

Kagan | Shastri
DeMelo | Winer | Park
LAWYERS | LLP

Appendix 3
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General: 416.368.2100 Ext. 226
Direct: 437.781.9549
ikagan@ksllp.ca

File No. 24201

May 16, 2025

DELIVERED BY COURIER & EMAIL
(Letter & Form Only - clerk@hamilton.ca)

City Clerk
City of Hamilton
71 Main Street West
1st Floor
Hamilton, Ontario, L8P 4Y5

Attention: Mr. Matthew Trennum, City Clerk

Dear Mr. Trennum

Re: Notice of Appeal to the Ontario Land Tribunal Pursuant to Subsections 17(24)
of the *Planning Act*, R.S.O. 1990, c. P.13
Official Plan Amendment No. 44 (By-law 25-073)
Appeal filed on behalf of Upper West Side Landowners Group Inc.

We are counsel to the Upper West Side Landowners Group Inc. (the “UWSLG”) and its members who are the registered owners of lands subject to OPA 44 as detailed in Schedule “A” attached. They are also the Applicant/ Appellant in the Ontario Land Tribunal (the “OLT” or “Tribunal”) case number OLT-24-000748(49&50) (the “Appeals”). The UWSLG is comprised of 8 landowners that collectively own the lands located on the south side of Twenty Road West, on the east and west side of the planned Garth Road extension and are surrounded, on all sides, by the urban boundary (the “UWSLG Lands”). Attached to this letter as Schedule “A” is a list of the registered owners that collectively own the UWSLG Lands. This appeal is filed on behalf of the registered owners in Schedule “A”.

This letter and the enclosed materials comprise our client’s Notice of Appeal to the Tribunal pursuant to subsection 17(24) of the *Planning Act*, respecting the City’s passage of By-law 25-073 adopting and approving Official Plan Amendment No. 44 to the Rural Hamilton Official Plan (“OPA 44”). Under separate cover our client has also appealed the City’s passage of By-law 25-072 adopting and approving Official Plan Amendment No. 232 to the Urban Hamilton Official Plan (“OPA 232”). Together, OPAs 44 and 232 set out

policies related to the City's new "Framework for Processing and Evaluating Urban Boundary Expansion Applications."

NON-APPLICATION OF OPA 44 & 232 TO THE UWSLG APPLICATIONS - THE CLERGY PRINCIPLE

Our client's urban boundary expansion applications were filed in August 2020 and deemed complete in September 2020, more than four years ago. These applications were appealed to the OLT in June 2024, nearly a year ago and a hearing is scheduled for April 2026. Given the foregoing, OPA 44 & 232 and the related evaluation framework do not legally apply to the UWSLG applications or appeals.

In their recommendation report to City Council, City staff have indicated that neither OPA 232 nor 44 would apply to our client's urban boundary expansion applications by virtue of the Clergy Principle. We agree but there is no policy in OPA 232 or 44 that exempts our client's applications from those OPAs. We believe such a policy is appropriate.

In addition to the above, our clients have further concerns with OPAs 232 & 44, which are addressed below.

POLICY F.1.2 & F.1.2.1: IMPLEMENTATION

OPA 44 introduces new policy F.1.2 and F.1.2.1 under Appendix "D" - Volume 1: Chapter F - Implementation. These new policies would require privately initiated urban boundary expansions to be evaluated against, among other things, the Council approved 'Framework for Processing and Evaluating Urban Boundary Expansion Applications'. Policy F.1.2.1 provides further that "The City may revise the Framework for Processing and Evaluating Urban Boundary Expansion applications from time to time." Our understanding is that the framework is both approved and revised through Council resolution which is neither a decision made under the Planning Act nor subject to appeal to the OLT. Accordingly, it is improper to require a privately initiated urban boundary expansion application to be evaluated against this "framework".

OVERVIEW OF POLICY AND REGULATORY CONTEXT

As set out below, OPA 44 fails to be consistent with numerous policy directions set out in the in-force Provincial Planning Statement 2024, which promote a range of housing options and require municipalities to meet projected housing needs of current and future residents.

Provincial Planning Statement (2024)

On August 20, 2024, the Province of Ontario released the updated Provincial Planning Statement (2024) (the "PPS 2024"), following a series of consultations beginning in 2022. The PPS 2024 came into force and effect on October 20, 2024.

