

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 12 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

December 12, 2011

Barristers & Solicitors

Thomas C. Hays	Andrew C. Knox, Q.C.
Brian J. Hanna	Larry S. Gangbar
Kenneth W. Watts	Blair S. Taylor
Jarvis G. Sheridan	Robert A. Watson
* Tanya A. Leedale	Harold R. Watson
Megan M. Brown	Robert Krizman
James McAskill	Marian G. Gage
Chantel Goldsmith	Danny Chou
Melanie Peters	Owen J. Duguid
Carolyn M. McCarney	Counsel: Paul D. Stunt

* Certified Specialist (Corporate and Commercial Law)

Fax 416-585-6882 and Overnight Courier

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

Attention: Andrew Doersam, Senior Planner

Dear Mr. Doersam:

**Re: Region of Halton ROPA 38 Appeal
8283 Esquesing Line, Milton
Our File #92347**

Please be advised that we act for 2220243 Ontario Inc., the owner of the property at 8283 Esquesing Line in the Town of Milton. The property is approximately 5 ha in area and is located on the east side of Esquesing Line, north of the current Town of Milton built boundary. The lands are occupied by a detached dwelling with a garage and a detached shed.

On September 2, 2011, a notice of objection was submitted on behalf of the registered owner to the Regional Clerk of the Region of Halton. The notice of objection related to the mapping associated with the Regional Official Plan Amendment No. 38 (hereinafter "ROPA 38") as adopted by Regional Council on December 16, 2009.

A decision was made by the Ministry of Municipal Affairs and Housing on November 24, 2011 to approve with modifications, ROPA 38.

We have conducted a review of the approved ROPA 38 in reference to our client's property and maintain our original concern with Map 1- Regional Structure (Attached as Appendix A).

Grounds of Appeal

1. Boundaries delineating land use designations affecting the property as shown on land use Map 1: Regional Structure

Map 1 – *Regional Structure* indicates that the westerly (front) portion of the subject lands are designated “*Employment Area*” whereas the easterly (rear) portion of the property is designated “*Agricultural Rural Area*”. Abutting the “*Agricultural Rural Area*” designation to east is the “*Regional Natural Heritage System*”. This split designation, combined with the abutting “*Regional Natural Heritage System*” has resulted in the creation of a narrow strip of land designated for agricultural uses.

2. These lands designated “*Agricultural Rural Area*” are severely constrained by the employment lands to the west and lands designated Natural Heritage System to the east. It is our opinion that there is no planning justification for the split designation of the subject property. The lands designated “*Agricultural Rural Area*” are so narrow and confined that their suitability for agricultural uses is not sustainable. In addition, unique site characteristics, most notably the steep valley within the Regional Natural Heritage System, further constrain the use of rear portion of the site for agricultural purposes. It is our opinion that designating a portion of the subject property for agricultural uses does not represent good planning.
3. It is respectfully submitted that it would be appropriate to continue the “*Employment Area*” designation throughout the site up to the Natural Heritage System. This approach would be more consistent with the employment areas surrounding the property to the north, west and south and would allow for better use of the site as a whole.
4. Based on our review of the Background Working Paper #2: Concepts for Addressing Halton Region’s Land Needs to 2031 (April 13, 2009), we believe that the “*Agricultural Rural Area*” designation may have occurred unintentionally. The Working Paper provides three growth options for the Region. In each of the three options, the subject property is designated for employment uses, with the employment lands extending to the Natural Heritage System (as recommended above). Not one of the options identifies an Agricultural or Rural area designation between the Employment and Natural Heritage System lands.

As such, there appears to be no documentation supporting the addition of agricultural land uses on a narrow strip of the subject property. Mapping from the Working Paper # 2 has been included as Appendix B.

Conclusion

The above mentioned issues with the Regional Official Plan Amendment 38 create a number of concerns for our client and the viability of the subject property for future employment uses. Based on the justification outlined above, our client has instructed that we initiate an appeal of the approved ROPA 38 to the Ontario Municipal Board.

We herewith enclosed the required Form 1 and the appeal fee payable to the Minister of Finance in the amount of \$125.00.

We trust this information has been helpful, please contact the undersigned should you require additional information.

