

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)

December 7, 2011

Fax 416-585-6882 and Ordinary Mail

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: ROPA 38 Sustainable Halton Appeal
Munn's United Church - Norm Graham, Trustee
Our File No. 72660**

Please be advised with regard to the above noted matter that I act on behalf of Munn's United Church. Please accept this formal appeal of ROPA 38 on behalf of Munn's United Church by its Trustee, Norm Graham.

With regard to ROPA 38, my client is very concerned with regard to the interpretation of a section within ROPA 38 as it relates to road rights-of-way.

Specifically, we believe that there is the need for an additional policy within Section 173(5) that would state the following: ...

“(e) arterial road rights-of-way on alignment and widths to protect heritage built resources are based on engineering and environmental studies completed by or to the satisfaction of the Region, and shall be as set out within those studies, and different than those shown on Map 4.”

In connection with this matter, we enclose herewith copies of our correspondence to the Regional Chairman dated November 9, 2011, and December 2, 2011. My client has a longstanding concern with regard to the proposed Dundas Street right-of-way which would result in the Region acquiring a portion of my client's lands that include its septic facilities, part of its parking lot, and church sign.

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 13 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

I would point out that the Church has been impacted by the Dundas Street right-of-way previously, even to the effect that the Church sanctuary was jacked up and relocated further from the road, by the then Ministry of Transportation and Communications.

We enclose herewith our cheque payable to the Minister of Finance in the amount of \$125.00 and Form 1 as duly required.

Please contact me directly should you have any questions.

Yours faithfully,

O'CONNOR MACLEOD HANNA LLP

Original signed by

Blair S. Taylor

BST:gw

Enclosure

cc: Regional Clerk and All Regional Councillors (Email)



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 ROPA #38	17(24) or 17(30)
	<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

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

Municipality/Upper tier: **Region of Halton**

Part 3: Appellant Information

First Name: Norm Last Name: Graham

On behalf of Munn's United Church
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

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

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 Apt/Suite/Unit# Oakville
Street Address City/Town
Ontario Canada L6K 3W5
Province Country (if not Canada) Postal Code

Signature of Appellant: Blair S. Taylor, Solicitor for Munn's United Church, by its Trustee, Norm Graham
Date: December 2, 2011
(Signature not required if the appeal is submitted by a law office.)

Original signed by

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)

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)

Please see attached correspondence to Regional Clerk

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: N/A**
(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)

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)

December 2, 2011

Email and Hand Delivered

Susan Lathan
Regional Clerk
Region of Halton
1151 Bronte Road
OAKVILLE, Ontario
L6M 3L1

Dear Madame Clerk:

**Re: ROPA 38 Sustainable Halton Appeal
Munn's United Church - Norm Graham, Trustee
Our File No. 72660**

Please be advised with regard to the above noted matter that I act on behalf of Munn's United Church. Please accept this formal appeal of ROPA 38 on behalf of Munn's United Church by its Trustee, Norm Graham.

With regard to ROPA 38, my client is very concerned with regard to the interpretation of a section within ROPA 38 as it relates to road rights-of-way.

Specifically, we believe that there is the need for an additional policy within Section 173(5) that would state the following: ...

“(e) arterial road rights-of-way on alignment and widths to protect heritage built resources are based on engineering and environmental studies completed by or to the satisfaction of the Region, and shall be as set out within those studies, and different than those shown on Map 4.”

In connection with this matter, we enclose herewith copies of our correspondence to the Regional Chairman dated November 9, 2011, and December 2, 2011. My client has a longstanding concern with regard to the proposed Dundas Street right-of-way which would result in the Region acquiring a portion of my client's lands that include its septic facilities, part of its parking lot, and church sign.

I would point out that the Church has been impacted by the Dundas Street right-of-way previously, even to the effect that the Church sanctuary was jacked up and relocated further from the road, by the then Ministry of Transportation and Communications.

We enclose herewith our cheque payable to the Minister of Finance in the amount of \$125.00 and Form 1 as duly required.

Please contact me directly should you have any questions.

Yours faithfully,

O'CONNOR MACLEOD HANNA LLP

Blair S. Taylor
BST:gw

Enclosure

cc: All Regional Councillors (Email)

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)

December 2, 2011

Email

Mr. Gary Carr
Regional Chair
Region of Halton
1151 Bronte Road
OAKVILLE, Ontario
L6M 3L1

Dear Mr. Carr:

**Re: Munn's United Church – Bus Rapid Transit Corridor Study
Region of Halton Environmental Assessment – ROPA 38
Our File No. 72660**

Representatives of my client, Munn's United Church, attended the Public Information Centre #2 regarding the Bus Rapid Transit Corridor Study on November 24, 2011. It was noted that the proposed plans presented a heritage preservation area with a road right-of-way of 36.75m. As advised at the meeting, the Region of Halton and their consultants are of the opinion that the option presented will allow the traffic to work efficiently through this constraint area. Based on this information, it is our understanding that the Environmental Assessment is recommending a reduced road right-of-way to protect the heritage resource on this property.

