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HANNA LLP**

Fax Cover Sheet

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Chantel Goldsmith	Danny Chou
Melanie Peters	Owen J. Duguid
Carolyn M. McCarney	Counsel: Paul D. Stunt

* Certified Specialist (Corporate and Commercial Law)

DATE: December 15, 2011

TO: Andrew Doersam,
Senior Planner

COMPANY: Ministry of Municipal Affairs and
Housing

FAX #: (416) 585-6882

FROM: Blair S. Taylor

RE: Region of Halton ROPA 38 Appeal
1137528 Ontario Limited (Swiss
Chalet), 217 Cross Avenue, Oakville
Our file: 86531

Pages: 9 (including this cover sheet)

If you do not receive all the pages in this transmission, please call Cheryl at 905-842-8030 Ext. 3343 as soon as possible.

Client File Name: Swiss Chalet

I.D. #:

Client File #: 86531

Comments:

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December 15, 2011

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
1137528 Ontario Limited (Swiss Chalet) – 217 Cross Avenue
Our File #86531**

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 15 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Please be advised that we act for 1137528 Ontario Limited (Swiss Chalet) whose restaurant and drive-through is located at 217 Cross Avenue, Oakville.

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 have serious concerns with regard to some of the modifications proposed by the Ministry.

I have consulted with my client and have received instructions to file this appeal.

Grounds of Appeal

With regard to ROPA 38 my client is very concerned with Section 175 as originally adopted by Regional Council and more so based the proposed Ministers Modification 173 (5.1), as found at MMAH modification #118, item #466, at page 55 – 56.

700 Kerr Street, Oakville, Ontario, Canada L6K 3W5 T: 905-842-8030

Main Fax: 905-842-2460 Real Estate Fax: 905-842-4180 www.omh.ca

Under the Metrolinx Act, the objectives of the Corporation are to facilitate a transportation network that 5.1 a.i) conforms with the transportation policies of growth plans prepared and approved under the Places to Grow Act, 2005 applicable in the regional transportation area. Under Section 6.2) of that Act, the same wording is included under the requirements for the transportation plan.

Under Section 31.1 of that Act, the Minister may issue a transportation policy statement which when issued will require that all decisions under The Planning Act are to be consistent with that policy statement.

As of this time, this transportation policy statement has not been issued by the Minister. The only Provincial transportation policies that have the status of a policy statement are contained within the Provincial Policy Statement.

As noted above, the objection relates to modification 118 and the inclusion of the wording set out within the new Section 173(5.1) b). This section requires the amendment of Maps 3 and 4 and Table 3 to reflect *inter alia* ...“the requirements of the transportation system to meet current and future travel demands, consistent with the appropriate recommendations of the Metrolinx Regional Transportation Plan, any inter-regional transportation network environmental assessment and the Region’s Transportation Master Plan.”

My client, throughout the Sustainable Halton and Livable Oakville processes, has consistently taken the position that the finalization of the location of new transportation or transit infrastructure occurs through the completion of the environmental assessment process and that it is premature to designate within official plans the final location of the proposed road and transit ways until that environmental assessment process is completed.

We object to the inclusion of any wording within the plan that would create the same status for the Metrolinx Transportation Plan or any subsequent master plan or other work completed by Metrolinx prior to the issuance of the transportation policy statement by the Minister as noted above.

Conclusion

The above mentioned matters within the Regional Official Plan Amendment 38 create a number of concerns for our client. Based on the justification outlined above, our client 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.

Page 3

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:ca

CC Ruth Victor (by e-mail)



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

1137528 Ontario Limited (Swiss Chalet), 217 Cross Avenue, Oakville, ON
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Oakville/Region of Halton

Part 3: Appellant Information

First Name: _____ Last Name: _____

1137528 Ontario Limited (Swiss Chalet)
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 Attention: Blair S. TaylorE-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) 842-2460Mailing Address: 700 Kerr Street Oakville
Street Address Apt/Suite/Unit# City/TownOntario L6K 3W5
Province Country (if not Canada) Postal CodeSignature of Appellant: Original signed by B. Taylor Date: December 15, 2011
(Signature not required if the appeal is submitted by a law office.)
B. Taylor on behalf of 1137528 Ontario Limited (Swiss Chalet)**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 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)

The grounds of appeal are 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)

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

(Please print)

