

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 17, 2026

CASE NO(S).: OLT-24-000748
OLT-25-000591
OLT-25-000613

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Appellant: Upper West Side Landowners Group Inc.
Subject: Request to amend the Official Plan –
Failure to adopt the requested amendment
Description: Applications for the purposes of Urban
Boundary Expansion
Reference Number: UHOPA-20-018
Property Address: Various Addresses (9285, 9445, 9511,
9625 and 9751 Twenty Road West and
555 Glancaster Road, Glanbrook (Ward
11))
Municipality/UT: Hamilton/Hamilton
OLT Case No: OLT-24-000748
OLT Lead Case No: OLT-24-000748
OLT Case Name: Upper West Side Land Owners Group Inc.
v Hamilton (city)

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Subject: Request to amend the Official Plan –
Failure to adopt the requested amendment
Reference Number: UHOPA-20-019
Property Address: Various Addresses (9285, 9445, 9511,
9625 and 9751 Twenty Road West and
555 Glancaster Road, Glanbrook (Ward
11))
Municipality/UT: Hamilton/Hamilton
OLT Case No: OLT-24-000749
OLT Lead Case No: OLT-24-000748

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Reference Number:	UHOPA-20-020
Property Address:	Various Addresses (9285, 9445, 9511, 9625 and 9751 Twenty Road West and 555 Glancaster Road, Glanbrook (Ward 11))
Municipality/UT:	Hamilton/Hamilton
OLT Case No:	OLT-24-000750
OLT Lead Case No:	OLT-24-000748

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Elfrida Community Builders Group
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To facilitate the inclusion of the subject lands in the City's urban boundary expansion
Reference Number:	UHOPA-25-007
Property Address:	Elfrida Area Lands
Municipality/UT:	Hamilton/Hamilton
OLT Case No.:	OLT-25-000591
OLT Lead Case No.:	OLT-25-000591
OLT Case Name:	Elfrida Community Builders Group Inc. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Elfrida Community Builders Group
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To facilitate the inclusion of the subject lands in the City's urban boundary expansion
Reference Number:	RHOPA-25-008
Property Address:	Elfrida Area Lands

Municipality/UT:	Hamilton/Hamilton
OLT Case No.:	OLT-25-000602
OLT Lead Case No.:	OLT-25-000591

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Whitechurch Landowners Group Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To implement an expansion of the City of Hamilton's Urban Boundary and to establish site specific policy for the White Church Urban Expansion Area
Reference Number:	UHOPA-25-004 & RHOPA-25-005
Property Address:	White Church Urban Expansion Area
Municipality/UT:	Hamilton/Hamilton
OLT Case No.:	OLT-25-000613
OLT Lead Case No.:	OLT-25-000613
OLT Case Name:	Whitechurch Landowners Group Inc. v. Hamilton (City)

Heard:	April 13-May 1, 2026, by video hearing Final Transcripts received May 29, 2026
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APPEARANCES:

Parties

City of Hamilton

Upper West Side Landowners Group Inc.

Elfrida Community Builders Group Inc.

Counsel

Kim Mullin
David Germain
Jaikaran Goraya

Ira Kagan
Sarah Kagan
Joel Farber (*in absentia*)
Matthew Rutledge (*in absentia*)

Joe Hoffman
Robert Howe

Whitechurch Landowners Group Inc.	Patrick Harrington Matthew Helfand Jasmine Fraser
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DiCenzo Golf Club Road Holdings Inc., Highland Road (Elfrida) Holdings Inc., Crossroads (Rymal and Upper Centennial) Holdings Inc.	Russell Cheeseman Stephanie Fleming
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DECISION DELIVERED BY ERIC S. CROWE AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] This proceeding concerns three appeals arising from the City of Hamilton's ("City") failure to make decisions on applications to amend the Urban Hamilton Official Plan ("UHOP") and Rural Hamilton Official Plan ("RHOP") for the purposes of Urban Boundary Expansion ("UBE") pursuant to s. 22(7) of the *Planning Act* ("Act"). The matter proceeded as a 15-day hearing involving common Residential Land Need Issues raised in the following appeals:

- a. OLT-24-000748, Upper West Side Landowners Group Inc. ("UWSLG");
- b. OLT-25-000591, Elfrida Community Builders Group Inc. ("Elfrida"); and
- c. OLT-25-000613, Whitechurch Landowners Group Inc. ("Whitechurch").

[2] For the purposes of this decision, UWSLG, Elfrida and Whitechurch are collectively referred to as the "Landowners Groups" or the "LOG". DiCenzo Golf Club Road Holdings Inc., representing Highland Road (Elfrida) Holdings Inc., and Crossroads (Rymal and Upper Centennial) Holdings Inc. was also added as a Party as their lands lie in the geographic area that has been identified in this Hearing as the Elfrida Lands.

[3] Prior to the Provincial Planning Statement, 2024 ("PPS 2024"), landowners and stakeholders had very limited ability to initiate a transition of lands from RHOP to UHOP (i.e., bring lands into the City's Urban Boundary). Under the former Growth Plan and 2020 PPS, an Urban Boundary expansion generally occurred through a Municipal Comprehensive Review process ("MCR") initiated by City Council, with very limited exceptions. Council's decisions on whether to expand the Urban Boundary were not appealable.

[4] The City filed a Motion to have the five common Residential Land Need Issues raised in the UWSLG, Elfrida and Whitechurch appeals be heard together, but not consolidated, as a first phase of the hearing. The Tribunal granted the Motion and directed that the common Residential Land Need Issues proceed together.

[5] As per the Motion Order, the hearing was divided into two parts so that the case with respect to the Residential Land Need Issues shall be dealt with at the commencement of this hearing ("Part One Hearing Together"). The remaining issues in OLT-24-000748, OLT-25-000591 and OLT-25-000613 are to be addressed in separate subsequent hearings (the "Part Two Hearings"). The Motion Order further provided that the Part Two Hearings need not await a decision of the Tribunal with respect to the Part One Hearing Together. None of the Parties to any of the OLT-24-000748, OLT-25-000591, and OLT-25-000613 appeals, except for the City, are Parties to any of the other appeals.

[6] As per the Case Management Conference ("CMC") Order, Part One Hearing Together is not to consider the relative merits of any proposed urban boundary expansion to another. The findings and decision of the Tribunal with respect to the Residential Land Need Issues shall be binding for the purposes of OLT-24-000748, OLT-25-000591, and OLT-25-000613.

[7] As per the CMC Order, no Party in any Part Two Hearing shall be permitted to, directly or indirectly, attempt to vary the evidence put forth by such Party during the Part One Together Hearing, or in any way challenge the decision of the Tribunal on the Residential Land Needs Issues during any Part Two Hearing. Likewise, no Party in the hearings of the OLT-25-000591 or OLT-25-000613 appeals shall be permitted to, directly or indirectly, attempt to vary the evidence put forth by such Party during the Part One Hearing Together, or in any way challenge the decision of the Tribunal on the Residential Land Needs Issues during any Part Two Hearing.

[8] A municipality's Settlement Area (often referred to as its "Urban Boundary") is the area designated in its official plan for long-term growth and development. Lands within the City's Settlement Areas are generally governed by the Urban Hamilton Official Plan ("UHOP"). Lands outside the City's Settlement Areas are generally governed by the Rural Hamilton Official Plan ("RHOP").

[9] Section 2.3.2 of the PPS 2024 (New Settlement Areas and Settlement Area Boundary Expansions) now contemplates privately initiated UBE applications, outside the Greenbelt Areas. Such applications can be pursued at any time. Section 2.3.2 of the PPS 2024 identifies the tests that must be satisfied for a proposed new settlement area or settlement area boundary expansion to be approved. Only section 2.3.2.1(a) is being raised as part of this Phase 1 proceeding. The remaining policy requirements will be addressed, where necessary, in the respective Part Two Hearings.

[10] For the reasons set out below, the Tribunal finds that there is a need to implement an expansion of the City's Urban Boundary Expansion of at least 1600 gross developable hectares ("ha"). The Tribunal further finds that such additional land is required to achieve a planning outcome that has appropriate regard for the applicable matters of provincial interest set out in s. 2 of the Act, is consistent with the PPS 2024, constitutes good land use planning and is in the public interest. As outlined above, while the Tribunal finds the need for at least 1,600 gross developable ha of additional urban

land, the identification of the specific lands that should satisfy that need and the appropriateness of any individual proposed expansions is for the Part Two Hearings.

