



December 15, 2011

Legislative & Planning Services
Planning Services
1151 Bronte Road
Oakville ON L6M 3L1
Fax: 905-825-8822

Mr. Andrew Doersam
Senior Planner
Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Ontario
777 Bay St., 2nd Floor
Toronto ON M5G 2E5

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 15 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Dear Mr. Doersam:

Re: Regional Official Plan Amendment No 38 (ROPA 38) Appeal of MMAH Decision

Background

The Regional Municipality of Halton (the "Region") is the duly constituted authority under the *Planning Act, 1990*, which adopted this Plan. It expects to be the respondent before the Ontario Municipal Board with respect to any other appeals that are launched concerning the Plan as adopted. The Minister of Municipal Affairs and Housing (the "Minister") is the approving Authority who has approved the Plan with modifications and has issued the Notice of Decision dated November 24, 2011. The Region accepts many of the Minister's modifications, but in a limited number of cases appeals modifications it does not accept pursuant to Subsection 17 (36) of the *Planning Act, 1990*. The specific modifications placed before the Board for adjudication by this Appeal are set out below.

Concerns and Reasons for Appeal

1. Deletion of Future Strategic Employment Areas

Modifications:

No. 161 (Map 1C, *Future Strategic Employment Areas*)

Modifications: No. 7(Section 51(5)); No. 8(Section 51.2); No. 16(Section 71); No. 23 (Section 77(d)); No.23 (Section 77(7)f)vii); No. 28 (Section 77.3); No. 28 (Section 77.4(6)); No. 41 (Section 99(2)); No. 43 (Section 99.2); No. 52 (Section 101(2)g)); No. 85(Section 111(2)); No. 87 (Section 112(1)); No. 93 (Section 115.3(1)); No. 96 (Section 118); No. 100 (Section 118(22)); No. 104 (Sections 139.1 and 139.2); No. 105 (Sections 139.3 to 139.11); No. 107(Section 145(2)); No.114(Section 170(4.2)); No. 154 (Section 259.4); No. 155 (Section 265.1); No. 162 (Map 1E); No. 163 (Map 1G).

The Minister's modifications, as identified above, have deleted Map 1C, *Future Strategic Employment Areas*, deleted and amended related policies and resulted in the re-numbering of other maps in ROPA 38.

The Regional Municipality of Halton

The areas shown on Map 1C of ROPA 38, *Future Strategic Employment Areas*, are strategically located along major transportation corridors where future employment uses may be located beyond the 2031 planning horizon of ROPA 38. This will occur only in the event that a future urban expansion is justified by a municipal comprehensive review in accordance with the Growth Plan. The Future Strategic Employment Areas are a constraint to future development and not a land use designation in ROPA 38. By identifying these lands, Halton Region is serving notice to private landowners, the public and public agencies that these lands will be considered for employment uses in a future urban expansion exercise undertaken by Halton Region. The public investment in infrastructure in these transportation corridors calls for these lands to be protected for employment land use should they be brought into the urban boundary, and it would be consistent with the Provincial Policy Statement and reflective of local values for these lands not to be deflected from employment uses when they are considered for future inclusion in the urban boundary.

The policies that existed before the modification reflect good planning and ought to be restored.

2. Changes to When an Environmental Impact Assessment is Required

Modifications:

No. 49 (Section 101(1.8)); No. 73(Section 110(7.2)); No. 79 (Section 110(8)c)[ix]); No. 90 (Section 114.1(6)); No. 91 (Section 114.1(9)); No. 97 (Section 118(2)); No. 98 (Section 118(3)); No. 99 (Section 118(3.1) through to 118(3.3)); No. 100 (Section 118(24)); No. 140 (Section 253.4); No. 159 (Map 1).

The Minister's modifications, as identified above, change the requirements for when an Environmental Impact Assessment is required.

