

Goodmans LLP

Barristers & Solicitors

Bay Adelaide Centre, West Tower
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

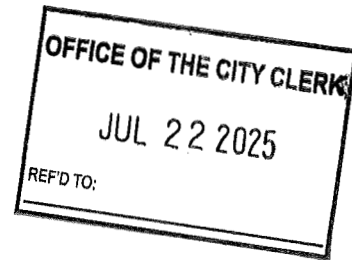
Direct Line: 416.597.5168
jhoffman@goodmans.ca

July 21, 2025

Our File No.: 241256

Delivered via Courier and Email (clerk@hamilton.ca)

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



Attention: Matthew Trennum, City Clerk

Dear Sirs/Mesdames:

**Re: Applications to Amend the Urban Hamilton and Rural Hamilton Official Plans to
Include the Elfrida Area into the City's Urban Boundary
File No. UHOPA-25-007 and RHOPA-25-008
Appeals Pursuant to Subsection 22(7) of the *Planning Act***

We are solicitors for the Elfrida Community Builders Group Inc. (the "**Elfrida Group**"). The Elfrida Group consists of members that collectively own the majority of lands within the Elfrida Area in the City of Hamilton (the "**City**"). The Elfrida Area is approximately 1,200 hectares in size and is generally bounded by Mud Street East to the north, Second Road East and Hendershot Road to the east, Golf Club Road to the south, and Trinity Church Road to the west. It is contiguous to the City's existing Urban Boundary.

On November 20, 2024, the Elfrida Group submitted applications to amend the City's Urban Hamilton and Rural Hamilton Official Plans to remove the Elfrida Area from the Rural Hamilton Official Plan (the "**RHOP**") and add the Elfrida Area to the Urban Hamilton Official Plan (the "**UHOP**") to allow for the future development of a new, complete community, needed to meet the City's residential growth needs (the "**Planning Applications**"). The Planning Applications propose to designate the majority of the Elfrida Area as "Urban Expansion Area – Neighbourhoods" and the balance as "Urban Expansion Area."

On March 18, 2025, the Planning Applications were deemed complete. On June 25, 2025, the City held a statutory public meeting and City Council meeting where City Council refused the Planning Applications. On behalf of the Elfrida Group, we hereby appeal the Planning Applications to the Ontario Land Tribunal (the "**Tribunal**") pursuant to subsection 22(7) of the *Planning Act* for the City's refusal of the Planning Applications (the "**Appeals**").



Background to Urban Boundary Expansion in Hamilton

Since 2001, the City has considered the Elfrida Area for inclusion in the City's urban boundary. At the conclusion of the City initiated GRIDS 1 planning exercise in 2006, the City identified the Elfrida Area as its preferred area to accommodate residential growth.

The selection of Elfrida as the City's preferred next growth area was confirmed by City Council through its adoption of the RHOP in 2006, and its adoption of the UHOP in 2009. City growth management decisions since 2009 have built upon the GRIDS 1 process, and the City has spent significant resources to implement its growth management strategy, including work on a subwatershed study and Secondary Plan for the Elfrida Area, and the extension of services to the area. In fact, the City collected Development Charges to fund growth in the Elfrida Area through its 2009, 2014 and 2019 Development Charges By-laws.

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

The City then undertook its GRIDS 2 planning exercise to plan for and accommodate growth to 2051. GRIDS 2 identified a range of urban boundary expansion options. The range varied from 1310 hectares to 2,200 hectares. Ultimately, City staff recommended an urban boundary expansion of 1310 hectares to City Council for approval, called the Ambitious Density Scenario. Under this scenario, the Elfrida lands were being considered for inclusion within the urban boundary.

The City retained Watson & Associates Economists Ltd. (Watson) to conduct a peer-review of the City's Land Needs Assessment and Residential Intensification Market Demand Analysis. Watson confirmed the approach and methodology used was appropriate. However, despite the work since 2001 to implement an urban boundary expansion, despite City staff's recommendation to expand the City's urban boundary and despite advice from City and Provincial staff that a no expansion scenario would not conform to provincial policy, City Council approved a no urban boundary expansion scenario.¹

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

The Elfrida Group's Planning Applications to bring the Elfrida Area back into the City's Urban Boundary are required to ensure Hamilton's Official Plans are consistent with provincial policy. The City's own Land Needs Assessment Report confirms the City is not facing a choice of supporting intensification or urban boundary expansions. The City needs to support both