The PPS 2024 replaces both the Provincial Policy Statement, 2020 (“**PPS 2020**”) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “**Growth Plan**”) and 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. 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.

Like the PPS 2020 before it, 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.

The PPS 2024 enables private landowners to request an expansion of the urban boundary at any time, including outside of a comprehensive review or Official Plan update. The PPS 2024 provides the following direction of the identification of new *settlement areas*:

2.3.2 New Settlement Areas and Settlement Boundary Expansions

2.3.2.1 In identifying a new *settlement area* or allowing a *settlement area* boundary expansion, planning authorities shall consider the following:

- a) the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
- b) if there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
- c) whether the applicable lands comprise *specialty crop areas*;

- d) the evaluation of alternative locations which avoid *prime agricultural areas* and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- e) whether the new or expanded *settlement area* complies with the *minimum distances separation formulae*;
- f) whether impacts on the *agricultural system* are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance; and
- g) the new or expanded *settlement area* provides for the phased progression of urban development.

The City has taken an untenable position that no urban boundary expansions will occur. This position conflicts with numerous policies in the PPS 2024. While recognizing that the PPS 2024 permits urban boundary expansions, OPA 44 reiterates the “no urban boundary expansion” position and is likewise inconsistent with PPS 2024. In accordance with the City’s stated and repeated objective to prohibit urban boundary expansions, the requirements set out in OPA 44 are not intended to facilitate these applications but impede them. OPA 44 is inconsistent with the policy direction in 2.3.2 dealing with *settlement area* boundary expansions and further conflicts with other policy direction in the PPS, including but not limited to the following policies:

2.1.4. To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.

2.1.6. Planning authorities should support the achievement of *complete communities* by:

- a) accommodating an appropriate range and mix of land uses, *housing options*, transportation options with *multimodal* access,

employment, *public service facilities* and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs; [...]

2.2.1. Planning authorities shall 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* by:

c) promoting densities for new housing which efficiently use land, resources *infrastructure* and *public service facilities*, and support the use of *active transportation*; [...]

3.1.1 *Infrastructure* and *public service facilities* shall be provided in an efficient manner while accommodating projected needs. [...]

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management [...]

3.1.2 Before consideration is given to development new *infrastructure* and *public service facilities*:

a) the use of existing *infrastructure* and *public service facilities* should be optimized; and

b) opportunities for adaptive re-use should be considered, wherever feasible.

3.6.1. Planning for *sewage* and *water services* shall:

a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing *municipal sewage services* and *municipal water services* and existing *private communal sewage services* and *private communal water services*;

The UWSLG Lands are surrounded by settlement area and are the proverbial holes in the donut. Their location makes it obvious that they should be included in the urban area. These lands are also an appropriate and logical location for residential development. The infill nature of the site allows it to optimize the public investments that have been made in existing and planned servicing and community infrastructure to ensure the continued viability of public service facilities. Any attempts by the City to apply OPA 44 to the UWSLG will conflict with provincial direction that requires the City to accommodate planned growth by providing houses to meet the projected needs of current and future residents.

CONCLUSION

For the reasons provided above, it is our client's position that OPA 44 is inconsistent with the PPS, does not represent good planning and is not in the public interest. It is also our client's position that if OPA 44 is to come into effect at all, that it must be modified to make clear that it does not apply to our client's urban boundary expansion applications.

For all of the foregoing reasons, we hereby appeal OPA 44 to the Tribunal. On behalf of our client, we have simultaneously filed Notices of Appeal concerning OPA 232 with the City under separate cover. We respectfully request that the Tribunal schedule a single Case Management Conference to address these related appeals.

SUPPORTING MATERIALS

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.

