

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: December 18, 2025

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 subsection 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 subsection 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)

PROCEEDING COMMENCED UNDER subsection 9(1) of the *Ontario Land Tribunal Act*, 2021, S.O. 2021, c. 4, Sched. 6

Request by: City of Hamilton
Motion for: Consolidating Proceedings

Heard: December 3, 2025, by video hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
City of Hamilton	Kim Mullin Patrick MacDonald
Upper West Side Landowners Group Inc.	Ira T Kagan Joel Farber Sarah Kagan
Elfrida Community Builders Group Inc.	Joe Hoffman Robert Howe Nancy Smith (<i>in absentia</i>)
Whitechurch Landowners Group Inc.	Patrick Harrington

DiCenzo Golf Club Road Holdings
Inc., Highland Road (Elfrida) Holdings
Inc., Crossroads (Rymal and Upper
Centennial) Holdings Inc.

Russell Cheeseman
Stephane Fleming (*in absentia*)

**MEMORANDUM OF ORAL DECISION DELIVERED BY KURTIS SMITH ON
DECEMBER 3, 2025 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] There are currently three cases before the Tribunal that include issues relating to expanding the City of Hamilton's ("City") Urban Boundary. Each of the cases have approved Procedural Orders and Merit Hearing Scheduled.

[2] The City filed the Motion (Exhibit 1) to have the five common Residential Land Need Issues, found at subparagraph [7]1, of OLT-24-000748 (Upper West Side Landowners Group Inc. ("UWSLG") appeal), OLT-25-000591 (Elfrida Community Builders Groups Inc. ("Elfrida") appeal), and OLT-25-000613 (Whitechurch Landowners Group Inc. ("Whitechurch") appeal) (together the "Appeals") heard together pursuant to Rule 16 of the Tribunal' *Rules of Practice and Procedure* at the commencement of the previously scheduled UWSLG merit hearing. Which is scheduled to take place prior to the Elfrida and Whitechurch hearings, commencing on April 13, 2026, for 8 weeks.

[3] Whitechurch, Elfrida, and UWSLG all consented and executed Minutes of Settlement ("MOS") (Exhibit 8) to support the Motion being sought by the City. No objections were raised by any of the added Parties.

[4] The Tribunal notes that UWSLGs Response to the Motion (Exhibit 4) raises a disagreement relating to the total lands being involved in their appeal. The City states that it totals 86 hectares ("ha") of land, while UWSLG states 110 ha. This issue will be addressed at the merit hearing of the UWSLG appeal, regardless of the outcome of this Motion.

[5] The motion requests that the Residential Land Need Issues for the three cases be adjudicated once, together with UWSLG, at the commencement of its respective scheduled merit hearing, as they all have the same five Residential Land Need Issues. It is expected that the issues being heard together will require three weeks. To facilitate the time required to have the issues heard together, the motion requests that additional time be added to the hearing block of UWSLG. Following the Residential Land Need Issues being heard together, the UWSLG hearing will continue as scheduled. Therefore, further requesting that the remainder of the UWSLG Hearing need not await a decision of the Tribunal with respect to the common issues being heard together. The remaining issues of the Whitechurch and Elfrida appeals will proceed during their respective hearing dates in 2026 and 2027 that have been previously scheduled.

FINDINGS

[6] The Tribunal finds that having the Residential Land Need Issues of the Appeals heard together is appropriate as they are identical issues to be adjudicated, which will result in consistent adjudication of the matters, and which will maintain the independent consideration of each appeals site-specific issues during their respective scheduled hearings. Furthermore, the Tribunal finds that utilizing the existing UWSLG hearing block to hear these five common issues together, delivers a fair, just and expeditious adjudication of the Residential Land Need Issues of the three cases, while not distressing the proceedings of the previously scheduled merit hearing of UWSLG. Moreover, the Tribunal finds that having the Residential Land Need Issues of the Appeals heard together at the commencement of the UWSLG hearing will reduce the overall hearing time required to hear all three cases.

ORDER

[7] THE TRIBUNAL ORDERS THAT:

1. The Residential Land Need Issues with respect to OLT-24-000748, OLT-25-000591, and OLT-25-000613 are as follows:

- Issue 1: Which population forecasts and methodology should be applied to the proposed urban boundary expansions, in accordance with Sections 2.1.1 and 2.1.2 of the Provincial Planning Statement, 2024?
- Issue 2: Is an urban expansion(s) warranted for the City of Hamilton to accommodate an appropriate range and mix of land uses to meet projected needs as per Sections 2.1.3 and 2.1.4 of the Provincial Planning Statement, 2024?
- Issue 3: Is there a need for additional urban land to accommodate an appropriate range and mix of land uses as per Section 2.3.2.1a) of the Provincial Planning Statement, 2024?
- Issue 4: Will the proposed urban boundary expansion(s) impact the City of Hamilton's ability to meet its residential intensification and redevelopment targets, including the intensification distribution policies set out in Sections 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? For example, will the urban boundary expansion impact the City of Hamilton's goals to meet provincial density targets in the Major Transit Station Areas?