Yours faithfully,

O'CONNOR MACLEOD HANNA LLP

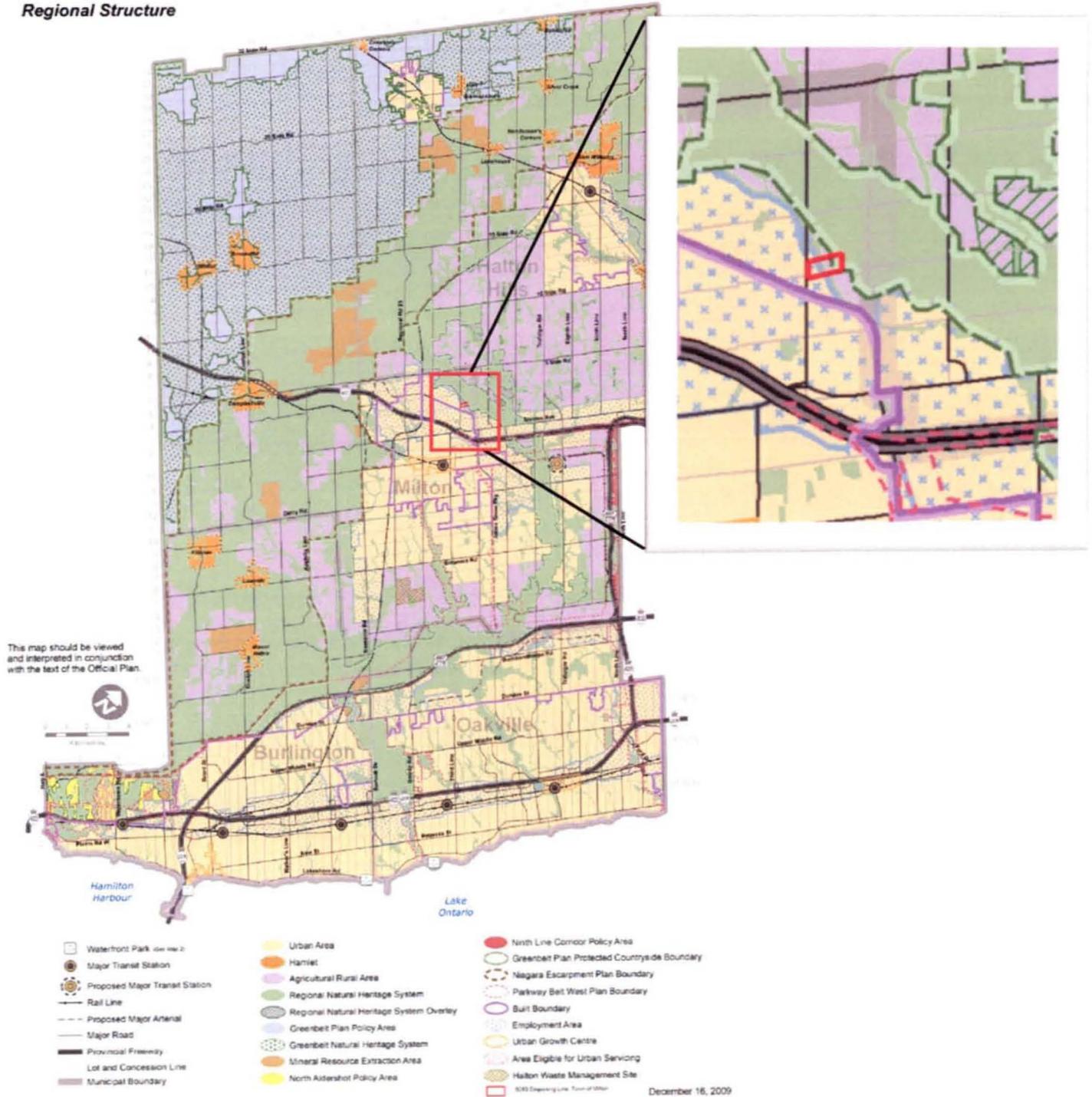
Original signed by

Blair S. Taylor
BST:gw

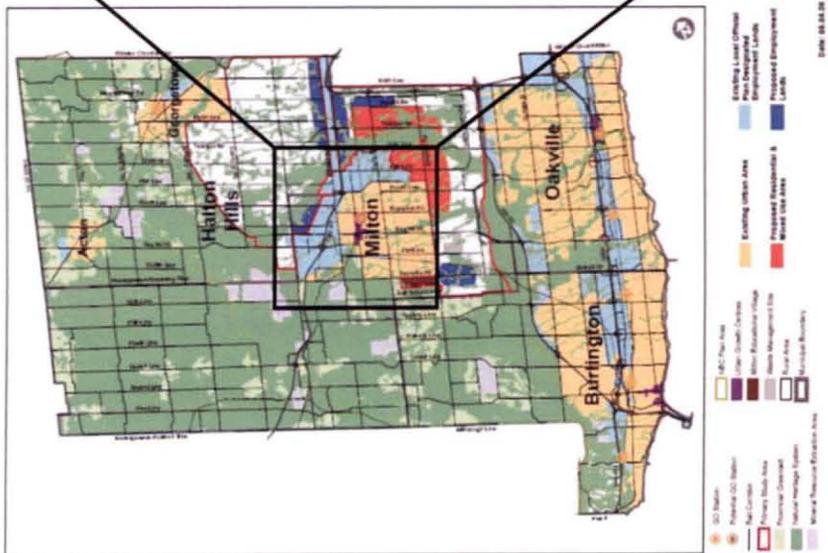
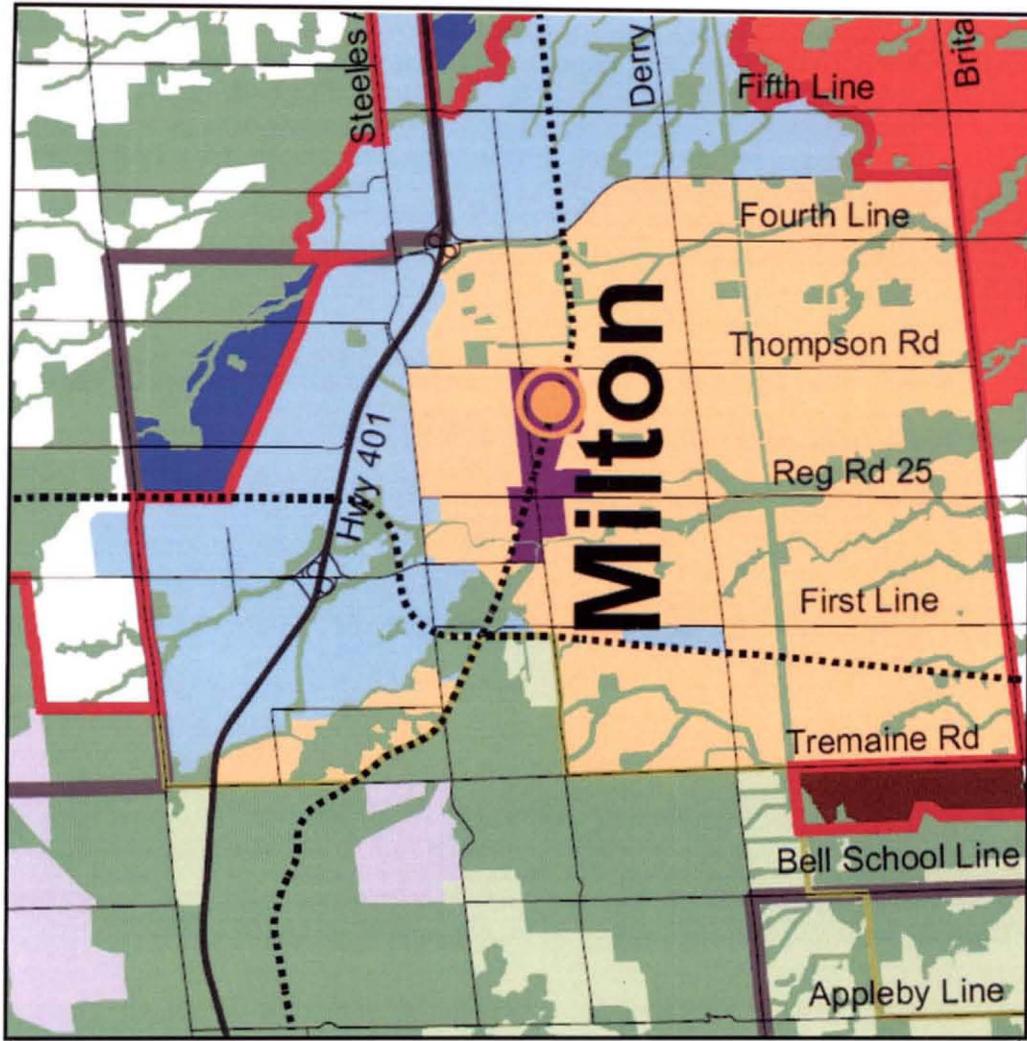
Enclosures: Schedule 1 – ROPA 38 Regional Structure
Schedule 2 – Mapping from Working Paper #2

APPENDIX A: Map 1 – Regional Structure

**Map 1
Regional Structure**



Appendix "B"



Concept 1 - Milton-Centred



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

8283 Esquesing Line
 Address and/or Legal Description of property subject to the appeal:
 Municipality/Upper tier: Town of Milton, Region of Halton

Part 3: Appellant Information

First Name: _____ Last Name: _____

2220243 Ontario Inc.
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): c/o O'Connor MacLeod Hanna LLP (Attn: Blair S. Taylor)

E-mail Address: taylor@omh.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-842-8030 Alternate Telephone #: _____

Fax #: 905-842-2460

Mailing Address: 700 Kerr Street Oakville
Street Address Apt/Suite/Unit# City/Town
ON L6K 3W5
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: December 12, 2011
(Signature not required if the appeal is submitted by a law office.)
B. Taylor on behalf of 2220243 Ontario Inc.

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: _____ Last Name: _____

Company Name: _____

Professional Title: _____

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: _____
Street Address Apt/Suite/Unit# City/Town
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

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)
Halton R.O.P.A. #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)
The grounds of appeal are specifically set out in the covering letter.

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

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(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) **ROPA 39**

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

(Please print)
OMB PL 110857

