



Ontario Municipal Board
 Commission des affaires municipales de l'Ontario
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
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 FAX: (416) 326-5370
www.omb.gov.on.ca

APPELLANT FORM (A1)

PLANNING ACT – Bill 51

(SUBMIT TO MUNICIPALITY/APPROVAL AUTHORITY)

Receipt Number (OMB Office Use Only):

OFFICE OF THE CITY CLERK

Date Stamp - Appeal Received by Municipality

MAR 30 2010

REC'D BY: _____ DATE: _____
 REF'D TO: _____ DATE: _____
 REF'D TO: _____ DATE: _____
 REF'D TO: _____ DATE: _____

ACTION: _____

Instructions:

- Complete one form for each type of appeal you are filing.
- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- Submit your completed appeal form(s) and filing fee(s) to either the Approval Authority or Municipality, as applicable, by the required filing deadline. The Approval Authority/Municipality will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- Please print clearly throughout the appeal form.
- The *Planning Act* and the *Ontario Municipal Board Act* are available at www.omb.gov.on.ca.

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	<input type="checkbox"/> Appeal a decision or conditions imposed	53(19)
	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law/Amendments	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input checked="" 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 application within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
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

56 Governor's Road
Address and/or Legal Description of property subject to the appeal:
Municipality: Hamilton (former Dundas)

Part 3: Appellant Information

First Name: _____ Last Name: _____
St. Joseph's Villa (c/o Paul O'Krafka, CEO)
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Professional Title (if applicable): _____
E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905.627.3541 Alternate Telephone #: _____
Fax #: 905.628.0825
Mailing Address: 56 Governor's Road, Hamilton (former Dundas)
Street Address Apt/Suite/Unit# City/Town
Ontario L9H 5G7
Province Country (if not Canada) Postal Code
Signature of Appellant: _____ Date: _____

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: Scott Last Name: Snider
Company Name: Turkstra Mazza Associates
Professional Title: Barrister & Solicitor
E-mail Address: ssnider@tmalaw.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.
Daytime Telephone #: 905.529.3476 Alternate Telephone #: _____
Fax #: 905.529.3663
Mailing Address: 15 Bold Street, Hamilton
Street Address Apt/Suite/Unit# City/Town
Ontario L8P 1T3
Province Country (if not Canada) Postal Code
Signature of Appellant:  Date: March 20, 2010

(continued on next page...)

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: 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 Application – City File No.: ZAC-08-069

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 8 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: OCTOBER 31ST, 2008
(If application submitted on or after January 1, 2007 please use the OMB1 '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 8 or attach a separate page.

To change the zoning on a portion of the subject lands from Public and Private Service (PPS/S-90) and (PPS-FP) zones, High Density Multiple Dwelling (RM4/S-62) Zone and Open Space – Conservation (OS) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified. To also change the zoning on another portion of the subject lands from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones, High Density Multiple Dwelling (RM4/S-62) Zone and Open Space – Conservation (OS) Zone to the High Density Multiple Dwelling (H-RM4) Holding Zone, Modified and to change the zone on another portion of the lands from the Public and Private Service (PPS/S-90) and (PPS-FP) Zones and Single-Detached Residential (R1-FP) Zone to the Conservation/Hazard Land (P5) Zone, to permit a 10 storey, 120 unit apartment building on the south side of the property and a 10 storey, 88 unit apartment building with commercial uses on the north side of the property for lands located at the corner of Governor's Road and Oglivie Street, Hamilton (former Dundas).

Part 6: 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

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

(Please Print)

Official Plan Amendment Application – City File No.: OPA-08-015 (appealed under separate cover)

Part 7: 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: 4 weeks

How many witnesses do you expect to have at the hearing? Unknown

Describe witness(es)' area of expertise: Planning, Architectural, Engineering, Traffic, Environmental and other

Do you believe this matter would benefit from mediation? YES NO

Do you believe this matter would benefit from a Prehearing Conference? YES NO

If yes, why? A detailed issues list is required to specifically identify issues required for adjudication by the Board.

Part 8: Other Applicable Information **Attach a separate page if more space is required.

Part 9: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: Certified cheque * Money Order

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.

*Or Solicitor's general or trust account cheque.