

210 Calvin Street, Ancaster

Ontario Land Tribunal appeal update

August 2024

An appeal to the Ontario Land Tribunal (OLT) for Urban Hamilton Official Plan Amendment application UHOPA-20-013 and Zoning Bylaw Amendment application ZAC-20-017 for lands located at 210 Calvin Street has been submitted by SGL Planning and Design Inc. on behalf of 1541189 Ontario Inc.

Councillor Cassar discussed the appeal at the August 16, 2024 Council meeting, and you can watch the clip of his helpful summary [at this link](#).

The developer's decision to end engagement in the planning process with the City and instead appeal directly to the OLT for approval means that **City Council no longer has any say in the outcome of this appeal as this application is now a legal matter. City lawyers will defend the City's opposition at the OLT going forward.**

However, the Ward 12 office strongly encourages residents to make your voice heard at the Provincial Tribunal by applying for "Participant Status" at the OLT. Participant status allows you to:

- send the Tribunal a written submission with your concerns
- listen in to the virtual hearings (similar to a zoom meeting),
- be added to the Tribunal's mailing list for updates and decisions

Participant Status does not allow you to take part in or speak at the hearings. Only the lawyers who have Party Status are permitted to speak. In the past, citizens could apply for Party Status but through the Province's recently passed Bill 185, the Ford government has removed third party appeal rights meaning citizens can no longer appeal.

For some historical context: In May 2024, before the passing of Bill 185 in June 2024, the Province heard delegations from interested parties to the Standing Committee on Finance and Economic Affairs at Queen's Park, and Councillor Cassar moved a motion that the City's Acting General Manager of Planning and Economic Development, Steve Robichaud, appear before the committee and outline the City's concerns with the proposed Bill 185. You can watch Acting GM Robichaud's presentation [at this link](#). The City had/has several major concerns with Bill 185, and one was the Government's

intention to remove third party appeals. However, despite his and others' delegations, the Province proceeded with the removal third party appeal rights.

This means citizens may only send a written submission to the Tribunal outlining their concerns. Nevertheless, you are encouraged to do so by filling out the [Participant Status Request Form and Participant Statement Form](#) and sending it to OLT case manager [Leeann.Situ@Ontario.ca](mailto:Leeann.Situ@Ontario.ca). OLT case number and hearing date details are [here](#).

You will find useful information in the report and appendices on the August 13, 2024 Planning Committee agenda which you can read at item 9.2 [at this link](#). Please note that this was only an information report and there was no vote associated with it as the City is already a Party in this appeal. You will see from the information report the many concerns the City has with this application.

Additional studies, submissions and reports can be found in the file that the City has made publicly available at [this link](#). The password is CalvinStreet.

Again, Councillor Cassar encourages everyone to fill out the Participant Request and Statement Form, send your comments, and make sure you tune in to the upcoming Case Management Conference on September 6, 2024 and the meetings and hearing that will follow.

Thank you,

Councilor Cassar and the Ward 12 team

