



LOOPSTRA NIXON LLP

BARRISTERS AND SOLICITORS

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MUNICIPAL SERVICES OFFICE

DEC 15 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Quinto M. Annibale
Direct Line: 416-748-4757
E-mail: qannibale@loonix.com

December 14, 2011

Via E-Mail
Original Via Courier

Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
777 Bay Street, 2nd Floor
Toronto, ON,
M5G 2E5

ATTENTION: Andrew Doersam, Senior Planner and Mark Christie, Manager Municipal Services Office – Central Ontario

Dear Mr. Doersam and Mr. Christie,

**RE: Notice of Appeal Pursuant to s. 17(36) of the *Planning Act*
Regional Municipality of Halton Official Plan Amendment No. 38**

I am the solicitor for the Southwest Georgetown Landowners Group (“SWGLG”), owners of approximately 1,000 acres in the south-west area of Georgetown, bounded by 15th Sideroad to the north, Main Street and 8th Line to the east, 10th Sideroad to the south and Trafalgar Road to the west.

SWGLG has been actively involved in the Region of Halton (“Region”) Official Plan process, attending at numerous Council, Committee, and Public meetings over the past 6 years. This involvement dates back to and includes Regional Official Plan Amendment No. 25, Regional Official Plan Amendment No. 37, Regional Official Plan Amendment No. 39, the related appeals to the Ontario Municipal Board, and dialogue with the Region and Town of Halton Hills staff with respect to Regional Official Plan Amendment No. 38 (“ROPA 38”).

ROPA 38 was adopted by Regional Council on December 16, 2009 as part of the Region’s comprehensive Official Plan review. Upon Council adoption, ROPA 38 was submitted





to the Ministry of Municipal Affairs and Housing (“MMAH”) for approval. The MMAH issued a partial draft decision on October 27, 2010 and a final decision to approve ROPA 38 with modifications on November 24, 2011. Along with ROPA 39, ROPA 38 is intended to guide development to 2031 in accordance with the population projections as set out by the Province. My clients have appealed ROPA 39 as well.

My Clients have reviewed ROPA 38 and they support fully the area selected for the expansion of the Georgetown Urban Settlement Area, however, my clients have concerns with respect to many of the policies of ROPA 38 and therefore appeal ROPA 38, in its entirety, to the Ontario Municipal Board. The reasons for my client’s appeal are as follows:

1. ROPA 38 is not consistent with the Provincial Policy Statement. Greater flexibility is required in sections 52(3) and 116(1) to ensure the optimum use of lands as well as cost-effective and efficient development;
2. The intensification strategy, infrastructure staging and development phasing policies in ROPA 38 are not consistent with the Provincial Policy Statement because they do not ensure that Halton Region and the Town of Halton Hills maintain at all times the ability to accommodate residential growth for a minimum of 10 years, including lands which are designated and available for residential development;
3. The intensification strategy, infrastructure staging and development phasing policies in ROPA 38 are not consistent with the Provincial Policy Statement because they do not ensure that Halton Region and the Town of Halton Hills maintain at all times lands with servicing capacity available to provide at least a 3 year supply of residential units through lands suitably zoned to facilitate residential intensification and land in draft approved and registered plans;
4. The Growth Plan for the Greater Golden Horseshoe contemplates a 2031 planning horizon while ROPA 38 imposes a 2021 planning horizon for Halton Hills. As such, ROPA 38 does not conform with the Growth Plan for the Greater Golden Horseshoe;
5. Table 2 of ROPA 38 does not conform with the Growth Plan for the Greater Golden Horseshoe and is inconsistent with Provincially approved regional planning documents in the Greater Golden Horseshoe;
6. The measurement of density in the Designated Greenfield Area should exclude major infrastructure facilities and corridors which are not available for development;
7. In planning for development in a manner which is more restrictive than the Growth Plan, ROPA 38 conflicts with policies in the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement including:
 - Planning to achieve the 2021 and 2031 population and employment forecasts in Schedule 3 of the Growth Plan for the Greater Golden Horseshoe;
 - The development of cities and towns as complete communities with a range and mix of employment and housing types;



- Meeting the housing needs of all residents;
 - Making sufficient land available to accommodate a range and mix of housing to meet projected needs;
 - Maintaining at all times the ability to accommodate residential growth for a minimum of 10 years including lands where are designated and available for residential development;
 - Maintaining at all times land with servicing capacity to provide at least a 3 year supply of residential units in draft approved and registered plans; and,
 - Optimizing the long-term availability and use of land, infrastructure and public service facilities;
8. Prohibiting development in south-west Georgetown prior to 2021, as is contemplated in section 77 and Map 5 of ROPA 38, will result in adverse fiscal impacts on the Town of Halton Hills, and will prevent or seriously impact the ability to properly plan to optimize the use of existing and planned infrastructure to support growth in a compact, efficient form as required by the Provincial Policy Statement;
 9. The definition of 'affordable housing' in ROPA 38 does not conform to the definition of the same in the Growth Plan for the Greater Golden Horseshoe and is inconsistent with the definition of the same in the Provincial Policy Statement;
 10. Sections 115.2, 188, and 139.12 are overly restrictive and not appropriate to protect the environmental features of the Natural Heritage System;
 11. The meaning of and manner in which subsections 51(5) and 139.1 operate is unclear;
 12. The Ministers modifications in subsections 77(5), 77(7), 101, and 118(23) making the Minimum Distance Separation formulae applicable to local official plans and urban area expansions is overly restrictive;
 13. ROPA 38 does not represent good planning; and,
 14. Such further and other grounds as counsel may provide and the Board may permit.

Enclosed with this letter of appeal is an accompanying appeal form and a cheque in the amount of \$125.00, payable to the Minister of Finance, representing the filing fee for this appeal.

Please feel free to contact the undersigned should you have any questions or concerns regarding this matter.

Yours very truly,

LOOPSTRA NIXON LLP

Per: Original signed by

Quinto M. Annibale

QMA/scf



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

The Whole Municipality

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Region of Halton

Part 3: Appellant Information

First Name: _____ Last Name: _____

Southwest Georgetown Landowners Group Inc.

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: _____

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address:	7501 Keele Street	200	Concord
	Street Address	Apt/Suite/Unit#	City/Town
	Ontario		L4K 1Y2
	Province	Country (if not Canada)	Postal Code

Signature of Appellant: _____ Date: December 14, 2011

(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _Quinto_____ Last Name: _Annibale_____

Company Name: _____ Loopsta Nixon LLP _____

Professional Title: _____ Lawyer / Counsel of Record _____

E-mail Address: _____ qannibale@loonix.com _____

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-746-4710 _____ Alternate Telephone #: _____

Fax #: _____ 416-746-8319 _____

Mailing Address:	135 Queen's Plate Drive	600	Toronto
	Street Address	Apt/Suite/Unit#	City/Town
	Ontario		M9W 6V7
	Province	Country (if not Canada)	Postal Code

Original signed by

Signature of Appellant: _____ Date: December 14, 2011

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Region of Halton Official Plan Amendment No. 38

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). ****If more space is required, please continue in Part 9 or attach a separate page.**

(Please print)

Please see attached correspondence.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
****If more space is required, please continue in Part 9 or attach a separate page.**

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

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

(Please print)

ROPA 37: OMB Case No.: PL091166
ROPA 39: OMB Case No.: PL110857