BACKGROUND

[11] The City, between 2001 and 2025, explored in detail a range of growth management options that included UBE's. The City has through the Growth Related Integrated Development Strategy ("GRIDS") and GRIDS 2 processes carried out detailed, technical reviews of growth management options, integrated with the development of infrastructure master plans, to serve the City initially until 2031 (GRIDS) and then to 2051 ("GRIDS 2"); and, identified both through GRIDS and GRIDS 2 a range of growth management options which involved a variety of levels of potential intensification / redevelopment as well as UBE's.

[12] The UBE was required to ensure sufficient land was available to accommodate market demand for all housing types including ground-related housing (single/semi-detached housing), row houses, and apartments. After the conclusion of the GRIDS 2 process the City staff recommendations as outlined in staff reports in March 2021 (Report PED17010(i)) and November 2021 (Reports PED1710(o) and PED17010(n)) an UBE was required to accommodate residential growth to 2051. The principal policy choice for Council would be the intensification target (e.g., 40%, 50%, 60%).

[13] The November City Staff reports made recommendations for a UBE even after Council in March 2021 directed City staff and consultants to undertake further modelling and evaluation in particular an examination of the No Urban Boundary Exception (NUBE) alternative. The November recommendation was based on the results of a range of updated/additional technical analyses including the *City of Hamilton Land Needs Assessment to 2051 – Technical Working Paper*, March 2021 and *Addendum* October 2021, by Lorus and Associates, as well as a peer review of that study and a review of fiscal considerations (GRIDS 2: Ambitious Density vs. NUBE – Fiscal

Considerations Technical Memo) by Watson & Associates Economist Ltd., October 2021.

[14] In 2021, City Council did not accept City staff's and consultant's recommendations for a UBE and adopted a NUBE strategy, implemented through OPA 167 (UHOP) and OPA 34 (RHOP). That strategy directs that most of the City's growth to 2051 to occur within the City's existing Urban Boundary, implemented through an 80% intensification target.

[15] On May 17th, 2022 the City's Planning Committee considered proposed OPA 167 to the UHOP and proposed OPA 34 to the RHOP. The two OPAs were prepared under the 2020 Provincial Policy Statement (PPS 2020) and the 2020 Growth Plan for the Greater Golden Horseshoe. Collectively, the two amendments proposed to make changes to the City's growth management framework. The key changes were:

- Time horizon: The Amendments updated the City's 30-year planning horizon from 2001-2031 to 2021-2051.
- New population and employment forecasts: The Amendments increased the City's growth forecasts, raising the City's planned population of 660,000 by 2031 to 820,000 people by 2051. The planned growth over the planning horizon increased from 150,000 people between 2001 and 2031 to 236,000 between 2021 and 2051. The employment forecasts were updated to 357,000 jobs by 2051, representing an increase of 119,000 jobs between 2021 and 2051. The previous employment forecast from 2001 to 2031 had envisioned an increase of 90,000 jobs over the forecast period between 2001 and 2031.
- New household forecast: The Amendments included a new household forecast of 332,800 households by 2051, representing an additional 110,300 new households between 2021 and 2051.

[16] The Province then modified OPAs 167/34 to include an UBE of approximately 2,200 gross ha, removed the 80% intensification target, and directed secondary planning for the new expansion areas.

[17] In November 2023, the Province introduced Bill 150, the *Planning Statute Law Amendment Act*. The Bill proposed to reverse decisions that the Minister made in 12 municipalities, including the decision on the City's OPAs 167 and 34. As a result, the expansions were deemed never to have occurred. As a result of Bills 150 and 162, the growth management framework outlined in OPA 167 and 34 came into full force and effect retroactively as of November 4, 2022. Following Bills 150 and 162, the Province issued a new PPS 2024. The PPS 2024 effectively replaced the Growth Plan for the Greater Golden Horseshoe and the 2020 PPS. The PPS 2024 introduced a new policy framework to allow for UBE's to occur outside of the official plan review and new MCR window. While the Growth Plan did allow for this possibility, it was restricted to expansions of 40 ha or less.

[18] Following the changes to the PPS 2024, the City received two urban boundary applications in 2025, one for Elfrida and a second for the Whitechurch lands. The UWSLG application was submitted as three separate applications under the Growth Plan in August 2020, prior to the completion of the City's MCR and adoption of OPA 167 and OPA 34.

ORDER OF EVIDENCE AND WITNESS

[19] The Tribunal has the benefit of testimony from ten witnesses. All experts were duly qualified to provide expert opinion evidence in their noted field. This decision includes oral testimony and material found in the various expert witness statements and reply witness statements with such added minor corrections as required and noted during their oral evidence. The witnesses are as follows:

For the City:

1. Paddy Kennedy, Land Use Planning; and;
2. Russell Matthew, Land Economics

For the Landowners Group (LOG):

3. Antony Lorus, Land Economics;
4. Daryl Keleher, Demographic Forecast and Fiscal Impact;
5. Matthew Cory, Land Economics;
6. Craig Ferguson; Land Economics;
7. Daniel Bailey; Land Economics;
8. Emma West; Land Use Planning;
9. Elizabeth Howson; Land Use Planning; and
10. John Corbett; Land Use Planning.

[20] The Tribunal notes that the City witness, Paddy Kennedy (Land Use Planning), and Whitechurch witness, Daniel Bailey were qualified as experts for the first time before the Tribunal.

THE UBE AREA

[21] The UWSLG lands are located east of Glancaster Road, south of Twenty Road West, west of Upper James Street, and north of Dickenson Road West. The lands have:

- i) Total Area: 110.7 hectares (ha);
- ii) Gross Developable Area: 104.75 ha; and,
- iii) Proposed Units: +/- 4,200 residential units
- iv) Estimated Population: +/- 10,200 persons

[22] The Elfrida lands are generally located east of Upper Centennial Parkway and Trinity Church Road, south of Mud Street East, west of Second Street East and Hendershot Road, and north of a hydro corridor and Golf Club Road. The Elfrida UBE lands have:

- i) Total Area: 1,209 ha;
- ii) Gross Developable Area: 1,131 ha;
- iii) Proposed Units: not available; and,
- iv) Estimated Population: +/- 114,900 persons.

[23] The Whitechurch lands have a rectangular configuration which generally reflects the historic concession lot pattern. The lands are located directly east of the City's Urban Boundary, southeast of the John C. Munro Hamilton International Airport (Airport) and east of the Mount Home community. The Whitechurch lands are located east of Upper James Street, south of Airport Road East, west of Miles Road, and north of White Church Road East:

- (i) Total Site Area: 364.37 ha;
- (ii) Gross Developable Area - excluding Pipeline and Natural Heritage System: 340.21 ha;
- (iii) Net Land Area - excluding Stormwater Management facilities, Pipeline, NHS and Right of Ways: 292.42 ha;

AGREED STATEMENT OF FACTS (ASF)

Land Use Planning

[24] There was a consensus between the Land Use Planning experts, Paddy Kennedy (City), John Corbett (UWSLG), Emma West (Elfrida) and Elizabeth Howson (Whitechurch), in which they provided an "Agreed Statement of Facts" ("ASF") on

several points including the land chronology.

Land Economics

[25] There was a consensus between the Land Economic experts, Russell Matthew (City), Daniel Bailey (UWSLG), Craig Ferguson (Elfrida) and Daryl Keleher (Whitechurch), in which they provided an “Agreed Statement of Facts” on several points including the *Projection Methodology Guideline 1995* (“PMG”) is the land needs assessment methodology currently being used for this matter. In addition, a gross net developable area conversion factor of 50% is assumed, where gross is the gross developable area and net is the area of the freehold or condominium residential or mixed use including residential lots after subdivision.

POSITION OF THE PARTIES

[26] The main questions to be determined are is an UBE warranted? If so, how much land is needed? What population projection should be used: the Ontario Population Projections by the Ministry of Finance (“MOF”) for 2025 or the City’s 2019 UHOP Schedule 3, Growth Plan Population forecast.

Land Owners Group (LOG)

[27] The LOG submit the Ontario Population Projections by the MOF for 2025 identify a projected population for the City of **853,130 people by 2051**. This represents an additional **33,130 people** compared to the 2019 Growth Plan forecast.