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 T. Kagan
ITK

Enclosures

cc. Client
CLS

Schedule "A"

Parcel Number	Property Address	Landowner Name	Legal Description	Lot Area (ha)	Lot Area (ac)
1	555 Glancaster Road	LIV Developments Ltd.	PT LT 2, CON 2 GLANFORD, AS IN CD456901; GLANBROOK CITY OF HAMILTON	51.17	126.45
2	9751 Twenty Road W	Starward Homes (Sulstar Twenty Limited)	PT LT 2, CON 2 GLANFORD, AS IN GL7417, EXCEPT PT 1 62R1235 & HL39956; GLANBROOK CITY OF HAMILTON	17.67	43.67
3	9625 Twenty Road W	Parente Group Holdings (909940 yMicor Developments (Lynmount Developments Inc.))	PT LT 2, CON 2 GLANFORD, PART 1, 62R9247, EXCEPT PT 1, 62R12042; T/W VM194905; EXCEPT THE EASEMENT THEREIN (VM66404); GLANBROOK CITY OF HAMILTON	31.38	77.29
4	9575 Twenty Road W	Huron Creek Holdings Inc.	PT LT 2, CON 2 GLANFORD, PART 2, 62R9247, PART 1, 62R12042 & AS IN CD73186; T/W CD355554 & VM194906; GLANBROOK CITY OF HAMILTON	3.29	8.15
5	9511 Twenty Road W	Cachet Homes (Heenco Holdings Inc.)	PT LT 3, CON 2 GLANFORD, AS IN VM201705; T/W VM201705; GLANBROOK CITY OF HAMILTON	38.11	94.18
6	9445 Twenty Road W	Twenty Road Developments Inc.	PCL 3-1, SEC GLANFORD 2(C); PT LT 3, CON 2 GLANFORD, PART 1, 62R12408; T/W PT LT 3, CON 2 GLAN, PTS 2 & 3, 62R12408 AS IN GL4826	38.39	94.87
7	9285 Twenty Road W	Spallacci Group (Spallacci & Sons Limited)	PT LT 4, CON 2 GLANFORD, PART 1 ON 62R11272; GLANBROOK CITY OF HAMILTON	32.24	79.66
8	2060 Upper James Street	Ontario Conference of the Seventh-Day Adventist Church	PT LT 5, CONCESSION 2 GLANFORD, GLANBROOK CITY OF HAMILTON	10.07	24.88



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):	
Upper West Side Landowners Group Inc. and the registered owners of land within that group	
Email Address:	

<u>nick@corbettlandstrategies.ca; john@corbettlandstrategies.ca</u>				
Daytime Telephone Number:			Alternative Telephone Number:	
416-806-5164	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
301	5045	South Service Road		
City/Town:		Province:	Country:	Postal Code:
Burlington		Ontario	Canada	L7L 5Y7

Representative Information				
X I hereby authorize the named company and/or individual(s) to represent me				
Last Name:			First Name:	
Kagan			Ira T.	
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	
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.				
☐ I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.				

Location Information
Are you the current owner of the subject property? ☒ Yes ☐ No
Address and/or Legal Description of property subject to the appeal:
Lands on the south side of Twenty Road West, generally between Glancaster Road to the west and Upper James Street to the east, as identified in Schedule "A" attached to the appeal letter.
Municipality:
City of Hamilton
Upper Tier (Example: county, district, region):

Language Requirements		
Do you require services in French?	☐ Yes	☒ No

To file an appeal, please complete the section below. Complete one line for each appeal type			
Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	<i>Planning Act</i>	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
☐	Appeal of <i>Development Charges Act</i> , <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>Municipal Act</i> matters	3A
☐	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
☐	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
☐	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
☐	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B

☐	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
☐	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
☐	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 (OPA 44)

List the reasons for your appeal:

See 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:

☐ Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i> ☐ 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:
See Covering Letter

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 ☒ No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
☒ Yes ☐ No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:
The Upper West Side Landowners Group Inc. has also appealed related Official Plan Amendment No. 232 (By-law 25-072)

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 3B Checklist\(s\)](#) located [here](#) and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? ☐ Yes ☐ No

If Yes, outline the reasons for requesting a stay:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? ☐ Yes ☐ No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

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

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information
List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for <i>Mining Act</i> appeals only.)
List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):
Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:
Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information
Conservation Authority:

Contact Person:				
Email Address:				
Daytime Telephone Number:			Alternative Telephone Number:	
	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 <u>Section 6 Checklist(s)</u> located <u>here</u> and submit all documents listed on the checklist.				

