

**Goodmans**<sup>LLP</sup>

OFFICE OF THE CITY CLERK	
AUG 10 2015	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION _____	

Barristers & Solicitors  
Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.ca

Direct Line: 416.597.4136  
mnoskiewicz@goodmans.ca

August 10, 2015

Our File No.: 063930

**DELIVERED BY EMAIL AND COURIER**

The Clerk, City of Hamilton  
71 Main Street, West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Sirs/Mesdames:

**Re: Notice of Appeal pursuant to Section 34(19) of the *Planning Act*  
City of Hamilton Zoning By-law No. 15-173  
Amendments to Hamilton Zoning By-law No. 05-200**

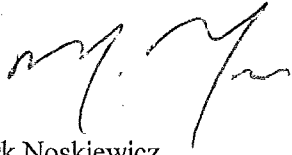
We are solicitors for Multi-Area Developments Inc. ("Multi-Area"), the owner of parcels of land outlined in the attached submission letter provided to the City Clerk's Office on July 6, 2015 (the "**Submission Letter**"). These lands outlined in the Submission Letter form part of the "Elfrida Node", identified by GRIDS, the City's Growth Related Integrated Development Strategy, as the recommended urban boundary expansion area for the City of Hamilton.

We have received notice indicating that the City of Hamilton Council, on July 10, 2015, has passed Zoning By-law No. 15-173. Pursuant to section 34(19) of the *Planning Act*, Multi-Area is hereby appealing Zoning By-law No. 15-173 to the Ontario Municipal Board.

As noted in the Submission Letter, lands within the Elfrida Node are currently the subject matter of appeals of the Rural and Urban Hamilton Official Plans. Given that these appeals are still outstanding and the lands under appeal within the Elfrida Node may form part of an expanded urban boundary, it is our client's position that it is premature to change the zoning designation for these lands. Although our client has expressed that lands within the Elfrida Node should not change until the above-mentioned appeals have been resolved, Zoning By-law No. 15-173 inappropriately rezones our client's lands and other lands within the Elfrida Node. Accordingly, please find enclosed the Appellant Form, along with a cheque in the amount of \$125.00, representing our client's appeal fee.

Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to read 'Mark Noskiewicz', written over a horizontal line.

Mark Noskiewicz  
MRN/jbh

Encl.

cc: Multi-Area Developments Inc.

6479974.2



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.elto.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)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
	<input type="checkbox"/> Failed to make a decision on the application within 120 days	34(11)
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	38(4)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	17(24) or 17(36)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	17(40)
Interim Control By-law	<input type="checkbox"/> Appeal a decision	22(7)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	51(39)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	51(43) or 51(48)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	51(34)
Official Plan or Official Plan Amendment	<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)
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**

Elfrida Node: Generally bounded by Mud Street, Second Road and Hendershot Road on the east, Golf Club Road on the south, Trinity Church Road on the west, and the existing urban boundary (west side of Centennial Parkway) on the north.  
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of Hamilton

**Part 3: Appellant Information**

First Name: Steve Last Name: Spicer

Multi-Area Hamilton Developments Inc.  
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: spicer@multi-area.com  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905 664 2623 Alternate Telephone #: \_\_\_\_\_

Fax #: 905 662 8401

Mailing Address: 301 Fruitland Rd #10 Stoney Creek  
Street Address Apt/Suite/Unit# City/Town  
Ontario L8E 5M1  
Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: \_\_\_\_\_  
(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: Mark Last Name: Noskiewicz

Company Name: Goodmans LLP

Professional Title: \_\_\_\_\_

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

Daytime Telephone #: 416 597 4136 Alternate Telephone #: \_\_\_\_\_

Fax #: 416 979 1234

Mailing Address: 333 Bay Street Suite 3400 Toronto  
Street Address Apt/Suite/Unit# City/Town  
Ontario M5H 2S7  
Province Country (if not Canada) Postal Code

Signature of Appellant:  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)

Zoning By-law Amendment No. 15-137, passed by City of Hamilton Council on July 10, 2015

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)

Please see cover letter

**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.

[Empty box for explanatory note]

**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)

[Empty box for OMB Reference Number(s) and/or Municipal File Number(s)]

