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August 10, 2015

City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Sir or Madam:

Re: 3727 to 3737 Highway #6, Glanbrook, City of Hamilton
Our Client: 3727 Highway Six Inc.
Our File No. G-28778/15

Please be advised that we act for 3727 Highway Six Inc. in regard to the above-noted property.

Enclosed herein please find the following:

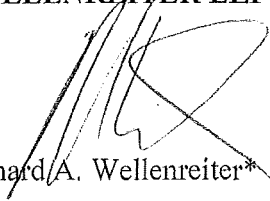
1. Appellant Form (A1),
2. Notarial Copy of the Articles of Incorporation of 3727 Highway Six Inc.;
3. Notarial Copy of the Articles of Amalgamation of 3727 Highway Six Inc.; and
4. Our cheque in the amount of \$125.00 payable to the Minister of Finance.

Please forward the appeal and applicable fee to the Ontario Municipal Board.

Yours very truly,

WELLENREITER LLP

Per:


Richard A. Wellenreiter*

RAW/ef
Encl.

cc: Client, via email



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.ello.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

OFFICE OF THE CITY CLERK

AUG 10 2015

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(30)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

Address and/or Legal Description of property subject to the appeal:

3727 to 3737 Highway 6, Glanbrook, in the City of Hamilton. Part Lot 6, Concession 6, Glanford, as in CD377819, Glanbrook, City of Hamilton. Bearing PIN 17393-0014

Municipality/Upper tier: Glanbrook/Mount Hope

Part 3: Appellant Information

First Name: _____ Last Name: _____

3727 HIGHWAY SIX INC.
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: bill@tileit.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-632-8066 Alternate Telephone #: _____

Fax #: 905-634-2070

Mailing Address: 3727 Highway Mount Hope
Street Address Apt/Suite/Unit# City/Town
Ontario LOR 1W0
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] President Date: August 10, 2015
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: Richard Last Name: Wellenreiter

Company Name: Wellenreiter LLP

Professional Title: Lawyers

E-mail Address: rwellenreiter@wellenreiterllp.ca and clerk@wellenreiterllp.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-529-4520 Alternate Telephone #: _____

Fax #: 905-529-7943

Mailing Address: 280 Plains Road West Burlington
Street Address Apt/Suite/Unit# City/Town
Ontario L7T 1G4
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] President Date: August 10, 2015

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

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 as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

This is an appeal of City of Hamilton By-Law Nos. 15-172 and 15-173 as they relate to 3727 to 3737 Highway 6, Glanbrook in the City of Hamilton.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

The grounds and reasons for the appeal are as follows:

1. The Council of the City of Hamilton (the "Council") erred in passing City of Hamilton By-Law Nos. 15-172 and 15-173 (the "By-Laws") as they relate to 3727 and 3737 Highway 6, Glanbrook in the City of Hamilton (the "Property").
2. There is reason to doubt the correctness of the Council's decision.
3. The Owner, 3727 Highway Six Inc. (the "Owner") is the Landlord of the Property. The tenant of the Property will not always have continue the same use as that currently carried on at the Property, namely the warehousing and sales of flooring products.
4. The Property has specific permitted uses which include bowling alley and accessory uses including an accessory restaurant, banquet hall and catering service; motor vehicle dealership, the warehousing and sales of flooring products.
5. The Council failed to consider that the By-Laws are contrary to the specific uses that the owner of the Property was and is entitled pursuant to the existing Corporation of The Township of Glanbrook Zoning By-Law No. 464 as consolidated in June of 2015 and specifically sections C6-064 and C4-065 thereof. Sections C6-064 and C4-065 are attached hereto as Schedule "A".
6. The Council failed to consider the prejudicial nature of the amendments to the specific uses permitted pursuant to the By-Laws and the fact that the new restrictions are unreasonable and detrimental to the owner of the Property and will significantly diminish the value of the Property.
7. The Council erred in failing to allow the existing uses for the Property to remain under the new By-Laws.
8. The Council erred in its failure to recognize the prejudicial and detrimental consequences of the By-Laws the Property and its ability to continue its existing uses.
9. Such further and other grounds as the Appellant may advise.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:

**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality?

YES NO

Are there other planning matters related to this appeal?

YES NO

(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

It is estimated that at least two expert witnesses will be required and that there will be approximately three other witnesses.

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):

The expert witnesses are expected to be a land use planner and an appraiser.

Do you believe this matter would benefit from mediation?

YES NO

(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference?

YES NO

(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? The nature of the appeal which is based upon general areas and not specific properties requires that there be the ability for the parties to consider resolution through mediation and a prehearing conference.

Part 9: Other Applicable Information **Attach a separate page if more space is required.

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.