



December 13, 2011

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

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 14 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Dear Mr Doersam:

Re: **Notice of Appeal of a Decision of the Ministry of Municipal Affairs and Housing pursuant to Section 17(36) of the Planning Act, R.S.O. 1990 C.P-13, as amended, in respect to a decision to approve with modifications Official Plan Amendment No. 38 to the Regional Halton Official Plan, as adopted by By-law No. 162-09**

MMAH File No. 24-OP-0027-038

In a decision dated November 24, 2011, the Ministry of Municipal Affairs and Housing approved, with modifications, OPA No. 38 to the Regional Municipality of Halton Official Plan.

This letter will serve as the City of Burlington's Notice of Appeal to the Ontario Municipal Board pursuant to Section 17(36) of the *Planning Act*. Please find enclosed herewith our cheque in the amount of \$125.00, made payable to the Minister of Finance.

City of Burlington Planning staff is of the opinion that a number of the components of the decision are not reflective of consultation undertaken by the Region with the public and with the four local municipalities. This appeal relates to, but is not limited to, the following specific policies and any other matters that may be identified by City Council:

Prime Agricultural Areas as a Land Use Designation (Minister's modifications to Map 1- Regional Structure, Map 1D- Prime Agricultural Areas, and Sections 51(5), 71(9), 77(7)).
The mapping and policies as revised identify Prime Agricultural Areas as a component of the Regional Structure and as a Designation within the Regional Official Plan. City of Burlington Planning staff has two concerns:

- The first relates to how this policy will be interpreted, especially where Prime Agricultural Areas overlay multiple other designations in the Regional Official Plan, each with their own objectives and policies.
- The second relates to the decision to identify additional Prime Agricultural Areas within the City of Burlington which were not identified in either Report 3.03 or 3.04 of the Sustainable Halton background reports.

Financing Human Services (Minister's modifications to Section 77(15) and 77(17)a)).

City of Burlington staff is of the opinion that these policies should remain. The policies recognize that under the current legislation the development industry is not obligated to pay for human services. The policies at the same time recognize the critical importance of human services as they contribute to complete communities, and are supportive of the City's obligations under the Planning Act to provide for adequate provision of educational, health, social, cultural and recreational facilities.

Requirement for amendment to include in mapping Preliminary Route Planning Study areas
(Minister's modifications to Section 173(5.1)(c)).

This new policy requires the Region and Local municipalities to prepare amendments to their respective plans once a new preliminary route planning study area is identified through a Provincial Environmental Assessment. City of Burlington Planning staff is of the opinion that these policies could have the effect of requiring the identification of the Niagara to GTA corridor, contrary to a Council approved position opposing the location of such a route. The new policy requires the City to accept a single approach to the exclusion of alternative approaches, which does not reflect local planning values.

Mineral Aggregate Policies (Minister's modifications to Section 107 through 110).

Extensive modifications are proposed to the mineral aggregate resources policies. City of Burlington Planning Staff is of the opinion that the policy modifications are not supported by substantial evidence and that no evaluation has taken place of the effect of these modifications.

Regional Natural Heritage System modified to include the Greenbelt Natural Heritage System
(Minister's modifications to Sections 51(2.1), 51.2(6), 71(3), and 115.4(3))

The Minister's modification resulted in the removal of the Greenbelt Plan area from the Regional Structure and merging of the Regional Natural Heritage System and the Greenbelt Natural Heritage System. City of Burlington Staff is of the opinion that the approach proposed does not reflect the findings of extensive consultations undertaken with residents and the local municipalities.

Modifications to Environmental Impact Assessment Requirements (Minister's modifications to Section 101(1.8), 118(3.1) and 118(3.3)).

A number of modifications are proposed regarding the Regional Natural Heritage System including a return to a *key features* based policy and modifications related to the application of the requirement for Environmental Impact Assessments. City of Burlington Planning Staff has two concerns:

- The first relates to requiring Environmental Impact Assessments only where development is within 120 metres of *key features*, rather than within 120 metres of the Regional Natural Heritage System.
- The second relates to the removal of specific direction related to agricultural building proposals. City of Burlington Staff believes that these policies gave clear direction to balance continued agricultural operation
- s while protecting the Regional Natural Heritage System as a whole.

The approach proposed in the modifications to ROPA 38 does not recognize local planning values related to the preservation of natural heritage.

Please note that this Notice of Appeal is being filed in advance of consideration by Council for the City of Burlington in order to comply with statutory appeal timeframes and, as such, is subject to Council direction.

We trust that you will find the foregoing to be satisfactory. If anything further is required, please contact the undersigned.

Yours truly, 

Original signed by

Bruce Krushelnicki
Director of Planning and Building

cc: Blake Hurley, Assistant City Solicitor
Nancy Shea-Nicol, City Solicitor
Angela Morgan, City Clerk

Ron Glenn, Director of Planning and Chief Planning Official

**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)
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

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

Municipality/Upper tier: Region of Halton

Part 3: Appellant Information

First Name: Bruce Last Name: Krushelnicki

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

Professional Title (if applicable): Director of Planning and Building

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

Daytime Telephone #: (905) 335-7600 ext. 7630 Alternate Telephone #: _____

Fax #: (905) 335-7880

Mailing Address: 426 Brant Street P.O. Box # 5013 Burlington
Street Address Apt/Suite/Unit# City/Town
Ontario L7R 3Z6
Province Country (if not Canada) Postal Code

Signature of Appellant: Original signed by [Signature] Date: Dec 13, 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: _____ 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 to the Region of Halton Official Plan with Provincial modifications

MMAH FILE NO . 24 - OP - 0027 - 038

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 refer to the letter which accompanies this appellant form

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)]

