

Rec'd @ HRC reception June 28/22 Rec'd Regional Clerks office June 29/22 EOD

June 28, 2022

Denise Baker
Partner
t. 416-947-5090
dbaker@weirfoulds.com

Via Email & Courier

Regional Municipality of Halton
Regional Clerk
1151 Bronte Road
Oakville, ON L6M 3L1

File 16067.00028

Attention: Graham Milne, Regional Clerk

Dear Mr. Milne:

RE: Notice of Appeal of Development Charge By-law No. 25-22

We are solicitors for the Building Industry and Land Development Association ("BILD") regarding their interest in the Region of Halton's new Development Charge By-law No. 25-22 passed on May 25, 2022, (the "DC By-law").

On behalf of BILD, we hereby appeal the DC By-law pursuant to Section 14 of the *Development Charges Act*.

BILD has actively participated in the process leading up to the passing of the DC By-law and has provided a number of written submissions to both staff and Council with respect to this matter. Unfortunately, the concerns of the BILD members have not been addressed over the course of our involvement in this process. As a result, we are appealing the DC By-law for the following reasons:

1. The development charges imposed by the DC By-law have not been calculated using a methodology that is reasonable and in compliance with the requirements of the Development Charges Act, 1997 and Regulations;
2. The development charges imposed by the DC By-law don't appropriately account for excess capacity in the municipality's infrastructure;
3. The development charges imposed by the DC By-law don't appropriately account for post-period benefits including, but not limited to, road projects and rail crossings;

4. The development charges imposed by the DC By-law don't appropriately account for service increases that will have a benefit to existing development, including, but not limited to, road projects and rail crossings;
5. The development charge background study doesn't comply with the Development Charges Act, 1997 and Regulations;
6. There is insufficient information available in the Background Study to determine the development charge and requests for additional information have gone unanswered;
7. The development charge has been determined using an inappropriate growth forecast number;
8. The development charge includes road widening and other land acquisitions that may be provided to the region at no cost through the development approval process;
9. The construction costing analysis and adjustment factors for capital projects used in calculating the development charge are not reasonable nor are they in compliance with the requirements of the DCA and Regulations; and
10. Other reasons that we may advise and the Tribunal may allow.

In moving through the appeal process, we would welcome the opportunity to engage in mediation with respect to this matter, if the Region is likewise willing to engage in mediation.

In satisfaction of the Tribunal's filing requirements, enclosed please find the following:

1. A duly completed and signed OLT Appeal Form (A1); and,
2. Our firm cheque in the amount of \$1,100, payable to the Minister of Finance, representing the Tribunal's filing fee for the appeal.

In the interim, kindly acknowledge the receipt of this letter and advise when the appeal has been forwarded to the Tribunal.

Thank you for your attention to this matter. Please do not hesitate to contact the undersigned if you have any questions or concerns.

Yours truly,

WeirFoulds LLP



Per: Denise Baker
Partner

DB/mw

Encls

cc Client

WeirFoulds^{LLP}
BARRISTERS & SOLICITORS

4100 - 66 Wellington Street West
PO Box 35, Toronto-Dominion Centre
Toronto, ON M5K 1B7

Bank of Montreal
1 First Canadian Place
100 King Street West
Toronto, ON M5K 1A3

45427

MM DD YYYY

April 29, 2022

pay **One Thousand One Hundred and 00/100 Dollar(s)*****

\$ **1,100.00**

pay to the order of Minister of Finance

GENERAL ACCOUNT

WeirFoulds^{LLP}

PER But
PER [Signature]



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Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

Appeal Form (A1)

Date Stamp

(OLT Office Use Only)

OLT Case Number
(OLT Office Use Only)

Date Stamp – Appeal Received
by OLT

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information				
Last Name:		First Name:		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Building Industry and Land Development Association				
Email Address:				
ptenuta@bildgta.ca				
Daytime Telephone Number:			Alternative Telephone Number:	
416-391-3454	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
100	20	Upjohn Road		
City/Town:		Province:	Country:	Postal Code:
North York		ON	Canada	M3B 2V9