ROPA 38 required the proponent of any development that is located wholly or partially inside or within 120 metres of the Regional Natural Heritage System to carry out an Environmental Impact Assessment. The Minister's modifications have reduced the requirement for an Environmental Impact Assessment for any development or site alteration that is within 120 metres of a Key Feature within the Regional Natural Heritage System.

Through Regional Council's endorsement of the Official Plan Directions Report ("Towards Sustainability", Report LPS69-09), the Region's Greenlands System was replaced with a "science-based" Natural Heritage System as shown on Map 1 of ROPA 38, *Regional Structure*. The new Regional Natural Heritage System includes, among other elements, buffers, linkages and enhancement areas that are vital to the long term protection and sustainability of the key natural features.

ROPA 38 required the proponent of a development that is located wholly or partially inside or within 120 metres of the Regional Natural Heritage System, to prepare an Environmental Impact Assessment to ensure that any impacts to the key features, buffers, linkages and enhancement areas are minimized and mitigated. The Minister's modification now places enhancement areas,

buffers and linkages that are beyond 120 metres of a key feature and essential to the long term sustainability of the feature at risk to the impacts of development. To this extent the Minister's modification does not support the systems based approach to natural heritage protection.

The systems approach reflects fact based analysis, good science and best planning practice and ought to be reflected in the Plan brought into force by the Board.

3. Changes to the Requirements for Undertaking an Environmental Impact Assessment for a Proposed New Agricultural Building

Modifications:

No. 44 (Section 100(1)); No. 73 (Section 110(7.2)); No. 98 (Section 118(3)); No. 99 (Section 118(3.1) through to 118(3.3)[new]); No. 100 (Section 118(24)).

The Minister's modifications, as identified above, have deleted the requirements for the proponent of an agricultural building to undertake an Environmental Impact Assessment.

In keeping with Regional Council's direction to develop and protect a "systems-based" Regional Natural Heritage System ("Toward Sustainability", Report LPS69-09), ROPA 38 required the proponent of a development that is located wholly or partially inside or within 120 metres of the Regional Natural Heritage System, to undertake an Environmental Impact Assessment to identify measures to avoid or mitigate impacts from the development. ROPA 38 reduced the requirements for the proponent of an agricultural building to prepare an Environmental Impact Assessment based on the proximity to the Regional Natural Heritage System and the size of the proposed agricultural building and provided one exemption to preparing an Environmental Impact Assessment. To expedite the Environment Impact Assessment and lessen the cost for the proponent of an agricultural building, ROPA 38 allows for the scoping of the Environmental Impact Assessment or the provision of in-kind or financial assistance from Halton Region.

Through the Minister's modifications, the proponent of a new agricultural building is not required to undertake an Environmental Impact Assessment but must provide a 30 metre vegetation protection zone from Key Features. This places those linkages, buffer areas and enhancement areas that are essential to protecting the long term sustainability of the key features at risk to the impacts of development.

The policy as adopted reflects local values and best planning practice and ought to form part of the in force plan that is approved by the Board.

4. Change to the Basic Structure of the Regional Official Plan through the Deletion of Prime Agricultural Areas as a Constraint to Development and the Introduction of Prime Agricultural Areas as a Land Use Designation

Modifications:

No.6 (Section 51); No. 7 (Section 51(5)); No. 8(Section 51.1 and 51.2); No. 14 (Section 68); No. 16 (Section 71); No. 23 (Section77d)); No.40 (Section 92(5) relocated to

101(1.5); No.41 (Section 99(2)); No. 43 (Section 99.1 and 99.2); No. 49 (Section 101(1.9)); No. 52 (Section 101(2)); No. 70 (Section 110); No. 92 (Section 114.1(19)); No. 93 (Section 115.2 through 115.4 [new]); No. 96 (Section 118(1)); No. 99 (Section 118(3.1) through 118(3.3) [new]); No. 100 (Section 118(24)); No. 104 (Section 139.1 and 139.2); No. 105 (Section 139.3 through to 139.11); No. 140 (Section 253.4); No. 155 (Section 309 relocated to 265.1); No. 159 (Map 1); No. 160 (Map 1A); No. 162 (Map 1E).