Section 7 – Filing Fee

Required Fee						
Please see the attached link to view the <u>OLT Fee Chart</u> .						
Total Fee Submitted: \$						
Payment Method	☐	Certified Cheque	☐	Money Order	X	Lawyer's general or trust account cheque
	☐	Credit Card				
If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.						
If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the <u>Fee Reduction request form</u> .						
☐ 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 T. Kagan		2024/05/16

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.

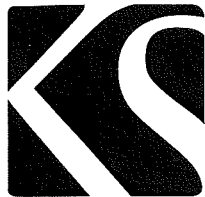
If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 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	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 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	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) 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

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.



Kagan | Shastri
DeMelo | Winer | Park
LAWYERS | LLP

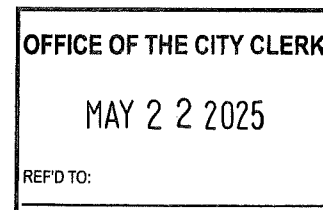
IRA T. KAGAN
General: 416.368.2100 Ext. 226
Direct: 437.781.9549
ikagan@ksllp.ca

File No. 24201

May 16, 2025

DELIVERED BY COURIER & EMAIL
(Letter & Form Only - clerk@hamilton.ca)

City Clerk
City of Hamilton
71 Main Street West
1st Floor
Hamilton, Ontario, L8P 4Y5



Attention: Mr. Matthew Trennum, City Clerk

Dear Mr. Trennum

**Re: Notice of Appeal to the Ontario Land Tribunal Pursuant to Subsections 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13
Official Plan Amendment No. 232 (By-law 25-072)
Appeal filed on behalf of Upper West Side Landowners Group Inc.**

We are counsel to the Upper West Side Landowners Group Inc. (the "UWSLG") and its members who are the registered owners of lands subject to OPA 232 as detailed in Schedule "A" attached. They are also the Applicant/ Appellant in the Ontario Land Tribunal (the "OLT" or "Tribunal") case number OLT-24-000748(49&50) (the "Appeals"). The UWSLG is comprised of 8 landowners that collectively own the lands located on the south side of Twenty Road West, on the east and west side of the planned Garth Road extension and are surrounded, on all sides, by the urban boundary (the "UWSLG Lands"). Attached to this letter as Schedule "A" is a list of the registered owners that collectively own the UWSLG Lands. This appeal is filed on behalf of the registered owners in Schedule "A".

This letter and the enclosed materials comprise our client's Notice of Appeal to the Tribunal pursuant to subsection 17(24) of the *Planning Act*, respecting the City's passage of By-law 25-072 adopting and approving Official Plan Amendment No. 232 to the Urban Hamilton Official Plan ("OPA 232"). Under separate cover our client has also appealed the City's passage of By-law 25-073 adopting and approving Official Plan Amendment No. 44 to the Rural Hamilton Official Plan ("OPA 44"). Together, OPAs 232 and 44 set

out policies related to the City's new "Framework for Processing and Evaluating Urban Boundary Expansion Applications.

NON-APPLICATION OF OPA 232 & 44 TO THE UWSLG APPLICATIONS - THE CLERGY PRINCIPLE

Our client's urban boundary expansion applications were filed in August 2020 and deemed complete in September 2020, more than four years ago. These applications were appealed to the OLT in June 2024, nearly a year ago and a hearing is scheduled for April 2026. Given the foregoing, OPA 232 & 44 and the related evaluation framework do not legally apply to the UWSLG applications or appeals.

In their recommendation report to City Council, City staff have indicated that neither OPA 232 nor 44 would apply to our client's urban boundary expansion applications by virtue of the Clergy Principle. We agree but there is no policy in OPA 232 or 44 that exempts our client's applications from those OPAs. We believe such a policy is appropriate.

In addition to the above, our clients have further concerns with OPAs 232 & 44, which are addressed below.

POLICY A.2.3: GROWTH PLAN

OPA 232 introduces new policy A.2.3 under Appendix "D" - Volume 1: Chapter A - Introduction. This policy deals with, among other things, the City's position of a firm urban boundary and the province's enactment of Bill 150, the Planning Statute Law Amendment Act, 2023. This policy incorrectly 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 legally and technically incorrect. While decisions of the Minister of Municipal Affairs and Housing when exercising the authority to modify and approve an official plan were, pursuant to section 3(5) of the Planning Act, required to conform with the Growth Plan (and be consistent with the Provincial Planning Statement, or the Provincial Policy Statement as it was formerly known), Bill 150, being a statute of the Ontario legislature, was not required to meet the consistency and conformity tests. The decision of former Minister Steve Clark in modifying and approving the City's OPA 167 was required to meet these consistency and conformity tests but Bill 150 was not and thus policy A.2.3 is legally incorrect. Furthermore, as confirmed by City staff and the City's growth management consulting team GRIDS2, the City's firm urban boundary decision did not conform with the Growth Plan. As such, the proposed policy is also technically incorrect.