2. Issues 1, 2, 6, 24, and 50 raised by the City of Hamilton in OLT-24-000748, as set out in the Procedural Order dated January 13, 2025, are deleted and replaced with the wording in subparagraph [7]1. of this Order.

3. The Residential Land Need Issues for OLT-25-000591 and OLT-25-000613 are the same as those in OLT-24-000748 and shall be heard together at the OLT-24-000748 hearing.
4. The hearing scheduled to commence on **Monday, April 13, 2026** for OLT-24-000748 shall be divided into two parts so that the case with respect to the Residential Land Need Issues shall be dealt with at the commencement of the hearing ("Part One Hearing Together") and that the case with respect to the balance of the issues for OLT-24-000748 shall be dealt with starting on **Wednesday, May 6, 2026** (the "UWSLG Part Two Hearing"), unless the Parties to the UWSLG Part Two Hearing agree otherwise. The UWSLG Part Two Hearing need not await a decision of the Tribunal with respect to the Part One Hearing Together.
5. The hearing for OLT-24-000748 is extended and shall end on **Friday, June 25, 2026**. The Part One Hearing Together is hereby scheduled to commence on **Monday, April 13, 2026** and ending on **Friday, May 1, 2026**. The UWSLG Part Two Hearing is hereby scheduled to commence on **Wednesday, May 6, 2026**, and end on **Thursday, June 25, 2026**. The Tribunal will not sit on **Monday, June 15, 2026**.
6. The balance of the issues for OLT-25-000613 will be addressed in the hearing of that appeal, scheduled to commence on **Monday, September 14, 2026** (the "Whitechurch Part Two Hearing"), and the balance of the issues for OLT-25-000591 will be addressed in the hearing of that appeal, scheduled to commence on **Monday, January 18, 2027** (the "Elfrida Part Two Hearing").
7. None of the Parties to any of the OLT-24-000748, OLT-25-000591, and OLT-25-000613 appeals, except for the City of Hamilton, are Parties to any of the other appeals.

8. The Part One Hearing Together is not to consider the relative merits of any proposed urban boundary expansion to another. No Party will file any Witness Statements (or Reply Witness Statements) or lead any evidence (either through its own witnesses or those of others, including through cross-examination), or make submissions, in the Part One Hearing Together that compares the merits of one proposed urban boundary expansion to another or the prioritization of any proposed urban boundary expansion areas.
9. 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.
10. 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 (if any) 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 (if any) of the Tribunal on the Residential Land Needs Issues during any Part Two Hearing.
11. The procedural exchange dates with respect to the Part One Hearing Together are as set out in **Attachment A** to this Order.
12. The order of evidence for the Part One Hearing Together shall be:
 - a. City of Hamilton;
 - b. The Appellants (Upper West Side Landowners Group Inc., Elfrida Community Builders Groups Inc., Whitechurch Landowners Group

Inc., with the order of each Appellant's Witnesses to be determined by them);

c. Non-Appellant Party(ies) in support of the Appellants' positions on the Residential Land Need Issues; and

d. City of Hamilton, in reply, if necessary.

13. The procedural exchange dates with respect to the UWSLG Part Two Hearing are hereby amended, as set out in **Attachment B** to this Order.

"Kurtis Smith"

KURTIS SMITH
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.

ATTACHMENT A**Summary of Procedural Exchange Dates for the Part One Hearing Together**

EVENT	DATE
Parties to exchange their List of Witnesses	Friday November 28, 2025
Deadline for Meeting of Like Experts	Friday December 12, 2025
Deadline to file Agreed Statement of Experts	Friday January 9, 2026
Parties to exchange their Witness and Expert Witness Statements	Friday February 6, 2026
Parties to exchange their Reply Witness Statements	Friday March 13, 2026
Parties to advise the Tribunal if all of the scheduled hearing dates are still required.	Friday April 3, 2026
Parties to exchange Visual Evidence	Friday April 3, 2026
Parties to File Joint Document Book	Friday April 3, 2026
Parties to File Preliminary Hearing Plan	
Hearing commences	Monday April 13, 2026

ATTACHMENT B**Summary of Procedural Exchange Dates for the UWSLG Part 2 Hearing**

EVENT	DATE
Deadline for Meeting of Like Experts	Friday December 5, 2025
Deadline to file Agreed Statement of Experts	Friday January 9, 2026
Exchange of Witness Statements, Expert Witness Statements and Participant Statements	Friday February 6, 2026
Parties to exchange their Reply Witness Statements	Friday April 3, 2026
Parties to advise the Tribunal if all of the scheduled hearing dates are still required.	Friday April 17, 2026
Parties to exchange Visual Evidence	Monday April 20, 2026
Parties to File Joint Document Book Parties to File Preliminary Hearing Plan	Monday April 20, 2026
Hearing commences	May 6, 2026