

Original Delivered by Courier and by Fax
Copies by Email

December 13, 2011

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

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 14 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Attention: Mr. Andrew Doersam, Senior Planner (Fax: 1-416-585-6882)

Re: Notice of Appeal – Regional Municipality of Halton – ROPA 38

Dear Sir:

The Regional Municipality of Peel hereby appeals the Regional Municipality of Halton's Regional Official Plan Amendment No. 38, in its entirety, pursuant to section 17(36) of the Planning Act. The reasons for this appeal are as follows.

The Halton Peel Boundary Area Transportation (HPBAT) Study was a joint study conducted by the Regions of Peel and Halton, Towns of Caledon and Halton Hills, and the City of Brampton. The study concluded that a Halton Peel Freeway (HPF), coupled with several other transportation improvements, would be required to serve future growth in the Halton Peel boundary area to 2031. The HPBAT study satisfied Phases 1 and 2 of the Municipal Class Environmental Assessment Process.

The HPBAT study was endorsed by Councils of all the study partners in the Spring of 2010, and staff were directed to develop and execute a memorandum of understanding which would outline the next steps in the HPBAT study.

Since that time, Peel, Brampton and Caledon staff have been working diligently and in good faith with staff from Halton and Halton Hills to develop and execute a Memorandum of Understanding (MOU) which is acceptable to all parties. The current draft version of the MOU contains an undisputed provision committing Halton and Halton Hills to implementing corridor protection policies for the HPF in their official plans.

The basis of our appeal is the absence of corridor protection policies for the HPF and the

Public Works

10 Peel Centre Dr., Suite B, Brampton, ON L6T 4B9
Tel: 905-791-7800 www.peelregion.ca

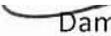
the precise location and width of the required corridor, whether for a major arterial or for a component of a more major transportation facility, is still dependent on the further studies referenced below.

Attached is a completed OMB Form A1 regarding this matter, together with a cheque made out to the Minister of Finance for \$125.00 for the Board's fee relating to this appeal.

In the spirit of good faith and cooperation, Peel remains open to continued discussion with Halton Region staff regarding potential avenues to address these concerns.

Yours truly,

Original signed by

 Damian Albanese, P.Eng.
Director, Transportation Division
Regional Municipality of Peel

cc. Wayne Chan
 Tina Detaramani
Stephen Garrod
John Gescher
 Gary Kocialek
Dan Labrecque
Arvin Prasad
Matthew Rea
Tom Slomke
David Szwarc

Enclosures: Form A1
Cheque to Minister of Finance

Public Works

10 Peel Centre Dr., Suite B, Brampton, ON L6T 4B9
Tel: 905-791-7800 www.peelregion.ca

**Environment and Land Tribunals
Ontario**
Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**
Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopieur: (416) 326-5370
Site Web: www.elto.gov.on.ca



Instructions for preparing and submitting the Appellant Form (A1)

- Complete one form for each type of appeal you are filing.
- Please print clearly.
- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable.
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.



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)
	<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)
Official Plan or Official Plan Amendment	<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

REGIONAL MUNICIPALITY OF HALTON
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: HALTON

Part 3: Appellant Information

* REGIONAL MUNICIPALITY OF PEEL *

First Name: DAMIAN Last Name: ALRANESE - ON BEHALF

OF REGIONAL MUNICIPALITY OF PEEL

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

Professional Title (if applicable): DIRECTOR, TRANSPORTATION DIVISION

E-mail Address: damian.alranese@peelregion.ca

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

Daytime Telephone #: 905 791-7800 x 7801 Alternate Telephone #: _____

Fax #: 905 791-1442

Mailing Address: 10 PEEL CENTRE DRIVE, SUITE B, 4TH FLR, BRAMPTON

Street Address

Apt/Suite/Unit#

City/Town

ON

L6T 4B9

Province

Country (if not Canada)

Postal Code

Regional of Peel

Original signed by

Date: Dec 13, 2011

Signature of Appellant: _____

(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: JOHN Last Name: GESCHER

Company Name: REGIONAL MUNICIPALITY OF PEEL

Professional Title: SENIOR LEGAL COUNSEL

E-mail Address: john.gescher@peelregion.ca

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

Daytime Telephone #: 905 791 7800 x 4730 Alternate Telephone #: _____

Fax #: 905 791-6992

Mailing Address: 10 PEEL CENTRE DRIVE, SUITE A, 5TH FLR, BRAMPTON

Street Address

Apt/Suite/Unit#

City/Town

ON

L6T 4B9

Province

Country (if not Canada)

Postal Code

Original signed by

Signature of Appellant: _____ Date: December 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: 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 REGIONAL MUNICIPALITY OF HALTON -
OFFICIAL PLAN AMENDMENT NO. 38 IN ITS ENTIRETY

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 APPEAL LETTER.
DATED DEC. 13, 2011

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

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)

[Empty box for OMB Reference Number(s) and/or Municipal File Number(s)]

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
THREE

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):
LAND USE PLANNER, TRANSPORTATION PLANNER, TRANSPORTATION ENGINEER.

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? TO SCOPE ^{and narrow} ISSUES, AND SET SCHEDULE

Part 9: Other Applicable Information **Attach a separate page if more space is required.

PLEASE SEE ATTACHED ORIGINAL COMMENTS TO HALTON REGION ON ROPA 38 (dated December 3, 2009.)

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

December 3, 2009

Mr. Perry Vagnini
Senior Planner
Regional Municipality of Halton
1151 Bronte Road
Oakville, ON L6M 3L1

Dear Mr. Vagnini;

Subject: Halton Region Draft Official Plan Amendment No.38

Thank you for circulating the Draft ROPA 38 for our review. We have reviewed it and the latest version of the Draft ROPA 38 posted in Halton Region's web site on November 30, 2009, and have the following comments to offer.

As you know the Regions of Halton and Peel together with the Town of Halton Hills, City of Brampton and the Town of Caledon initiated the Halton Peel Boundary Area Transportation Study (HPBATS). This is an important transportation study and we anticipate it to recommend a north-south transportation corridor linking Highways 401 and 407 serving the Town of Halton Hills and the City of Brampton.

The transportation policies in ROPA 38 do not appear to make reference to the HPBATS and Halton Region's intent to protect lands for a potential north-south transportation corridor, for the portion within Halton Region. Furthermore, some of the lands on the north side of Highway 401 designated Employment Area on Map 1, and Future Strategic Employment Area on Map 1C may be required for this north-south transportation corridor. Accordingly, we suggest that you incorporate appropriate policies in the Draft ROPA 38 and revise Maps 1 and C to address our concerns.

Also, we are of the opinion that it would be appropriate to have a policy included in ROPA 38 recognizing the potential for a six lane right-of-way for that part of Winston Churchill Boulevard between Highway 407 and Steeles Avenue as per the Official Plan for Peel Region.

We are of the understanding that water and waste water treatment services for the forecasted growth in Halton's Urban Area will be provided by Halton Region.

If you have any questions, please call me at 905-791-7800, Extension 4416.

Yours truly,

Original signed by

Basil Gurusinghe
Principal Planner
Development Planning Division

Cc. David Waters, City of Brampton, Manager, Land Use Policy

Environment, Transportation and Planning Services

10 Peel Centre Dr., Suite A, Brampton, ON L6T 4B9
Tel: 905-791-7800 www.peelregion.ca