This policy also deals with population and employment forecasts and provides that in evaluating urban boundary expansion applications, that the population and employment forecasts from the Growth Plan shall be used. 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. Moreover, policy 2.1(1) of the Provincial Planning Statement states:

“As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.”

While we acknowledge that policy 2.1(2) might appear to permit the City to use the former Growth Plan forecasts, we do not believe that this is the proper application of the PPS 2024 in a growth management exercise and that the City's choice to use the former Growth Plan forecasts instead of the updated Ministry of Finance forecasts, when forecasting land needs to 2051, is not an appropriate or justifiable planning decision. Using former, lower, growth projections will only serve to deepen Hamilton's housing supply and affordability crisis which has been prolonged and exacerbated by Council's firm urban boundary decision.

POLICIES F.1.2 & F.1.2.1 IMPLEMENTATION

OPA 232 introduces new policy F.1.2 and F.1.2.1 under Appendix “D” – Volume 1: Chapter F – Implementation. These new policies would require privately initiated urban boundary expansions to be evaluated against, among other things, the Council approved ‘Framework for Processing and Evaluating Urban Boundary Expansion Applications’. Policy F.1.2.1 provides further that “The City may revise the Framework for Processing and Evaluating Urban Boundary Expansion applications from time to time.” Our understanding is that the framework is both approved and revised through Council resolution which is neither a decision made under the Planning Act nor subject to appeal to the OLT. Accordingly, it is improper to require a privately initiated urban boundary expansion application to be evaluated against this “framework”.

OVERVIEW OF POLICY AND REGULATORY CONTEXT

As set out below, OPA 232 fails to be consistent with numerous policy directions set out in the in-force Provincial Planning Statement 2024, which promote a range of housing options and require municipalities to meet projected housing needs of current and future residents.

Provincial Planning Statement (2024)

On August 20, 2024, the Province of Ontario released the updated Provincial Planning Statement (2024) (the “**PPS 2024**”), following a series of consultations beginning in 2022. The PPS 2024 came into force and effect on October 20, 2024.

The PPS 2024 replaces both the Provincial Policy Statement, 2020 (“**PPS 2020**”) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “**Growth Plan**”) and 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. 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.

Like the PPS 2020 before it, 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.

The PPS 2024 enables private landowners to request an expansion of the urban boundary at any time, including outside of a comprehensive review or Official Plan update. The PPS 2024 provides the following direction of the identification of new *settlement areas*:

2.3.2 New Settlement Areas and Settlement Boundary Expansions

2.3.2.1 In identifying a new *settlement area* or allowing a *settlement area* boundary expansion, planning authorities shall consider the following:

- a) the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
- b) if there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
- c) whether the applicable lands comprise *specialty crop areas*;
- d) the evaluation of alternative locations which avoid *prime agricultural areas* and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;

- e) whether the new or expanded *settlement area* complies with the *minimum distances separation formulae*;
- f) whether impacts on the *agricultural system* are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance; and
- g) the new or expanded *settlement area* provides for the phased progression of urban development.

The City has taken an untenable position that no urban boundary expansions will occur. This position conflicts with numerous policies in the PPS 2024. While recognizing that the PPS 2024 permits urban boundary expansions, OPA 232 reiterates the “no urban boundary expansion” position and is likewise inconsistent with PPS 2024. In accordance with the City’s stated and repeated objective to prohibit urban boundary expansions, the requirements set out in OPA 232 are not intended to facilitate these applications but impede them. OPA 232 is inconsistent with the policy direction in 2.3.2 dealing with *settlement area* boundary expansions and further conflicts with other policy direction in the PPS, including but not limited to the following policies:

2.1.4. To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.

2.1.6. Planning authorities should support the achievement of *complete communities* by:

- a) accommodating an appropriate range and mix of land uses, *housing options*, transportation options with *multimodal* access, employment, *public service facilities* and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries),

recreation, parks and open space, and other uses to meet long-term needs; [...]

