

Thursday, March 21, 2023

**Ministry of Municipal Affairs and Housing**

Provincial Land Use Plans Branch  
13th Floor, 777 Bay St  
Toronto, ON M7A 2J3 Canada

**RE: ERO File No: 019-8273  
Get it Done Act, 2024 – Amending the Official Plan Adjustments Act, 2023**

---

On behalf of the Upper West Side Landowners Group (UWSLG) (formerly Twenty Road West Landowners Group), Corbett Land Strategies Inc. (CLS) wishes to submit this letter in response to the Ministry of Municipal Affairs and Housing regarding the *Get It Done Act, 2024*. The UWSLG own lands within the block of Twenty Road West, Upper James Street, Dickenson Road West and Glancaster Road, located within the City of Hamilton.

It is understood that ERO File No. 019-8273 is to reinstate municipally requested modifications to Official Plans for cities including Hamilton. UWSLG wishes to submit the following in response to the ERO as well as for consideration of future policy changes.

**Subject Lands**

The UWSLG is committed to delivering a complete community consisting of infill housing opportunities on non-prime agricultural lands which are fully surrounded by the existing urban boundary. The community offers the City a strategic opportunity to deliver affordable housing and key development funded infrastructure (e.g. Garth Street extension) necessary to support the Subject Lands as well as the AEGD Employment Lands. The envisioned community features approximately 5,400 to 7,000 residential units with approximately 5 acres of land (approximately 500 to 600 units) committed to affordable housing providers including Indwell. The development of the Subject Lands will result in approximately 4 to 5 million square feet of employment space. Through supporting work, the UWSLG have assessed that the community concept will garner over \$327 million in development charge revenues and \$24.9 million in building permit revenues. Moreover, the community will generate approximately \$21.7 million in **net** fiscal revenues **annually**.

Following the Minister's decision on OPA No.167 (November 4, 2022), the UWSLG endeavored to update the land use disposition of the subject lands for the purposes of establishing a complete community. As part of these efforts, the UWSLG completed a formal consultation, conducted multiple public consultation events, advanced an overarching Terms of Reference, completed an exhaustive list of supporting and technical studies and submitted an Official Plan Amendment application to permit a Secondary Plan (UWS Secondary Plan) on the subject lands (November 2023).

## Background

The Planning Statute Law Amendment Act, 2023 (Bill 150) was passed by Legislature on December 5, 2023 which reversed decisions on Official Plans for municipalities including Hamilton. Bill 150 wound back previous ministerial changes including previous changes associated with urban boundaries. Following its implementation, the Minister requested municipalities submit comments and feedback relating to policies which Bill 150 may have removed but which achieve their goals or vision for growth.

The City of Hamilton submitted feedback requesting that the Official Plan be returned to its Council decision on Official Plan Amendment No.167 and No.34. Further, the City requested that any modifications to the urban boundary, intensification and greenfield density targets, employment area conversions, community node policies, neighbourhood policies and height limitations be returned. Upon receiving Royal Assent, Bill 150 implemented all of these requested changes. Please note, as Bill 162 is not proposed to change the modifications established through Bill 150, the UWSLG have outstanding concerns with the City's ability to achieve its growth targets to 2051 and submit the following as a reminder to the Ministry for its consideration:

- In May 2022, Urban Hamilton Official Plan Amendment No. 167 (Urban) and Rural Hamilton Official Plan Amendment No.34 (Rural) were adopted by City Council. The approval of the amendments by Council achieved the Council direction of a "No Urban Boundary Expansion" growth strategy which ran counter to the recommendation put forth by City Staff, City Consultant and Peer Reviewer. The "No Urban Boundary Expansion" decision was made in opposition to technical recommendations on Land Needs and was confirmed to be not Growth Plan compliant. Further, the following was provided to Council at the time of the approval:
  - City Staff, the City's consultant, Lorus & Associates, and retained Peer Reviewer, all agreed that an urban boundary expansion was required to accommodate the City's population target to 2051 and that an 'Ambitious Scenario' growth strategy, resulting in approximately 1,310 hectares, was appropriate.
  - That a "No Urban Boundary Expansion" growth strategy would require nearly 80% of all new households to be accommodated within apartment units, including families, whereas historically the City of Hamilton has only ever achieved 40%.
  - That the "No Urban Boundary Expansion" requires a generational housing turnover to occur which is not anticipated to happen until around 2040 and will not generate enough units to satisfy all of the demand for ground-related housing to 2051. Instead, it would lead to speculation at the urban fringe and poorly-planned incremental expansions into the rural area.
  - That the "No Urban Boundary Expansion" option was previously considered and that further consideration was to be precluded as it was found to not meet the

requirements of a market-based housing supply under the Provincial LNA methodology.

- That the Ministry of Municipal Affairs previously advised that the draft LNA (for the Ambitious Density Scenario) conformed to the Growth Plan and that it supported the minimum density and intensification targets established for the City of Hamilton.

### **Future Policy Changes**

In accordance with the above, further legislation changes are recommended to ensure the City of Hamilton achieves conformity with the Growth Plan including that sufficient land is established within the urban boundary to ensure it's ability to achieve its growth related targets.

Although not directly related to Bill 162, the following comments have been provided for further consideration in future amendments:

1. The Province should consider maintaining provincially established density and intensification targets (despite MCR removal) as they may otherwise create further delays in achieving housing targets or other intended and unforeseen consequences;
2. The Province should remove Provincially Significant Employment Zones (PSEZ) overlay (as proposed);
3. The Province should allow first-party appeal rights on Employment Area conversions, subject to the satisfaction of 'tests' outlined in proposed policy 2.8.2.4.
4. The Province should build upon existing noise and airport policies established by Provincial or Federal governments to require strict Official Plans compliance; and,
5. The Province should incorporate language explicitly permitting privately initiated Secondary Plan.

### **Conclusion**

As set out above, it is understood that the purpose of ERO 019-8273 is to receive feedback on the modifications to Official Plans proposed by Bill 162, none of which are proposed for the City of Hamilton. However, it is put forth that the reversal of the Hamilton Official Plan, in accordance with Bill 150 and now to be re-confirmed through the proposed Bill 162, contravenes Provincial legislation as conformity and consistency is not possible through the "No Urban Boundary Expansion" growth strategy. Rather, the Ministry should be implementing modifications which facilitate an expansion of the urban boundary or require that the Municipality sufficiently demonstrate the achievement of its population and housing targets through its adopted "No Urban Boundary Expansion" growth strategy.

As mentioned, the submitted Secondary Plan application for a complete community which consists of approximately 5,000 to 7,500 residential units of which 500 to 600 will be affordable and approximately 4 to 5 million square feet of employment space. The submission and processing of the application, which is currently under way, is only possible should the Minister consider the full implications brought on by the City's current Official Plan, which is maintained through Bills 150 and 162.



Should there be any questions or a need for further information, feel free to reach out to the below.

Sincerely,

*John Corbett*

---

**John B. Corbett, MCIP, RPP**  
President  
Corbett Land Strategies Inc.  
[john@corbettlandstrategies.ca](mailto:john@corbettlandstrategies.ca)  
416-806-5164