[28] The LOG requests the Tribunal to find that there is a need to add to the City’s urban boundary to accommodate residential growth to 2051 and that need is at least as large as the area of the land comprising the three applications (Whitechurch, Upper West, and Elfrida) that are the subject of this hearing, **1,440 gross developable ha**

which constitutes good planning.

City

[29] The City requests the Tribunal to uphold NUBE by deferring a decision on the City's urban boundary to a future municipal planning process. In the alternative, if the Tribunal does not accept the City's primary position, then Tribunal should make a determination of the amount of residential land that is required. The City assert if the Tribunal decides land needs to be added then it should only be to the amount Mr. Matthew calculates **1060 gross developable ha**. The Tribunal should continue to use the City's current UHOP schedule 3 to the Growth Plan population forecast of **820,000 population in 2051**. In closing submission, the Counsel for the City advised should the Tribunal find that the appropriate population is the 2025 MOF forecast of 853,000, then the Tribunal should find, in accordance with Mr. Matthew's alternate scenario, that the City's residential land need to 2051 is **1,220 gross developable ha**.

PROVINCIAL POLICY STATEMENT 2024

Grids and Grids 2

[30] The City, between 2001 and 2025, explored in detail a range of growth management options that included UBE's. Through the Growth Related Integrated Development Strategy (GRIDS) and GRIDS 2 processes carried out detailed, technical reviews of growth management options, integrated with the development of infrastructure master plans, to serve the City initially until 2031 (GRIDS) and then to 2051 (GRIDS 2) and, identified both through GRIDS and GRIDS 2 a range of growth management options which involved a variety of levels of potential intensification / redevelopment as well as UBE's.

[31] The Tribunal will not delve into the decision-making process of the City in regards to GRIDS and GRIDS 2 Growth Plan (as explained above) and as the City asserts that Council's NUBE strategy is "not on trial". The Tribunal's obligation is to render a decision that is consistent with the 2024 PPS, and the decision at issue is whether the three private UBE applications should be approved. Phase 1 exists because the three UBE appeals raise common threshold questions of policy interpretation and application.

[32] Section 2 of the *Planning Act* sets out matters of provincial interest to which the Tribunal must have independent regard. Subsection 3(5) requires the Tribunal's decision to be consistent with the policy statement in effect on the date of decision. While subsection 2.1(1) requires the Tribunal to have regard to a municipal council decision on the same matter, it also requires the Tribunal to have regard to the information and material that Council considered. Counsel for Whitechurch submits the record in this proceeding includes extensive evidence of the technical information and professional advice Council received concerning the need for an UBE.

[33] Mr. Lorus who completed the LNA analysis on the GRIDS 2 was summonsed by the LOG. Mr. Lorus's opined that using the 820,000 Growth Plan forecast and abiding by the then 2020 PPS and the Growth Plan mandatory intensification minimums, based on a 60% intensification target and identified the need for 1,340 gross ha of Community Area lands. This was his "Increased Density Scenario".

[34] Mr. Lorus proposed the increased targets scenario has approximately 1600 ha of land that would need be added, and the intensification rates also changed over the 30-year horizon, starting with 50 percent in the first ten years, went up to 55 in the middle ten years, and went up to 60 percent in the final ten years of the 30-year horizon.

[35] Through the City's GRIDS 2 process to plan for growth to 2051, City staff and its consultants did not initially present nor model the NUBE scenario. City staff reports note that the NUBE scenario would be precluded going forward as it would not satisfy

provincial requirements and the Province wrote to the City expressing its concerns with the conformity of the NUBE scenario with provincial policy and the negative impacts the NUBE scenario may have on the City.

[36] All witnesses except for Mr. Kennedy, but including Mr. Matthew, who is retained by the City, and including Mr. Lorius, who the City retained to undertake the LNA for GRIDS 2, held the opinion that the City's NUBE growth framework is not consistent with the PPS 2024, the applicable provincial policy for this hearing.

[37] As a lead City planning consultant for GRIDS 2, Mr. Kennedy's firm authored the report "How Should Hamilton Grow." In that report, Mr. Kennedy concluded that the NUBE scenario;

"does not conform to the Province's Land Needs Methodology and is unlikely to produce an outcome where the City is able to achieve its growth forecast allocated under the Growth Plan. Conformity with the Province's Growth Plan policies is a fundamental aspect of the Municipal Comprehensive Review process. Given the above, it would not be appropriate to carry [the NUBE scenario] forward and it is recommended that the City proceed with Growth Option 1 as the basis for long range planning."

[38] On whether the NUBE does comply with applicable provincial policy PPS 2024, today is a decision the Tribunal can make. The Tribunal's obligation is to render a decision that is consistent with the 2024 PPS and to ensure the UHOP is applied in a manner that is up-to-date with the 2024 PPS.

Analysis and Findings

[39] The City's position is that an UBE is not needed if the Tribunal applies the existing UHOP policies. However, the Tribunal's decision must respond to the growth management issues demonstrated on the Phase 1 record and the consequences of leaving them unaddressed.

[40] Whitechurch Counsel submits, that the City's primary policy assertion is that the in-force UHOP and NUBE strategy should have primacy over, or dictate, the Tribunal's application of the 2024 PPS. Mr. Kennedy, testified to matters such as climate change and the preservation of farmland as matters that City Council considered when it made its NUBE decision. The Counsel for the City submitted that City Council were democratic elected Council officials and had a right to make that decision.

[41] However, the Tribunal agrees with Whitechuch Counsel submission that neither the *Planning Act* nor the 2024 PPS elevates local policy in the manner the City suggests. A "no expansion" outcome that depends on treating a conflicting local policy as paramount would be directly inconsistent with the PPS 2024.

[42] Although Counsel for the City did an admirable job in defending the Council's decision for a NUBE strategy and agrees with the City's submissions that City Council members are elected officials by a democratic process, however their decisions have to be made in accordance with provincial policy and plans which in this case is now the PPS 2024 and the *Planning Act*.

[43] The PPS 2024 replaced the 2020 PPS on October 20, 2024, and the 2019 Growth Plan is no longer applicable except within the Greenbelt Plan Area. The 2024 PPS does not provide the same direction as the 2019 Growth Plan with respect to the type and location of development.

[44] The City's residential urban boundary has not been expanded in at least 25 years and the evidence has shown that the City is short of grade related housing, the vast majority of which can only be provided through a UBE.

[45] Therefore, the Tribunal finds that reliance upon the NUBE framework as the basis for determining these appeals would not result in a planning outcome that is consistent with the PPS 2024.

ISSUES

[46] For the purpose of Phase 1 of this hearing there are five Issues related to Residential Land Needs with respect to OLT- 24-000748, OLT- 25-000591 and OLT 25-000613. Issue 1 outlines which population forecast should be applied. Issues 2 through 3, speak to how much additional urban land does the City need to plan to 2051. Issues 4 and 5 relate to, would adding this land to the City's Urban Boundary constitute good planning.

ISSUES/ANALYSIS

Issue 1: Which population forecasts and methodology should be applied to the proposed urban boundary expansions (UBE) as per Section 2.1.1 & 2.1.2 of the Provincial Planning Statement, 2024?

[47] Sections 2.1.1 and 2.1.2 of the PPS 2024 read as follows:

2.1.1 *As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.*

2.1.2 *Notwithstanding policy 2.1.1, municipalities may continue to forecast growth using population and employment forecasts previously issued by the Province for the purposes of land use planning.*

[48] City Land Planner, Mr. Kennedy and City Land Economist Mr. Matthew both testified, Policy 2.1.1 and 2.1.2 of the PPS allow municipalities to choose the most appropriate population and employment forecasts to be used for the purposes of land use planning with the words in policy 2.1.1 ***may modify as appropriate.***

[49] Policy 2.1.2 goes on to elaborate further stating “notwithstanding policy 2.1.1, ***municipalities may continue to forecast growth using population and employment forecasts previously issued by the Province*** for the purposes of land use planning.

[50] According to Mr. Kennedy, and Mr. Matthew the Tribunal should continue to use the City’s UHOP total population forecast of **820,000 people in 2051**. The City’s UHOP population forecast is derived from the Province’s previously issued forecast in Schedule 3 of the Growth Plan and are therefore consistent with the direction outlined in policy 2.1.2 of the PPS 2024.

[51] The Ontario Population Projections by the MOF for 2025 identify a projected population for the City of **853,130 people by 2051**. This represents an additional **33,130 people** compared to the 2019 Growth Plan forecast.

