new residential units proposed:

Municipal Reference Number(s):

Formal Consultation Number: FC-23-049

City has not yet assigned a Municipal File Number

List the reasons for your appeal:

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:

- 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?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes x No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes x 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: \$ 1,100

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).


Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Ira Kagan		2025/12/2

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton File with: NIAGARA ESCARPMENT COMMISSION	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) File with: NIAGARA ESCARPMENT COMMISSION 1450 7 th Avenue

	<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>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.