2.2.1. Planning authorities shall 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* by:

c) promoting densities for new housing which efficiently use land, resources *infrastructure* and *public service facilities*, and support the use of *active transportation*; [...]

3.1.1 *Infrastructure* and *public service facilities* shall be provided in an efficient manner while accommodating projected needs. [...]

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management [...]

3.1.2 Before consideration is given to development new *infrastructure* and *public service facilities*:

- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
- b) opportunities for adaptive re-use should be considered, wherever feasible.

3.6.1. Planning for *sewage* and *water services* shall:

- a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing *municipal sewage services* and *municipal water services* and existing *private communal sewage services* and *private communal water services*;

The UWSLG Lands are surrounded by settlement area and are the proverbial holes in the donut. Their location makes it obvious that they should be included in the urban area. These lands are also an appropriate and logical location for residential development. The infill nature of the site allows it to optimize the public investments that have been made in existing and planned servicing and community infrastructure to ensure the continued viability of public service facilities. Any attempts by the City to apply OPA 232 to the UWSLG will conflict with provincial direction that requires the City to accommodate planned growth by providing houses to meet the projected needs of current and future residents.

CONCLUSION

For the reasons provided above, it is our client's position that OPA 232 is inconsistent with the PPS, does not represent good planning and is not in the public interest. It is also our client's position that if OPA 232 is to come into effect at all, that it must be modified to make clear that it does not apply to our client's urban boundary expansion applications.

For all of the foregoing reasons, we hereby appeal OPA 232 to the Tribunal. On behalf of our client, we have simultaneously filed Notices of Appeal concerning OPA 44 with the City under separate cover. We respectfully request that the Tribunal schedule a single Case Management Conference to address these related appeals.

SUPPORTING MATERIALS

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.

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

A handwritten signature in cursive script, reading "Ira Kagan".

Ira T. Kagan
ITK

Enclosures

cc. Client
CLS

Schedule "A"

Parcel Number	Property Address	Landowner Name	Legal Description	Lot Area (ha)	Lot Area (ac)
1	555 Glancaster Road	LIV Developments Ltd.	PT LT 2, CON 2 GLANFORD, AS IN CD456901; GLANBROOK CITY OF HAMILTON	51.17	126.45
2	9751 Twenty Road W	Starward Homes (Sulstar Twenty Limited)	PT LT 2, CON 2 GLANFORD, AS IN GL7417, EXCEPT PT 1 62R1235 & HL39956; GLANBROOK CITY OF HAMILTON	17.67	43.67
3	9625 Twenty Road W	Parente Group Holdings (909940) Micor Developments (Lynmount Developments Inc.)	PT LT 2, CON 2 GLANFORD, PART 1, 62R9247, EXCEPT PT 1, 62R12042; T/W VM194905; EXCEPT THE EASEMENT THEREIN (VM66404); GLANBROOK CITY OF HAMILTON	31.38	77.29
4	9575 Twenty Road W	Huron Creek Holdings Inc.	PT LT 2, CON 2 GLANFORD, PART 2, 62R9247, PART 1, 62R12042 & AS IN CD73186; T/W CD355554 & VM194906; GLANBROOK CITY OF HAMILTON	3.29	8.15
5	9511 Twenty Road W	Cachet Homes (Heenco Holdings Inc.)	PT LT 3, CON 2 GLANFORD, AS IN VM201705; T/W VM201705; GLANBROOK CITY OF HAMILTON	38.11	94.18
6	9445 Twenty Road W	Twenty Road Developments Inc.	PCL 3-1, SEC GLANFORD 2(C); PT LT 3, CON 2 GLANFORD, PART 1, 62R12408; T/W PT LT 3, CON 2 GLAN, PTS 2 & 3, 62R12408 AS IN GL4826	38.39	94.87
7	9285 Twenty Road W	Spallacci Group (Spallacci & Sons Limited)	PT LT 4, CON 2 GLANFORD, PART 1 ON 62R11272; GLANBROOK CITY OF HAMILTON	32.24	79.66
8	2060 Upper James Street	Ontario Conference of the Seventh-Day Adventist Church	PT LT 5, CONCESSION 2 GLANFORD, GLANBROOK CITY OF HAMILTON	10.07	24.88