[52] According to Mr. Kennedy and Mr. Matthew an OP review is a more appropriate time to change an OP population and employment forecast. As part of the OP review process the City will update its population, housing, and employment forecasts to align with the MOF forecasts and assess the merits of its growth management framework and make appropriate adjustments as part of its five year review cycle to ensure alignment with provincial policy. Mr. Kennedy and Mr. Matthew both assert that changing an OP forecast frequently can be costly and inconvenient for a municipality.

[53] Mr. Corbett testified Section 2.1.1 uses the word “shall” which is a mandatory expression whereas Section 2.1.2 uses the word “may” which is a discretionary expression. Section 2.1.1 is a directive to planning authorities which includes the Tribunal whereas Section 2.1.2 applies to municipalities. While all municipalities (with planning authority) are also “planning authorities”, not all planning authorities are municipalities. According to Mr. Corbett, the Tribunal stands in the shoes of the municipality on appeal in the sense that it can make a decision that the municipality failed to make, but that does not mean that the Tribunal is a ‘municipality’ for the

purpose of Section 2.1.2.

[54] Mr. Corbett testified, the PPS 2024 sits at the top of planning hierarchy and municipal planning instruments must be consistent with it. There is a new PPS 2024 in force now and the appeals are required to be consistent with that PPS, not with the UHOP or RHOP.

[55] Ms. West testified Section 2.1.2 allows the City and other Growth Plan municipalities to continue to use the Schedule 3 forecasts during a transition period, however in addressing the UBE applications before the Tribunal, the MOF Ontario Population Projections should be used.

[56] Ms. Howson testified while Section 2.1.2 gives a municipality the option of continuing to use prior provincial forecasts, in her opinion, this permission should not be relied upon by the Tribunal on an appeal when there is much more up-to-date Ministry data available as contemplated by Section 2.1.1.

[57] In Ms. Howson's opinion, section 2.1.2 should generally be interpreted as not requiring municipalities to immediately update their OP's whenever there is a new Ministry population projection available. It is not applicable in this situation where a significant analysis is being undertaken in response to three settlement area expansion applications that have been appealed to the Tribunal. In this circumstance, section 2.1.1 should be used to allow for the best possible planning result.

PMG 1995

[58] In reference to 2.1.1, the "provincial guidance" is the Projection Methodology Guideline ("PMG"). The current PMG dates from 1995. There have been two drafts to the PMG to date.

[59] Mr. Matthew asserts, the MOF Population Projections for Ontario's 49 Census Divisions are projections, not forecasts. The distinction being that projections are based on a fixed arithmetic model that, unlike a forecast, does not and cannot incorporate judgements about the ability of an area to accommodate growth or shifting patterns due to policy or servicing availability. The MOF's model emphasizes the most recent shifts in shares of migration, which often results in significant changes or fluctuations in the projections from one year to the next.

[60] Mr. Matthew contends the PMG is over 30 years old. Though its structure remains sound, and while the policy references are to long-ago specific policies, the general thrust of the policy environment remains quite similar. These include the household forecasts by tenure, the proposed use of market contingency factors and the affordability analysis as constructed.

[61] The LOG land economists agreed in their Agreed Statement of Facts that the applicable "provincial guidance", as defined by the PPS 2024, for land needs assessments is the PMG. While the document is over 30 years old and is being updated, the PMG has been applied across the province since it was issued, except where alternative methodologies applied for a period of time in municipalities subject to the Growth Plan while it was in force.

[62] The LOG experts contend the MOF 2025 population projections are a comprehensive set of projections that together total the province-wide forecasted population. These are used by provincial ministries to plan for. among other things, the number and location of hospitals, health care providers and teachers, and by school boards to plan for the number and location of schools.

Finding

[63] With respect to the specific population projections to be used to forecast growth

as part of the LNA, sections 2.1.1 and 2.1.2 of the PPS 2024 provide some flexibility in the approach to population forecasts.

[64] The Land Economist's ASF, includes the following statement:

“The Projection Methodology Guideline, 1995 is the land needs assessment methodology currently being used for this matter. If the Province releases an updated land needs assessment methodology, that updated methodology is to be applied for the purposes of the hearing.”

[65] Even though it has been acknowledged by LOG expert (Bailey) that municipalities can continue using previous population and employment forecast issued by the province, such as those under the Growth Plan, the disclaimer in new drafts of the PMG minimizes the flexibility of the forecast.

[66] Policy 2.1.2 has a discretionary “exemption” clause. Whitechurch Counsel submit Policy 2.1.2 is simply transitional. It provides municipalities temporary flexibility to avoid immediate recalculation each time the MOF forecasts are updated. The Tribunal agrees with Counsel that it does not displace the mandatory direction under Policy 2.1.1. To say that the Tribunal can borrow this temporary flexibility when it “stands in the shoes of the municipality” is a fundamentally incorrect reading.

[67] The Tribunal finds it is the planning authority under Section 2.1.1 of the PPS 2024 and is required to use the most up-to-date MOF population projections for the City. The MOF population projections which were released in 2025 is both consistent with the PPS 2024 and results in a more accurate basis for planning and growth management. The 1995 PMG promotes consistent, transparent, and replicable analysis, while using up-to-date Census data inputs.

[68] The Tribunal is persuaded by the evidence of all the LOG's Land Economists and Land Use Planners that utilization of the most up-to-date projection data is the more appropriate and conservative approach to use when considering UBE's in accordance

with section 2.3.2 of the PPS 2024. A NUBE was based on Schedule 3 Growth Plan population forecasts which have since been superseded, and is not, consistent with PPS 2024. A new LNA must be undertaken using the PMG 1995 to ensure consistency with the PPS 2024. The PPS 2024 sets out the matters that planning authorities shall consider when identifying a new settlement area or allowing a settlement area boundary expansion. The question of “need” is one of several considerations and the Tribunal finds there is a need for additional land to be added to the City’s urban area for residential purposes for the 2051 planning horizon.

[69] The Tribunal agrees with Mr. Ferguson, who testified “it is also not reasonable to rely on the Growth Plan forecasts, which were prepared over five years ago and are already significantly lower than actual on-the-ground population in the City. Using the lower Growth Plan forecasts will underestimate population and, in turn, the need for housing and land in the City.”

[70] In reference to the City’s time, cost and effort involved in master planning for populations that change, the Tribunal agrees with Whitechurch Counsel this concern is not unique and it is a fact for every municipality in Ontario that exercises planning responsibilities. This is further explained below in Issue 2 in regard to infrastructure planning and costs.

How much additional urban land does Hamilton need to plan to 2051? (Issues 2-3)

Issue 2: Is an urban expansion(s) warranted for the City of Hamilton to accommodate the appropriate range and mix of land uses to meet projected needs as per Section 2.1.3 and 2.1.4 of the Provincial Planning Statement?

Issue 3: Is there a need for additional urban land to accommodate an appropriate range and mix of land uses as per Section 2.3.2.1 a) of the Provincial Planning Statement?

[71] Section 2.1.3 of the 2024 PPS establishes that;

“At the time of creating a new official plan and each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years, informed by provincial guidance.”

[72] The LOG experts agree that the UBE Appeals do not constitute a “new official plan” or an “official plan update”. Therefore, section 2.1.3 is not, directly applicable to the matters before the Tribunal.

[73] Policy 2.1.4 requires municipalities to “maintain at all times” an appropriate range and mix of housing options and densities to meet projected needs in the regional market area, including (a) a minimum 15-year supply of lands designated and available for residential development and (b) a minimum 3-year supply of serviced residential units in draft approved or registered plans.

[74] Section 2.3.2 identifies the tests that must be satisfied for a proposed new settlement area or settlement area boundary expansion to be approved. Only section 2.3.2.1(a) is being raised as part of this Phase 1 proceeding. The balance of the section 2.3.2.1 criteria ((b) through (d)), as well as section 2.3.2.2, would be assessed through the Phase 2 proceedings that are scheduled for each of the UBE Appeals.

[75] Section 2.3.2.1.a) of the PPS sets out the matters that planning authorities shall consider when identifying a new settlement area or allowing a settlement area boundary expansion. Section 2.3.2.1 a) states the following:

a. “the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;”.