However, we note that within ROPA 38, for which the notice of decision was issued on November 24, 2011, Section 173(5) states: "Secure through the development process and where necessary in conjunction with the Local Municipalities: a) arterial roads right-of-way widths as shown on Map 4; and d) arterial road rights-of-way on alignment and of width that are based on engineering or environmental assessment studies completed by or to the satisfaction of the Region and may be different than those shown on Map 4." (Emphasis added.)

It is our understanding of this policy that when an environmental assessment is completed, the recommended road widths in the Environmental Assessment report override the rights-of-ways set out on Map 4. For example, if the Environmental Assessment required an

additional widening beyond that required as set out on Map 4, the Region would have the authority to ask for the additional widening.

In this circumstance, the Environmental Assessment is stating that the required road right-of-way **is less** than Map 4, in this case 36.75m. Based on a consistent policy interpretation, the reduced right-of-way would now override the Map 4 right-of-way width and no additional road widenings beyond 36.75m would be required by the Region of Halton until a subsequent environmental assessment is completed regarding additional road works at some point in the future. This would be regardless of whether Munn's United Church were to proceed with any development or site plan approval on their property.

We are requesting that the Region of Halton confirm this interpretation regarding the official plan policies and right-of-way widths for this portion of Dundas Street.

We also noted that the heritage design option had proposed roadside landscaping as an element for the front yard between the church and the road. We have not seen the details of this proposal and are very much interested in seeing these details before the comment deadline as well.

If this confirmation is not received and the matters above not addressed to our satisfaction, please accept this letter as our objection to the recommendations put forward at the last Public Information Centre.

Please also note in view of the limited time constraints that we will be filing a protective appeal against ROPA 38 on this matter.

Please ensure that both Munn's United Church and the undersigned are on all mailing lists and are notified of the subsequent steps of the process. We would be pleased to meet if that would assist in the resolution of these issues.

Thank you.

Yours faithfully,

O'CONNOR MACLEOD HANNA LLP

Blair S. Taylor
BST:gw

cc: All Regional Councillors

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)

November 9, 2011

Email

Mr. Gary Carr
Region Chairman
Transportation Coordinator
The Regional Municipality of Halton
1151 Bronte Road
OAKVILLE, Ontario L6M 3L1

Dear Mr. Carr:

**Re: Munn's United Church – Halton Region Master Transportation Plan
Dundas Street, Oakville
Our File No. 72660**

Please be advised that I am retained by Munn's United Church with regard to this matter and we have previously provided correspondence to the Region outlining concerns with regard to the proposed road widening and its impact on the Church.

On behalf of Munn's United Church I am writing you to register concerns regarding "The Road to Change - Halton Region Transportation Master Plan 2031" completed in September 2011 and the Notice of Completion.

My client, either directly or through its consultants, has participated throughout this process and still is very concerned as to how the proposed changes to Dundas Street will impact its facilities and its lands.

My client's property is in a unique situation in that there is a heritage building on their lands on the north side of Dundas Street and there is a cemetery on the south side of Dundas Street, both of which are constraints to expanding the road.

The current Environmental Assessment for Dundas Street (which is still under way), is based on a 47 meter right-of-way. We have met with Regional staff on a number of occasions to discuss our concerns regarding the recommendations of that process and our issues are still

not resolved. There has been no contact from Regional staff in over a year to address any of these issues.

The Region currently has the construction of this portion of Dundas Street scheduled for 2013.

The new Master Transportation Plan is proposing transit within a reserved right-of-way and an enlarged right-of-way for Dundas Street of a 50 meter right-of-way. In addition to these studies, the Region is undertaking the Bus Rapid Transit Corridor Study for Dundas Street which is proposing a new transit services on a dedicated lane.

My client is very concerned that the various studies, including this Master Transportation Plan, continue to set out ongoing and increasing land requirements to accommodate the requirements for Dundas Street, at the expense of the Church.

As Regional staff have not resolved my client's concerns to date, and the Master Transportation Plan only exasperates the issues of my client, we have no option but to object to the recommendations of the Master Transportation Plan as it relates to Dundas Street and the proposed dedicated transit line.

It is our request that the Region establish a comprehensive resolution that addresses both the concerns of Munn's United Church and the Region's needs over the long term.

Yours faithfully,

O'CONNOR MACLEOD HANNA LLP

Blair S. Taylor
BST:gw

cc: Mr. Matt Krusto, Transportation Coordinator, Region of Halton
Mr. Jason Lewis, Assistant Legal Counsel, Region of Halton
Councillor Jeff Knoll
Councillor Mark Grant
Ted Robinson, Chair, Board of Trustees, Munn's United Church