The Minister's modifications, as identified above, have changed the fundamental structure of the Regional Official Plan through the deletion of the Prime Agricultural Areas as a constraint to development and the addition of the Prime Agricultural Areas as a land use designation.

The Minister's modifications delete the Prime Agricultural Areas as a constraint to development and make the Prime Agricultural Areas as shown on Map 1E, *Prime Agricultural Areas*, a land use designation that overlays the Regional Natural Heritage System, Mineral Resource Extraction Areas and Agricultural Rural Area designations. The Minister's modifications change the basic structure of the Regional Plan that has always been based on mutually exclusive designations that provide certainty and clarity on the objectives, policies and permitted land uses that govern development within these areas.

The introduction of a new Prime Agricultural Areas land use designation that overlays three other designations will create confusion over the primacy of land use policies and land uses. This amendment to the Plan does not represent best planning practice.

5. Deletion of the Requirement that the Development Industry Pay Its Fair Share of the Cost of Human Services

Modifications: No. 25 (Section 77(15)) and No. 26(Section 77(17)).

The Minister's modifications, as identified above, have deleted the requirement that the development industry pay its fair share of the cost of the provision of human services.

One of Halton's fundamental principles is that growth must pay for itself. Through ROPA 38, the Region included the requirement that the Region and Local Municipalities plan for the provision of human services through their joint infrastructure plans and that the development industry absorb its fair share of the cost of the provision of human services. This policy recognizes that the development industry is only obligated to pay for those services as allowed under Provincial Legislation such as the *Development Charges Act, 1997*. It also positions the Region to take advantage of future changes to Provincial Legislation or regulations that may require the development industry to contribute additional funding for the provision of human services. Regional Council has already indicated its intent to seek changes to Provincial Legislation (i.e. the *Development Charges Act, 1997* and the *Municipal Act, 2001*) so that it has the necessary tools to implement the vision and policies of the Growth Plan to create complete healthy communities ("Adoption of Regional Official Plan Amendment No. 38", Report LPS114-09).

With or without legislative change this policy preference is a matter of local purview and ought to be reflected in the Plan brought into force by Board order.

6. Inclusion of the Requirement that the Local Municipalities and the Region Include Preliminary Route Planning Study Areas in Their Respective Official Plans

Modifications:

No. 115 (Sections 173(1.1), (1.2), (1.3)); No. 118 (Section 173 (5.1)); No. 146 (Section 262.1); No. 159 (Map 3).

The Minister's modifications, as identified above, have added the requirement that Local Municipalities and the Region must amend their respective Official Plans to show preliminary route planning study areas for the Niagara to GTA and GTA West Transportation Corridor EAs.

The GTA West Environmental Assessment Study proposes designating a study area which would cover a significant portion of the southern part of the Town of Halton Hills. This would limit or prevent development until the next stage of the GTA West EA is complete, a process that could potentially take several years. As almost all of the area covered by the proposed study areas for the GTA West Corridor are within the Region's Agricultural Rural and Regional Natural Heritage designation that permit a very limited number of uses, it is unnecessary to identify the route planning study areas for GTA West to GTA Transportation Corridor Environmental Assessment.

Furthermore, there are sufficient policies and planning processes in place through the *Niagara Escarpment Planning and Development Act, 1990*, the Niagara Escarpment Plan, the Greenbelt Plan and the Regional and Local Official Plans that make it unnecessary to identify the route planning study area for the Niagara to GTA Transportation Corridor EA in the Regional and Local Official Plans.

The Minister's modifications are a prescriptive approach that does not allow for the consideration of alternative approaches and does not allow for the Plan to reflect local planning values. These modifications ought not to be included in the Plan brought into force by the Board.