Land Need Analysis (LNA)

[76] The UWSLG has lands as being 110 gross developable ha to designate them as “Neighbourhoods” (a residential UBE). These lands are entirely surrounded by existing urban lands and are expressed in the hearing as the holes in the donut. Of the 104 ha 89 gross developable ha are owned or controlled by members of the UWSLG. Out of the remaining 15 ha, 4 ha of land is owned by the Hamilton-Wentworth Catholic School Board. In addition, there are many existing homes and vacant lots on the east side of Glancaster Road and 2 small parcels on the south side of Twenty Road West.

[77] Mr. Corbett and Mr. Cory testified, a settlement area boundary expansion is warranted to accommodate the appropriate range and mix of housing required to meet projected needs to 2051. This conclusion is based on a LNA prepared by Malone Given Parsons (“MGP”) that follows the 1995 Projection Methodology Guideline framework to determine whether the City can accommodate forecast housing demand within the existing urban boundary.

[78] According to Mr. Corbett and Mr. Cory, applying standard gross densities by unit type (15 units per hectare for single/semi-detached, 35 units per hectare for townhouse), the LNA prepared by MGP concludes that 4,452 ha of additional urban land is required under the primary scenario, utilizing 2025 MOF population projections.

[79] Mr. Corbett and Mr. Cory highlighted an alternative scenario utilizes a revised housing demand forecast that contemplates a greater proportion of row housing (townhouses) to provide additional housing diversity while maintaining grade-related housing suitable for families. Under the alternative scenario, the required land need is 4,424 ha.

[80] The Elfrida Community Builders Group Inc. seeks to bring the Elfrida area into the City's urban boundary. The Elfrida area is 1226.1 ha and taking out the natural heritage system, other infrastructure, like hydro corridors, rights of ways, and cemeteries and the gross developable area for Elfrida is 995 gross developable ha in size which was first identified by the City as the City's next residential growth area in 2006, twenty years ago.

[81] Mr. Ferguson testified, he completed a LNA to determine the settlement area boundary expansion necessary to accommodate an appropriate range and mix of land uses, as identified in Section 2.3.2.1.a) of the PPS 2024. Based on his analysis, he recommends a settlement area boundary expansion of 1600 gross ha, which is the entire Whitebelt Area that is available to accommodate Community Area uses. According to Mr. Ferguson, this land need is required to accommodate population growth based on both the 2025 MOF Ontario Population Projections and the Growth Plan Schedule 3 forecasts.

[82] Whitechurch lands are adjacent to the airport and seeks to bring the Whitechurch lands of 340 gross developable ha into the City's urban boundary.

[83] According to Mr. Bailey, based on the data and analysis outlined in urbanMetrics' updated LNA, a sufficient and appropriate mix of land uses in the City, taking into account the requirement to provide an appropriate range and mix of housing options and densities, will require between 3,581 to 4,034 gross ha of additional residential land by 2051. There will be a 15-year (to 2041) land need of 2,425 ha.

[84] According to Mr. Matthews, the City has the ability to accommodate residential growth for 15 years using the in force UHOP policies as set out in the 2024 Land Supply Monitoring Report and relies on Mr. Kennedy's statement.

[85] Mr. Matthew testified using the next 15-years housing demand by unit type from his LNA based on MOF projections the designated and available greenfield supply is insufficient to accommodate the 15-year demand.

[86] Mr. Matthew testified that in the alternative, an expansion of either 1,060 ha (based on the UHOP Growth Plan forecasts) or 1,220 ha (based on the MOF) projections is required.

[87] Elfrida Counsel submit that Mr. Matthew's LNA were aggressive assumptions that reduced the size of the required settlement area boundary expansion, including the following: (a) rejection of the use of constant propensities from the Census to determine housing demand; (b) the use of the outdated Growth Plan population forecasts, instead of the higher, and more current, MOF projections; (c) an inflated 37% apartment share for new units, that is about 50% higher than it would be based on the use of constant propensities; (d) an inflated ARU forecast, based on an unsubstantiated prediction that ARU propensities will increase by 400%; (e) an assumption that all designated apartment sites in the designated greenfield area to 2051 will be downzoned to permit townhouses; and (f) an assumption that 10,000 additional single and semi-detached and row units can be accommodated in the built-up area, mostly through the redevelopment of developed sites.

[88] The fundamental difference between land economists related to the methodology used to determine how the total growth in the number of households would be broken down into a forecast of housing demand by unit type. The use of constant propensities to determine the forecast of housing by unit type by the LOGs' land economists, was rejected by Mr. Matthew.

[89] The PPS 2024 defines housing options as:

Housing options: means a range of housing types such as, but not

limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses and multi-residential buildings, including low- and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, additional needs housing, multigenerational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or institutional uses, such as long-term care homes.

[90] Mr. Ferguson testified the significant differences between Mr. Matthew's analysis and that of the other land economists is that his forecast of 2051 housing demand by unit type is not based on the propensities for housing demand by age structure from the 2021 Census of Canada.

[91] Mr. Matthew did not contest that the PMG directs those constant propensities from the Census be used, but rather he determined not to use them as the basis for his forecast. Mr. Ferguson explains, those propensities do appear in Mr. Matthew's LNA Detailed Tables for the year 2021, but they are then adjusted for subsequent years. These were based on judgements made by Mr. Matthew. According to Mr. Ferguson, the adjustments to propensities are made in order to arrive at an overall housing mix that Mr. Matthew believes is appropriate. According to Mr. Ferguson, Mr. Matthew appears to first predict a demand for the number of units by dwelling type based on various judgements and then adjusts the propensities to arrive at that mix of housing.

[92] Mr. Ferguson testified, the 1995 PMG does not support Mr. Matthew's approach to adjusting propensities to fit a projection of housing by unit type that is based on judgements of policy or market expectations. Rather the 1995 PMG provides that headship rates and propensities derived from the Census should be used. According to Mr. Ferguson, the 1995 PMG specifically warns against attempting to forecast changes in headship rates and other propensities.

[93] Mr. Ferguson opines, historical propensities by age group and housing type are

reasonable in forecasting long-term household growth by dwelling type. While these historical propensities may not follow short-term fluctuations in the housing market, they are reasonable in determining long-term demand for housing.

[94] According to Mr. Ferguson, based on this LNA prepared using the 2025 MOF Ontario Population Projections, there is a need to expand the settlement area boundary of the City to accommodate the entire 1,600 gross ha of the Whitebelt Area lands that are available to accommodate Community Area uses. This would still require a shift of 39,129 households from single/semi-detached units to apartment units to achieve the population. Based on this approach, the City would achieve a 58% intensification rate if the projected population were to be achieved, which is in line with the target in the Ambitious Density Scenario proposed in the Lorus LNA and recommended by staff to be adopted by the City.

[95] Mr. Kennedy relies on his Table 1 prepared by City staff which shows mathematically that over the past three years 80% of units for which building permits were issued were in the built-up area. Mr. Cory demonstrated that Table 1 overstates the City's net new growth over the last ten years. Every land economist dismissed Table 1 as unhelpful for determining whether the City can achieve its 88,820 units intensification target, including Mr. Matthew.

[96] Mr. Cory who relies on Mr. Keleher's population projection in reference to the LNA, opined, a planning framework for the City that unduly relies on one housing type (i.e. apartment forms) to meet growth targets, does not 'provide for' a range or mix of housing options as required in the PPS 2024.

[97] Mr. Cory testified the proposed UBE OPA is not intended to replace intensification efforts or the optimization of a Designated Greenfield area but rather, to ensure the minimum requirements of section 2.1.4 are achieved within the planning horizon. The City cannot satisfy section 2.1.4 by the intensification of apartment units

only, but to ensure an appropriate range of housing types can be accommodated within the urban area, therefore the City's existing NUBE policy, which is predicated on an unsubstantiated 80% intensification rate, is not consistent with Section 2.1.4(a) of the PPS 2024.

[98] Mr. Bailey testified that Mr. Matthew's data does not support the conclusion that there will be a strong apartment market in the City over the long-term. Factors such as the population age distribution, post-secondary student population, long-term planning policies, housing costs, and migration patterns are likely to have a large impact on the unit mix.

[99] In regard to Mr. Matthew contention that policy changes could encourage greater apartment construction, Mr. Bailey advised while policy permissions can allow apartments to be built where they were not permitted previously, these permissions do not materially change the underlying market demand for apartments. According to Mr. Bailey, artificial constraints on ground-related housing do not change the underlying market demand for apartments and tend to push households to move to other municipalities that have their desired housing options.

