



August 10, 2015

The Clerk
City of Hamilton
City Hall, 1st Floor
71 Main Street West
Hamilton, ON L8P 4Y5

**Re: Appeals under s. 51(39) of the *Planning Act* by Silverwood Homes Inc.
(i) Rural Zoning By-Law No. 15-173**

We are agents for Silverwood Homes Ltd. ("**Silverwood**"), owners of lands legally described as Part of Lot 11, Concession 4 (the "**Silverwood Lands**"), in the City of Hamilton (the "**City**"), in the former Town of Flamborough. The Silverwood Lands are comprised of approximately 32 hectares (City File No. 25T-201306) and are located in the northwest corner of Waterdown.

Please accept this correspondence as Silverwood's Notices of Appeal of the new Rural Zoning By-Law No. 15-173 as it relates to the subject lands to the north of the urban boundary zoned P7 and P8 as shown on Map 61.

REASONS FOR THE APPEALS

The following are further reasons in support of the appeals herein, which can be summarized as follows:

1. No new buildings or structures are permitted within the P7 and P8 Zones.
2. The Flamborough Zoning By-Law No. 90-145-Z designates the subject lands "Agricultural" ('A') Zone which permits a single detached dwelling.

In satisfaction of the Board's filing requirements, attached please find the Appellant Form (A1) duly executed in respect of the appeal herein, together with a certified cheque (in the amount of \$125.00) made payable to the Minister of Finance representing the Board's filing fees for this appeal.

We ask that this new appeal be forwarded to the Board as soon as possible. In the interim, kindly acknowledge the receipt and sufficiency of this correspondence and advise that the appeals has been forwarded to the Board.

Thank you for your attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Karl Gonnens', with a long horizontal stroke extending to the left.

Karl Gonnens, P.Eng, M.C.I.P., R.P.P

cc: Jack Nesbitt



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) |
| 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(36) |
| | <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

111 Parkside Drive, Part of Lot 11, Concession 4
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of Hamilton

Part 3: Appellant Information

First Name: Jack Last Name: Nesbitt
Silverwood Homes Ltd
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Professional Title (if applicable): President
E-mail Address: N/A
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 1-708-887-2665 Alternate Telephone #: _____
Fax #: 1-705-667-7664

Mailing Address: 410 Industrial Drive Unit C Milton

Street Address Apt/Suite/Unit# City/Town
Ontario _____

Province Country (if not Canada) Postal Code
L9T 5A6

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. 26 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: Kari Last Name: Gonnsen
Company Name: Metropolitan Consulting Inc.
Professional Title: President M.C.I.P., R.P.P., P.Eng
E-mail Address: kgonnsen@metrocon.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-637-2920 Ext. 227 Alternate Telephone #: _____
Fax #: 905-637-3268

Mailing Address: 4450 Paletta Court Burlington

Street Address Apt/Suite/Unit# City/Town
Ontario _____

Province Country (if not Canada) Postal Code
L7L5R2

Signature of Appellant: _____ Date: _____

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 No. 15-173

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 Zoning By-Law does not permit new buildings or structures within the P7 and P8 Zone.

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)

Draft Plan of Subdivision 25T-201306 (to the south of the Subject Lands)

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?
Two

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

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 matter might settle

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

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| -please see letter attached regarding notice of appeal |
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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.**