7. Deletion of the Greenbelt Plan Policy Area, Extension of the Regional Natural Heritage System to include the Greenbelt Natural Heritage System and the Removal of the Overlay in Halton Hills

Modifications:

No. 6 (Section 51(2.1)); No. 43 (Section 99.1 and 99.2); No. 55 (Section 101(5) through to 101.1(8)); No. 73 (Section 110(7.2)); No. 90 (Section 114.1(6)); No. 91 (Section 114.1(9)); No. 93 (Section 115.3 and 115.4(3)); No. 105 (Section 139.11 and 139.12)); No. 140 (Section 253.4); No. 159 (Map 1).

The Minister's modifications, as identified above, have deleted the Greenbelt Plan Policy Area designation on Map 1, *Regional Structure* and the overlay in the Town of Halton Hills, all related policies and extended the Regional Natural Heritage System over this area north and west of the Niagara Escarpment.

The Regional Structure presented on Map 1, *Regional Structure*, of ROPA 38, reflects the collective desire of Halton's residents as conveyed through the Sustainable Halton process and Regional Council's commitment to implementing the vision of the Provincial Growth Plan, to protect the Region's natural heritage system and support the long term viability of Halton's agricultural sector. The Greenbelt Plan Policy Area designation, which is the equivalent to the Protected Countryside Area of the Greenbelt Plan was introduced for the area north and west of the Niagara Escarpment.

The Minister's modifications alter the Regional Structure that was unanimously approved by Regional Council. Local policy preference is responsive to the needs of the community and represents good planning in this instance and should be supported by the Board on that basis.

8. Restrictions on Certain Uses Permitted in the Agricultural Rural Area and the Regional Natural Heritage System

Modifications:

No. 47 (Section 100(16)); No. 48 (Section 100(17)); No. 95 (Section 117.1[new]).

The Minister's modifications, as identified above, now place restrictions on certain uses within the Agricultural Rural Area and Regional Natural Heritage System designations.

ROPA 38 (Sections 100(16) and 100(17)) permits veterinary clinics (serving primarily the agricultural community) and animal kennels (in conjunction with a single detached dwelling) in the Agricultural Rural Area designation. The Minister's modifications Nos. 47 and 48 now limit these uses to a commercial farm and require them to be secondary to the farming operation.

ROPA 38 also permits bed and breakfast establishments, veterinary clinics and animal kennels in the Regional Natural Heritage System designation subject to certain conditions. The Minister's modifications No. 95 (Section 117.1) now limits these uses to commercial farms and requires them to be secondary to the farming operations.

The Minister's Modification places unnecessary restrictions and onerous conditions on these uses that serve to limit and possibly prevent the establishment of much needed services, such as veterinary services, for the agricultural community.

9. Modification to the Region's Definition of Affordable Housing

Modification: No. 127 (Section 214).

The Minister's Modification No.127 changes the Region's definition of affordable housing.

New definitions of assisted and affordable housing were incorporated into the Regional Official Plan through the Region's previous Official Plan review, ROPA 25, to better reflect the need for affordable and assisted housing in Halton Region. The Region's definition of affordable housing considers all ownership costs associated with homeownership (i.e. taxes, utilities, mortgage, annual housing repairs, etc.) to ensure that a household, after paying 30 per cent of its gross income for accommodation, still has sufficient income to maintain a comfortable standard of living. This definition is used to identify the annual "Affordable Housing Cut-Off Price" that is reported in the Region's annual State of Housing report.

As modified by the Minister, the definition now states that the purchase price of a house or rent not exceed 30 per cent of the gross household income. This is not an appropriate definition of affordable housing as the purchase price of housing will always exceed 30 per cent of gross household income. It is Halton's position that affordability should be based on ownership costs not exceeding 30 per cent of gross household income. The Minister's modification does not accurately address the issue of affordable housing in Halton Region and is confusing and difficult for the public to understand.

10. Placement of Associated Facilities at the Discretion of the Proponent

Modifications: No. 63 (Section No. 109(4)).