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):	
Upper West Side Landowners Group Inc. and the registered owners of land within that group	
Email Address:	

<u>nick@corbettlandstrategies.ca; john@corbettlandstrategies.ca</u>				
Daytime Telephone Number:			Alternative Telephone Number:	
416-806-5164	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
301	5045	South Service Road		
City/Town:	Province:	Country:	Postal Code:	
Burlington	Ontario	Canada	L7L 5Y7	

Representative Information				
X I hereby authorize the named company and/or individual(s) to represent me				
Last Name:			First Name:	
Kagan			Ira T.	
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	
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.				
☐ I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.				

Location Information	
Are you the current owner of the subject property? ☒ Yes ☐ No	
Address and/or Legal Description of property subject to the appeal:	
Lands on the south side of Twenty Road West, generally between Glancaster Road to the west and Upper James Street to the east, as identified in Schedule "A" attached to the appeal letter.	
Municipality:	
City of Hamilton	
Upper Tier (Example: county, district, region):	

Language Requirements

Do you require services in French?

☐ Yes ☒ No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment	<i>Planning Act</i>	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
☒	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
☐	Appeal of <i>Development Charges Act</i> , <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>Municipal Act</i> matters	3A
☐	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
☐	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
☐	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
☐	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B

☐	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
☐	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
☐	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 25-072 (OPA 232)

List the reasons for your appeal:

See 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:

☐ Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i> ☐ 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:
See Covering Letter

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 ☒ No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
☒ Yes ☐ No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:
The Upper West Side Landowners Group Inc. has also appealed related Official Plan Amendment No. 44 (By-law 25-073)

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: \$						
Payment Method	☐	Certified Cheque	☐	Money Order	X	Lawyer's general or trust account cheque
	☐	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 T. Kagan		2024/05/16

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	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 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	For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) 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

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.

KAGAN SHASTRI DEMELO WINER PARK LLP

DATE : 2025/May/15

CHE # : 012785

AMOUNT : \$1,100.00

ACCOUNT: GENERAL - 1

Appendix
of 40 of
PARD TO: Minister of Finance

OLT Appeal Fees
MATTER: 24201

CLIENT: 10886 - Upper West Side Landowners Group Inc

12785

THIS DOCUMENT CONTAINS SECURITY FEATURES - SEE REVERSE

KAGAN SHASTRI DEMELO WINER PARK LLP

GENERAL ACCOUNT
188 AVENUE ROAD
TORONTO, ONTARIO M5R 2J1

TD CANADA TRUST
165 AVENUE ROAD
TORONTO, ONTARIO M5R 3S4

12785

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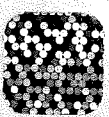
One Thousand One Hundred ***** 00/100

PAY

Minister of Finance

TO THE ORDER OF

2025/May/15 \$ 1,100.00



KAGAN SHASTRI DEMELO WINER PARK LLP

PER *Kagan Shastri*

OLT Appeal Fees

⑈0012785⑈ ⑆10402004⑆ 05035203935⑈

KAGAN SHASTRI DEMELO WINER PARK LLP

DATE : 2025/May/15
CHE # : 012786
AMOUNT : \$1,100.00
ACCOUNT: GENERAL - 1

PAID TO: Minister of Finance

OLT Appeal Fees
MATTER: 24201

CLIENT: 10886 - Upper West Side Landowners Group Inc

KAGAN SHASTRI DEMELO WINER PARK LLP

GENERAL ACCOUNT
188 AVENUE ROAD
TORONTO, ONTARIO M5R 2J1

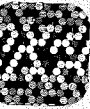
TD CANADA TRUST
165 AVENUE ROAD
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One Thousand One Hundred ***** 00/100

PAY

TO
THE
ORDER
OF
Minister of Finance

2025/May/15 \$ \$1,100.00



KAGAN SHASTRI DEMELO WINER PARK LLP

PER *[Signature]*

OLT Appeal Fees

⑈0012786⑈ ⑈10402⑈004⑈ 0503⑈5203935⑈

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