[100] Ms. Howson testified, based on the analysis carried out by urbanMetrics, which updates, but aligns with the GRIDS 2/MCR recommendations of City staff and consultants, it is her opinion that a significant UBE is warranted within the City to accommodate an appropriate range and mix of land uses, and specifically, an appropriate range and mix of "housing options" and residential densities – to ensure the City meets the minimum land supply requirements of the 2024 PPS and is able to support the achievement of complete communities.

Finding

[101] The Tribunal finds the UBE appeals do not constitute a "new official plan" or an

“official plan update”. Therefore, section 2.1.3 is not, directly applicable to the matters before the Tribunal in this case.

[102] The Tribunal finds all LOG land economist witnesses (Mr. Keleher, Mr. Cory, Mr. Ferguson and Mr. Bailey) noted, people’s housing needs and preferences cannot and will not be changed by pure force of policy alone. Mr. Matthew acknowledged using the next 15-years housing demand by unit type from the LNA’s (based on the MOF projections other than those in the UHOP), the designated and available greenfield supply of land is insufficient to accommodate the 15-year demand.

[103] Mr. Matthew has over 40 years experience, and he has prepared LNA’s and projections for the Province of Ontario under the Growth plan, as well as been an author of the 1995 PMG and is well-respected in the field of land economics, however based on the various studies and evidence the Tribunal prefers the evidence of the LOG economist experts.

[104] The Tribunal is persuaded by the LOG expert’s evidence over Mr. Matthew’s evidence, specifically on Mr. Matthew’s LNA assumptions and conclusions and overall gave lesser weight to his evidence than to the other land economists in this proceeding.

[105] All of the land economists who gave evidence in this hearing, including the land economist called by the City, Mr. Matthew, determined that additional land is required to be added to City’s settlement area boundary to provide for an appropriate range and mix of residential land uses, and to provide for an appropriate range and mix of housing options and densities as required by policies 2.1.4, 2.1.6(a) and 2.2.1(b)1.

[106] The Tribunal agrees, while Mr. Matthew’s change to headship rate assumptions did not result in a fundamentally different total households forecast to 2051, his changes to projected occupancy patterns, particularly unit mix resulted in materially different results.

[107] Mr. Kennedy relied on the City's *2024 Housing Monitoring Report* to suggest that a 15-year supply exists. According to the LOG experts, the Monitoring Report depends on optimistic development assumptions, unapproved applications, and long-term intensification opportunities. The supply analysis does not account for housing typology.

[108] Mr. Matthew's stated rationale:

Applying occupancy patterns without market and policy adjustments will produce a result that largely replicates the mix of the existing housing stock. In Hamilton, applying constant 2021 occupancy patterns would produce a housing mix of 60% singles and semis, 13% rows, 24% apartments and 3% duplexes. **This result meets no policy or market expectations to my knowledge.** [emphasis added]

[109] This approach as submitted by Whitechurch Counsel which the Tribunal agrees, introduces unacceptable risk of undersupplying urban land needed to meet PPS 2024 requirements to 2051. The NUBE scenario would require that nearly 80% of all new households in the City take the form of apartments over a 30-year period from 2021 to 2051.

[110] Mr. Matthew testified ARUs as a meaningful substitute for ground-oriented housing. The evidence from other LOG land economists, as well as the LOG land use planners, did not support treating ARUs as equivalent to single and semi-detached housing. Only Mr. Matthew was prepared to offer ARUs as a ground-oriented equivalent.

[111] The City emphasized that the 2024 PPS policy dealing with UBE (Policy 2.3.2.1(a)) refers to an "*appropriate range and mix of land uses*," while Policy 2.1.4, which deals with residential land supply, refers to an "*appropriate range and mix of housing options and densities*." As Ms. Howson noted, both concepts appear together within the PPS framework for achieving *complete communities* under Policy 2.1.6(a). The LOG contend the concepts (range and mix of land uses; range and mix of housing

options) are designed to be read together, not parsed apart to defeat their purpose.

[112] Ms. West and Ms. Howson both opined, a balanced planning framework should be supported in which intensification and greenfield development work together to deliver *complete communities* and meet regional market demand. The Council-approved NUBE strategy stands in stark contrast to this balance by depending on large-scale “unit substitution” outcomes that the LOG experts do not support.

[113] Although the City highlighted that the majority of LOG land economists did not adjust the housing mixes in their LNA’s except for Mr. Ferguson, to be able to accommodate the projected population growth within the available Whitebelt land, the Tribunal agrees with Whitechurch Counsel and finds providing a range and mix of housing options allows households to make real choices about how and where they live. Provincial policy is not premised on a single ideal housing mix imposed by policy preference. Mr. Matthews analysis improperly relies on massive shifts in people’s housing need propensities.

[114] The various LOG economists (Mr. Keleher, Mr. Cory, Mr. Ferguson and Mr. Bailey) all projected different residential land needs. All the experts projected a residential land need that was far greater than Mr. Matthew, except for Mr. Ferguson and Mr. Lorus, which were slightly higher than Mr. Matthew. Mr. Matthew stated himself, land analysis is not an “*exact science but a social science*” which different factors are taken into or as Mr. Keleher described “*It’s not econometrics or anything like that. It’s a fairly simple, kind of, four-step process to get to the housing need by unit type that you need to grow to 2051 based on your existing housing stock.*”

[115] The Tribunal cannot agree with the City’s argument that the LOG experts LNA analysis even though varies, overestimates the need for single detached houses and increases the amount of lands projected to be needed. The Tribunal does not accept Mr. Matthew’s adjustments to propensities in order to arrive at an overall housing mix.

The Tribunal agrees with Mr. Ferguson that Mr. Matthew appears to first predict a demand for the number of units by dwelling type based on various judgements and then adjusts the propensities to arrive at that mix of housing.

[116] The Tribunal prefers the evidence of the LOG economists who convert the population into the total number of households that need to be accommodated, and take into account the types of housing that's needed such as apartments, basement apartments, single detached houses, semi- detached houses, row houses. Section 2.1.4 calls for an appropriate mix of housing options and densities. Accordingly, even if the City had, for example, a greater than 15-year supply of housing generally, but less (or substantially less) than a 15 year supply of ground related housing, then such supply would not be consistent with section 2.1.4. of PPS 2024.

[117] Therefore, the Tribunal finds a planning framework for the City that unduly relies on one housing type (i.e. apartment forms) to meet growth targets, does not 'provide for' a range or mix of housing options as required in the PPS 2024.

[118] The Tribunal prefers the evidence of Mr. Ferguson's LNA analysis including Mr. Lorius's LNA analysis. Mr. Lorius opined that an urban expansion larger than all three applications combined is needed to accommodate future residential growth, with a 50% intensification target. As noted by City Counsels submissions, neither the Keleher/Cory analysis, nor Mr. Bailey's analysis took into account the limited Whitebelt area.

[119] Mr. Ferguson's analysis showed that significant intensification through a shift from ground-related units to apartments will be required even if an expansion larger than all three applications were approved. Mr. Ferguson prepared an independent assessment of the lands need of the City. Mr. Ferguson updated the LNA assessment prepared by Mr. Lorius, which was based on the ambitious density scenario. Mr. Ferguson noted the difference in his LNA that incorporated the MOF forecasts that were

available at that time.

[120] Mr. Ferguson advised he prepared the *City of Hamilton Land Needs and Housing Assessment Report*, November 18, 2024 (the “Parcel LNA”) as part of an application for amendments to the UHOP and RHOP. According to Mr. Ferguson the parcel LNA relied on the intensification target and unit density assumptions used in the Ambitious Density Scenario in the Lorus’s LNA, which was the scenario recommended by City staff as the basis for assessing the City’s land needs. Mr. Ferguson testified he updated the analysis based on the population forecasts prepared by the MOF in the 2024 Ontario Population Projections, whereas, the Lorus’s LNA relied on the population forecasts in Schedule 3 of the Growth Plan. According to Mr. Ferguson, based on this approach, the Parcel LNA identified the need for an additional 1,780 gross ha of Community Area lands in the City to accommodate growth to 2051, which would exceed the available supply of 1,600 ha of “Whitebelt Area” lands that City staff have calculated are available for a potential settlement area boundary expansion to accommodate Community Area uses. The Parcel LNA was prepared after the PPS 2024 came into effect on October 20, 2024.