The Minister's Modification No. 63 to Section 109(4) now allows the proponent of a mineral extraction operation to place associated facilities on-site where the proponent considers it appropriate.

ROPA 38 (Section 109) permits a wide range of uses within the mineral resource extraction areas designation including, among other things, associated facilities that are used in the extraction, transport or recycling of mineral aggregate. ROPA 38 also indicates that associated facilities must be directly related to the on-site mineral extraction and located such that they do not affect the rehabilitation or enhancement as contained in the approved rehabilitation and enhancement plans.

The addition of the words "where appropriate" in Section 109(4)a suggests that the associated facilities may no longer need to be related to the on-site mineral extraction activity.

This is not a good planning result in the local context since uses and activities that are not directly related to the extraction occurring on the site may be permitted which may then have an impact on the length of time it will take to rehabilitate the site.

11. Deletion of the Requirement that Implementation Plans form Part of the Rehabilitation Plan

Modification: No. 73 (Sections 110(7.2), 110(7.3), 110(7.4), 110(7.5)).

Section 110(7.2)g) of ROPA 38 indicated that a detailed implementation plan for the proposed restorations and enhancements would be included as part of the rehabilitation plan in the site plan or as a condition of the license under the *Aggregate Resources Act*.

The Minister's Modification No. 73 to Section 110(7.2) has eliminated this requirement.

Through the adoption of the Official Plan Directions Report (Towards Sustainability, LPS69-09), Regional Council directed staff to put in place a "systems-based" Regional Natural Heritage System to protect the natural system in perpetuity and to develop an aggregate resource strategy to, among other things, minimize the social, environmental and human health impacts of aggregate operations on Halton's residents and natural environment.

Incorporating the implementation plan within the site plan under the *Aggregate Resources Act* or as a condition of the license would ensure that the enhancements are codified in a manner that can then be enforced. Not including it in this manner means that there is no legal mechanism to ensure enhancements actually take place.

12. Deletion of the Requirement that Applications be based in Part on Halton's Aggregate Resources Reference Manual

Modification: No. 74 (Section 110(7.6)[new]).

The Minister's Modification No. 74 to Section 110(7.6) has deleted the requirement that a new or expanded application be deemed to be complete based on the Aggregate Resources Reference Manual for Halton.

Section 110(3.1) of ROPA 38 directs the Region to prepare an Aggregate Resource Manual, in consultation and partnership with public agencies, the aggregate industry and citizens groups that contains among other things, best practices and protocols on mitigative and restorative measures to minimize the social, environmental and human health impacts of extractive operations and information and studies that would assist in the review of licence applications under the *Aggregate Resources Act, 1990* and Official Plan Amendments under the *Planning Act, 1990*. Section 110(7.3) of ROPA 38 requires that an amendment to the Official Plan for a new or expanded Mineral Resources Extraction Area under the *Planning Act, 1990*, is deemed to be complete in accordance with Section 187(10) of the Plan and the Aggregate Resources Reference Manual under Section 110(3.1).

The Aggregate Resources Reference Manual for Halton assists in identifying measures that could minimize the social, environmental and human health impacts to Halton's residents and its natural heritage system.

13. Deletion of Reference to Regional Policies and Standard regarding Social, Environmental and Human Health Impacts

Modification: No. 83 (Section No. 110(11) through 110(14)).

Section 110(11) of ROPA 38 requires the proponent of a new or expanded mineral resource extraction area to demonstrate to the Region that the transportation of aggregate and related products can be adequately accommodated by the transportation system in Halton Region in accordance with regional policies and standards with minimal social, environmental and human health impacts.

The Minister's Modification No. 83 to Section 110(11) has deleted the requirement regarding Regional standards and policies which ensure minimal social, environmental and human health impacts.

The impacts associated with the transport of aggregate and aggregate products are not solely related to the transportation infrastructure but also include the social, environmental and human health impacts created by this activity. As Halton's residents are most impacted by the transport of aggregate and related products, the Region should have the ability to establish policies and standards that are intended minimize the social, environmental and human health impact of the transport of aggregates on its residents.