¹ In March 2021, the province wrote to the City, noting ... "it appears that the No Urban Boundary Expansion scenario poses a risk that the City would not conform with Provincial requirements."



intensification of its downtown and built-up areas and responsible urban boundary expansion to meet residential growth needs. The City has never produced any analysis to support the assumptions required to implement the no expansion option while meeting its growth targets. In fact, in past City staff reports for GRIDS 2, City staff note that the City did not model a 'no urban boundary expansion' option because this option would not be in compliance with provincial policy. The report states "it is staff's opinion that achieving the intensification levels as required under the No UBE scenario (81% intensification over the entirety of the planning period) are not realistic."² Further, the City's Land Need Assessment found that if adopted, the no urban boundary scenario would produce a shortfall of 59,300 ground-related units.³ Despite this, City Council approved a no urban boundary expansion scenario and refused the Planning Applications to expand the City's Urban Boundary to include the Elfrida Area, necessitating the Appeals.

The Planning Applications for the Elfrida Area

The Elfrida Area remains a logical, appropriate and needed expansion to the City's urban boundary. The Elfrida Area is contiguous to Hamilton's built-up area and is situated along a planned higher-order transit corridor. The Elfrida Area is located and suited to help the City meet its housing needs, while making housing more attainable for people in Hamilton.

When developed, the Elfrida Area will accommodate a growing population that cannot be accommodated within the City's existing boundary, at higher densities than current City trends. These new communities will be designed as complete communities, with a mix of land uses and housing options, with active transportation, pedestrian and cycling infrastructure and open space options, serving as a place for people to live and work within the City, all of which will achieve numerous policy objectives and result in significant public benefits, including:

- Balanced growth through intensification and new growth areas;
- The ability to achieve growth forecasts and provide much needed housing stock;
- Housing choice that includes a full range and mix of housing options for existing and new Hamiltonians;
- Affordability flowing from a full range and healthy supply of housing;
- The opportunity for job growth in complete and mixed-use growth areas;
- Development that is transit supportive, which adds transit ridership;
- No encroachment on the Hamilton's Prime Agricultural Lands in any material way (the Ambitious Density Scenario represents approximately 1.5% of the City's rural land area

² GRIDS 2 City Staff Report dated, March 2021.

³ GRIDS 2 City Staff Report dated, November 9, 2021.



and 2% of the City's prime agricultural lands and the overwhelming majority of the City's rural land, 98.5%, including prime agricultural lands, will remain protected), with the Elfrida Area consisting of lower priority agricultural lands;

- Capitalizing on already paid for infrastructure that is sized to accommodate growth; and
- Contributing to fiscally responsible growth in Hamilton.

These reasons will be expanded upon through opinion evidence from various expert witnesses before the Ontario Land Tribunal.

Reasons for the Appeals

Based on the many studies, reports and assessments submitted in support of the Planning Applications, including but not limited to the Planning Rationale Report prepared by Bousfields Inc., dated November 2024, it is clear that the Planning Applications represent good planning and are required for the City to meet residential growth needs, consistent with the requirements in the Provincial Planning Statement, 2024 (the "PPS 2024").

The expansion of the City's Urban Boundary to include Elfrida is appropriate and desirable given that it provides a unique opportunity to allow lands immediately adjacent to the City's existing urban boundary to accommodate urban uses that can absorb a portion of the City's forecasted growth in a location that is within the City's whitebelt lands, can optimize the use of existing and planned infrastructure, is along a future higher order transit route, and is at a location that has historically been identified as a growth area by City Council, as discussed in this appeal letter. In addition, the proposed amendment to the UHOP establishes a policy framework that requires a comprehensive secondary plan that will ensure the future development of the Elfrida Area will proceed in an appropriate and orderly manner, consistent with the PPS 2024.

While the Planning Applications represent good planning, our client's goal, despite the Appeals, is to engage with the City, including possibly through mediation, in an effort to narrow and/or resolve issues.

Please find enclosed an appeal form, as well two cheques in the amount of \$1,100.00 each, representing the appeal fees for the application to amend the UHOP and the application to amend the RHOP, payable to the Minister of Finance.

Please do not hesitate to contact us if any further information is required.

Goodmans^{LLP}

Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to be 'Joe Hoffman', written over a faint horizontal line.

Joe Hoffman
JBH/

cc: Elfrida Community Builders Group Inc.

1412-0126-9016