[121] Mr. Ferguson summarized that the NUBE scenario and the intensification targets in the UHOP do not plan for an appropriate range and mix of land uses or an appropriate range and mix of housing options and densities as required by the PPS 2024. According to Mr. Ferguson there's no reasonable prospect of achieving the City's growth forecast under the NUBE option and the 80 percent intensification target, because it relies too heavily on apartments to accommodate future growth, and the number of apartments that would need to be built far exceed a reasonable estimated demand.

[122] The City Counsel submissions highlighted Mr. Matthew’s scenarios and Mr. Ferguson’s scenario arrived at very similar housing mixes. Mr. Ferguson’s scenario #3 had the following shares of growth 22% singles and semis, 25% rows and 53%

apartments (including ADUs). Mr. Matthew's shares of growth from 2021-2051 were very similar at 26% singles and semis, 20.4% rows and 53.6% apartments (including ADUs).

[123] As noted by City's Counsel, Mr. Ferguson's Scenario #3, which shifted units to the apartments to accommodate the 2025 MOF population within the Whitebelt area, also yielded an intensification rate of 58%, and a housing mix that was very similar to Mr. Matthew's intensification rates of 56-58%.

[124] Therefore, based upon all the evidence including Mr. Ferguson's LNA who did adjust the housing mixes in his LNA to be able to accommodate the projected population growth, the Tribunal finds a residential UBE is needed to accommodate an appropriate range and mix of land uses, in the combined gross developable area of at least 1,600 gross developable ha, to accommodate residential growth during the 2021 - 2051 timeframe of the UHOP.

Infrastructure and Master planning Costs

[125] The City suggested that approving the Applications may require revisions to its ongoing infrastructure master planning efforts. A finding that the City must expand its urban boundary would appropriately redirect its efforts toward planning for realistic growth consistent with provincial policy. However, the LOG experts assert such a finding would build on the City's in-force water and wastewater and transportation master plans, which already account for an UBE, and on the significant funding the City has historically committed to studies and services to accommodate future residential growth in Elfrida.

[126] The LOG experts testified the City growth management decisions since 2006 has spent significant resources to implement its growth strategy, including: (a) initiating the Elfrida Growth Area Study; (b) financial planning that is entrenched in the City's 10-year

capital budget and Development Charges scheme with financial commitments being made through numerous Annual Capital and Rates Budgets; and (c) extension of services that have been designed to accommodate growth in the Elfrida Area, including the Upper Centennial Parkway Sanitary Trunk Sewer, and Dickenson Road Trunk sewer.

[127] The City's witnesses tried to dispel the fact that since 2006 the City's growth management decisions did not entirely spend significant resources to implement its growth strategy, specifically to the LOG lands.

[128] However, the Tribunal finds from the evidence provided by the LOG witnesses that although some studies, budget and development charges schemes including physical infrastructure such as the Upper Centennial Parkway Sanitary Trunk Sewer, and Dickenson Road Trunk sewer were not solely for the specified lands, the lands would still benefit from this policy and infrastructure planning and therefore the City did provide significant investment to implement its growth strategy involving these specified lands.

[129] In regard to revisions to the City's ongoing infrastructure master planning efforts argument, as noted by the LOG witnesses, the City's servicing master plan efforts only recommenced in November 2025, after the appeals were filed, and the City advanced no evidence regarding the status or timeline of those efforts.

[130] Mr. Kennedy relied on the City's Staging of Development Report to address serviced and available supply even though relying on the Staging Report for purposes of making growth planning determinations when the Staging Report itself cautions that its data is intended for staging purposes only and "...*should not be used for land budgeting or growth planning purpose(s).*"

[131] Therefore, the Tribunal prefers the evidence of the LOG expert opinions and finds Master planning is an exercise to implement growth, it cannot become a justification to restrict it.

[132] The City asks this Tribunal to abdicate its authority, by deferring a decision on the City's urban boundary to a future municipal planning process whose outcome is entirely uncertain.

[133] Mr. Bailey testified OP reviews, planning applications, site preparation, servicing, and construction can all take significant amounts of time. According to the Canadian Homebuilders' Association Municipal Benchmarking 2024 Study, the average application time in the City was 31 months (2.5 years), the longest timeline out of 23 benchmarked cities. Mr. Bailey opines, it is necessary for the land needs issues being raised within the UBE appeals should be addressed now and not left to a future process.

[134] Mr. Corbett testified Mr. Kennedy's recommendation is yet another, future, City-led MCR. Mr. Corbett highlights that the previous MCR/GRIDS 2 process began in September 2017 with the launch of the planning study process and concluded in June 2022 with City Council's adoption of the UHOP. According to Mr. Corbett that process took five (5) years to complete. Assuming the City begins its next OP Update on January 1, 2027 (thus allowing time for the Tribunal to render a decision on Phase 1 and for the City to consider it), and assuming the past timeline to complete GRIDS 2 is indicative of how long the next MCR process might take, it would be approximately 2032 before the City completes its next OP Update. That leaves 19 years (to 2051) for the City to undertake all further planning approvals and for all required buildings to be completed in order to "achieve" the 2051 planned population. Ms. West, Ms. Howson and Mr. Corbett, advised it is imperative and it is good planning to act now.

[135] Mr. Ferguson testified the expansion of the settlement area boundary is going to require the City to update its master plans regardless of which forecasts are used to determine the settlement area boundary expansion. The City has not updated their water/wastewater and transportation master plans since the GRIDS 1 work was completed. According to Mr. Ferguson now would be the appropriate time to update the forecasts in these studies as they've only recently started undertaking them. This would be the appropriate time to incorporate those higher forecasts into the studies, and the City is going to have to redo those studies regardless, based on Mr. Matthew's recommendation for a boundary expansion in the alternative situation.

[136] The Tribunal agrees that it cannot wait to make a decision on a UBE based on the past actions or inactions of City Council and the uncertainty of any future planning process from the City. It is good planning to make the decision now and the Tribunal agrees with Mr. Corbett, *"given the on-going housing crisis in Ontario, housing supply must be addressed in timely manner to avoid a structural lag in the delivery of housing units. This, in part, was what the recent amendments to the PPS 2024 and the Planning Act sought to achieve."*

Issue 4: Will the proposed urban boundary expansion(s) impact the City's ability to meet its residential intensification and redevelopment targets, including the intensification distribution policies set out in Section A.2.3 and B.2.4.1 of the Urban Hamilton Official Plan?

Issue 5: Will the proposed urban boundary expansion(s) result in intensification targets not being achieved within the current approved boundary resulting in under-utilization of existing and planned infrastructure? E.g. will the UBE impact City's goals to meet provincial density targets in the MTSAs?

[137] Section 6.1.5 of the PPS 2024 states that:

“Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, **reasonable and attainable** policies to protect provincial interests and facilitate development in suitable areas.” –**emphasis added**

[138] UHOP Policy A.2.3.4.4 identifies the City’s intensification target, stating;

“the City shall plan to achieve a minimum of 80% of all residential development occurring annually within its built-up area. A total of 88,280 units is to be accommodated within the built-up area between 2021 and 2051.”

[139] UHOP Policy B.2.4.1.2 states that:

“the City’s primary strategic growth areas shall be the Urban Nodes and Major Transit Station Areas as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies.”

[140] Mr. Kennedy and Mr. Matthew both agree the UBE applications will impact the City’s ability to meet its in force and effect residential intensification and redevelopment targets. If approved for residential development purposes, then all residential development occurring on the lands would be outside the built-up area that would reduce the share of total residential development occurring through intensification. In Mr. Matthew’s opinion, once the overall intensification is below 80% then the City would fail to meet the other targets that depend on development within the built-up area.

[141] Mr. Kennedy contends allocating new urban land for residential purposes will draw a portion of the future medium and high density development away from the City’s planned nodes and corridors and potentially undermine the established growth framework. He also suggests it could have an impact on achieving the minimum Major Transit Station Areas (“MTSA”) density targets. According to Mr. Kennedy changes to intensification assumptions will have an impact on the planned urban structure and the utilization and distribution of existing and planned infrastructure and community

facilities.

[142] The LOG witnesses assert the NUBE scenario would require that nearly 80% of all new households in the City take the form of apartments over a 30-year period from 2021 to 2051 which according to them is not merely unlikely, it is fundamentally unrealistic. The LOG contends that the the City's 80% intensification rate is, at best, aspirational.