14. Deletion of Sections Seeking Greater Regional Participation in the Review of Certain Mineral Resource Extraction Activities

Modification: No. 83 (Section No. 110(11) through 110(14)).

The Minister's Modification No. 83, to Sections 110(13) and 110(14), has deleted several sections where the Region is seeking greater participation in a number of activities including the review of site plans and active licenses and changes to Provincial Legislation and regulations that would allow, among other things, the delegation to upper-tier municipalities of the review and enforcement of site plans and licenses under the *Aggregate Resources Act, 1990*.

Halton Region is committed to ensuring that aggregate extraction occurs in a manner that minimizes social, environmental and human health impacts and that protects and enhances the functions of the Regional Natural Heritage System during and after extraction. As Halton's residents are most impacted by mineral resource extraction activities, ROPA 38 identifies the need for greater Regional and Local participation in certain mineral aggregate extraction activities to minimize the impact on Halton's residents and its natural heritage system. As written, these policies seek greater Regional and Local involvement in the site plan process and ensure funding is available for the implementation of rehabilitative plans and adaptive management plans.

Halton Regional Council has already expressed its desire to seek the appropriate changes to the *Aggregate Resources Act, 1990* to become more involved in the monitoring of aggregate extraction activities ("Adoption of Regional Official Plan Amendment No. 38", Report LPS114-09). Council determination of local policy ought to be reflected in the Board decision.

15. Change to the Time-Frame for the use of Adaptive Management Plans

Modification: No. 80 (Section 110(8.1) and 110(8.2)[new]).

The Minister's Modification No. 80 to Section 110(8.1) and Section 110(8.2) has changed the timeframe for the use of adaptive management plans from the period during and after extraction to post-rehabilitation only.

Depending on the nature of the operation, it may be necessary to introduce these kinds of adaptive management plans as part of the operation as the lands are progressively rehabilitated. It may also take many years before the "post-rehabilitation" state is reached. Given these extended time-frames, introducing these kinds of measures may lead them to being considered on a permanent basis. These kinds of plans may be appropriate in the early phases of extraction and should not be relied upon during the rehabilitation process alone.

Restoration of the Plan policies referred to here, as well as items 11 to 14 above to the form they had before modification represents policies that are suitable to the particular circumstances of Halton Region and in any event represent good planning.

Yours truly,

Original signed by

Ron Glenn, MCIP, RPP
Director of Planning Services and Chief Planning Official

c: S. Waque, Borden Ladner Gervais



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

Part 2: Location Information

 All lands within the municipality
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Regional Municipality of Halton

Part 3: Appellant Information

First Name: Ron Last Name: Glenn

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

Professional Title (if applicable): Director of Planning Services and Chief Planning Official

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

Daytime Telephone #: 905-825-6000 Ext. 7966 Alternate Telephone #: _____

Fax #: 905-825-8822

Mailing Address: 1151 Bronte Road Oakville
Street Address Apt/Suite/Unit# City/Town
Ontario L6M 3L1
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Original signed by _____ Date: 15-12-2011
(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: Stephen F Last Name: Waque

Company Name: Borden Ladner Gervais

Professional Title: Lawyer

E-mail Address: swaque@blg.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-367-6275 Alternate Telephone #: _____

Fax #: 416-361-2708

Mailing Address: Scotia Plaza, 40 King Street West 44th Floor Toronto
Street Address Apt/Suite/Unit# City/Town
Ontario M5H 3Y4
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Original signed by _____ Date: 15-12-2011

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: X 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)

Appeal of Ministry of Municipal Affairs and Housing decision of Regional Official Plan Amendment 38 (ROPA 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 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.

[Empty box for explanatory note]

Part 7: Related Matters (if known)

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

Are there other planning matters related to this appeal? YES X 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)

PL110857 (ROPA 39)
PL091166 (ROPA 37)