[143] Mr. Corbett testified, while the 80% intensification rate might be aspirational, in his opinion it is not reasonable or attainable. It also fails to address the important goal of providing an appropriate range of housing types for the future population of the City. If the holding of firm urban boundaries means that there are fewer new grade-related housing units provided, then the City is not providing sufficient housing to meet future demand.

[144] Mr. Ferguson testified there was no technical justification for the intensification target in the UHOP of 88,280 units, or 80% of all forecast housing units. It was chosen by City Council to achieve the NUBE strategy. It was not based on an assessment that would ensure sufficient land is available to accommodate market demand for all housing types, including ground-related housing, as required by the Growth Plan LNA Methodology, as noted by the Ministry in its September 17, 2021, correspondence to the City.

[145] In reference to the provincial density targets in MTSAs, according to Mr. Ferguson, residential development in these areas will be comprised almost entirely of apartments. For same reason that the settlement area boundary expansion will not displace intensification generally, it will not impact the amount of growth in MTSAs. Section 2.1.3 of the PPS 2024 states that planning for MTSAs may extend beyond the 30-year horizon. In Mr. Ferguson's opinion, there is not a requirement to achieve the provincial density targets in MTSAs by 2051.

[146] The LOG experts contend the Applications, do not propose to alter the City's urban structure. Rather, they propose only to add needed lands to the City's urban boundary to accommodate required housing within greenfield areas. The City's urban structure, as set out in the UHOP, follows a nodes and corridors structure. Development within the existing urban boundary can continue to be directed to those nodes and corridors, while greenfield development on lands brought into the urban boundary proceeds concurrently. These two forms of growth are not mutually exclusive. Rather, both can occur simultaneously to ensure that residential growth forecasts are achieved.

Findings

[147] The Tribunal finds the proposed UBE lands do not impact the City's ability to meet its residential intensification and redevelopment targets. The UBE lands and the existing built-up area (i.e. where intensification occurs) address different housing needs and are complementary (rather than in direct competition) to one another. The City's 80% intensification rate is aspirational and is not reasonable or attainable as required by the PPS 2024.

[148] The Tribunal finds with respect to the potential impacts on infrastructure, the City controls the planning for infrastructure, so there is no reason that there will be under-utilization or over-utilization of infrastructure given the City's role in the review and approval of development, therefore with all the reasons mentioned above the Tribunal finds adding land to the City's Urban Boundary is good planning.

Summary of Findings

[149] The Tribunal finds the use of the most up to date MOF 2025 population and the 1995 Provincial Methodology Guideline population forecasts and methodology is to be applied to the urban boundary expansions in accordance with Sections 2.1.1 and 2.1.2 of the PPS 2024.

[150] The Tribunal finds an urban expansion is warranted to accommodate an appropriate range and mix of land uses, for at least 1600 gross developable ha.

[151] There is a need for additional residential land to be added to the City's urban area, to plan for the 2051 horizon, in the amount of at least 1600 gross developable ha, which is slightly greater to the amount of land represented by the three landowners' groups applications in this matter as per Section 2.3.2.1 (a) of the PPS 2024.

[152] The proposed urban boundary expansion(s) will not impact the City's ability to meet its residential intensification and development targets, including intensification distribution policies set out in Sections A.2.3 and B.2.4.1 of the UHOP. Good planning consistent with the 2024 PPS is achieved.

[153] The proposed urban boundary expansion(s) will not result in intensification targets not being achieved within the current approved boundary, resulting in under-utilization of existing and planned infrastructure or the City's goals to meet provincial density targets in the MTSA's.

[154] Therefore, the Tribunal prefers the evidence of the LOG experts specifically Mr. Ferguson and finds that the evidence establishes a need for an expansion of the City's Urban Boundary for at least 1600 gross developable ha. The Tribunal further finds that such additional land is required to achieve a planning outcome that has appropriate regard for the applicable matters of provincial interest set out in s. 2 of the Act, is consistent with the PPS 2024, constitutes good land use planning, and is in the public interest.

JURISDICTIONAL ISSUE RAISED FOLLOWING CLOSING SUBMISSIONS

[155] The Tribunal addressed a matter of statutory interpretation that arose only closing submissions in Phase 1. The City stated the Tribunal has no jurisdiction to

amend the NUBE Policies in this proceeding.

[156] The City argued that pursuant to s. 1(3) of the *Official Plan Adjustments Act*, (“OPAA”), approval of OPA 167, including the NUBE Policies, is deemed to have been given under s. 17(34) of the *Planning Act* on November 4, 2022. The City submitted the Tribunal’s jurisdiction is limited by s. 17(50.1) of the *Planning Act*, which provides: For greater certainty, subsection (50) does not give the Tribunal power to approve or modify any part of the plan that,

(a) is in effect; and

(b) was not added, amended or revoked by the plan to which the notice of appeal relates.

[157] The City disagreed with the LOG that the NUBE Policies are not consistent with the PPS 2024. The City contends NUBE policies consistency with the PPS 2024 is neither relevant, nor is it a question that the Tribunal has jurisdiction to decide in this hearing. Section 3(1) of the OPAA explicitly contemplates that the NUBE Policies may be amended. However, until they are amended, they remain in force and, pursuant to s. 3(2) of the OPAA, any decision of the Tribunal must conform to those policies.

[158] The City submitted, there is no exemption in the OPAA for policies that are not consistent with the 2024 PPS. Until the NUBE Policies brought into force by the Legislature are amended, any decision of the Tribunal must conform. The City contends if the LOG wishes to assert that the NUBE Policies are not consistent with the 2024 PPS, they must apply to amend those policies, as is clearly provided for in s. 3(1) of the OPAA.

[159] Prior to the start of the Phase II hearing, the Tribunal addressed the City’s argument regarding this matter of statutory interpretation, specifically relating to section 3(2) of the *Official Plan Adjustments Act*, 2023 . While acknowledging that this issue

was not expressly framed in the Procedural Order or Issues List, the Tribunal addressed it at the time on a preliminary basis, as it had implications for the Tribunal's jurisdiction and the scope of the relief that may be available in these appeals. The Tribunal's reasons for said Oral Ruling are being included in this written decision as the matter arose through closing submissions for Phase 1, despite the Oral Ruling itself being given during Phase 2.

[160] As outlined then, the Tribunal considered remarks made during closing submissions on this issue and reviewed recent Tribunal jurisprudence which were raised by the parties, including the decisions of *Wilson St. Ancaster Inc. v. Hamilton (City)*, 2024 CanLII 30616 (ON LT) and *TSL-Dairy LP v. Ottawa, City* 2026 CanLII 3345 (ON LT), which addressed the purpose, context, and scope of section 3(2) of the OPAA.

[161] Applying the modern principles of statutory interpretation, the Tribunal is satisfied that section 3(2) of the OPAA is directed at addressing a specific mischief arising from the reversal of prior Ministerial official plan modifications and ensuring conformity at the appropriate stages of the planning process where orphaned planning instruments might otherwise persist.

[162] The Tribunal does not interpret section 3(2) as imposing a new, stand-alone or universal conformity test that would preclude the Tribunal from exercising its statutory jurisdiction in these proceedings, nor as limiting the Tribunal's ability to adjudicate the issues before it in Phase 2. It cannot be the province's intention to preclude future OPAs by suggesting that an OPA must conform to the underlying OP that it is attempting to amend.

[163] This interpretation is consistent with the purpose and scheme of the OPAA and avoids an outcome that would create an uneven or arbitrary application of planning law across municipalities.

[164] Accordingly, the Tribunal ruled that it has jurisdiction to proceed with Phase 2 as scheduled, and that this issue need not delay or alter the structure of the hearing. As indicated, this preliminary determination was made on the basis of the submissions made during closing arguments but is without prejudice to the ability of a party to bring a formal jurisdictional motion.

ORDER

[165] **THE TRIBUNAL ORDERS THAT**, for the purposes of the Part One Hearing Together, there is a demonstrated need for at least 1,600 gross developable hectares of additional urban land within the City of Hamilton. This finding shall be binding for the purposes of OLT-24-000748, OLT-25-000591 and OLT-25-000613. The remaining issues in each appeal shall be determined in the respective Part Two Hearings.

“Eric S. Crowe”

ERIC S. CROWE
MEMBER

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.