Representative Information

X I hereby authorize the named company and/or individual(s) to represent me

Last Name:		First Name:	
Baker		Denise	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
WeirFoulds LLP			
Email Address:		LSO Number (if applicable):	
dbaker@weirfoulds.com		48116H	
Daytime Telephone Number:		Alternative Telephone Number:	
416-947-5090	ext.	905-829-8600	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
10	1525	Cornwall Road	
City/Town:	Province:	Country:	Postal Code:
Oakville	ON	Canada	L6J 0B2
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p> <p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>			

Location Information

Are you the current owner of the subject property? Yes X No

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

Whole of Municipality

Municipality:

Regional Municipality of Halton

Upper Tier (Example: county, district, region):

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal	Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example Minor Variance	<i>Planning Act</i>	45(12)
1 Development Charge By-law	<i>Development Charges Act</i>	14
2		
3		
4		
5		

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A

<input checked="" type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5A
<input type="checkbox"/>	Application to amend the <i>Niagara Escarpment Plan</i>	5B
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

0

Municipal Reference Number(s):

By-law No. 25-22

List the reasons for your appeal:

See attached correspondence

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*

- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5A – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Name of Applicant for Development Permit:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 5B – Application to amend the *Niagara Escarpment Plan*

Owner

Last Name:

First Name:

Email Address:

Daytime Telephone Number:

ext.

Alternative Telephone Number:

Mailing Address

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:

Province:

Country:

Postal Code:

Property Location & Information

Municipality:

Street Number:

Street Name:

Lot:

Concession:

And/or

Lot:

Plan:

Assessment Roll Number or PIN:

Lot Size:

Property Servicing

Existing Road Frontage:

Municipal

Private

Proposed Road Frontage:

Municipal

Private

Existing Water Supply:

Municipal

Private

Proposed Water Supply:

Municipal

Private

Existing Sewage Disposal:

Municipal

Private

Proposed Sewage Disposal:

Municipal

Private

Is the Proposal the Subject of a Current Application? Please identify:

- Development Permit under *Niagara Escarpment Planning and Development Act*
- The *Planning Act* (Official Plan or Zoning By-law Amendment)
- The *Aggregate Resources Act* (License)
- Committee of Adjustment (Minor Variance)
- Land Division Committee (Severance)
- Other:

Description of the Property

Describe the current use of the property including any existing buildings or structures:

Category of the Proposed Amendment

- | | |
|--|--|
| <input type="checkbox"/> Change in Designation | <input type="checkbox"/> Change to Policy |
| <input type="checkbox"/> Request for Urban Servicing | <input type="checkbox"/> Change to Plan Boundary |
| <input type="checkbox"/> Other: | |

Detailed Description of Proposed Amendment

Provide a detailed description of the proposed amendment:

Justification and Rationale

(Including Reasons, Argument and Evidence in Support of the Amendment)
(See Niagara Escarpment Plan Amendment Guidelines)

The justification submitted with the application should address the following:

1. Analysis of how the proposed amendment is consistent with the *Niagara Escarpment Planning and Development Act*, the Niagara Escarpment Plan, and shall be consistent with other relevant Provincial plans.
2. A justification which includes the rationale for the amendment, as well as reasons, arguments or evidence in support of the change to the Plan proposed through the amendment.

The following studies and reports may be necessary to be submitted in support of justification of the proposed amendment (The applicability of the following will depend on the nature of the application):

- Agricultural Land Use Impacts
- Air Quality Impact Assessment
- Engineering Reports
- Environmental Impact Study
- Geological Studies
- Grading Plans – Existing and proposed and Slope Stabilization Plans and Typical Cross Sections
- Historical/Cultural/Archeological Impact Assessment
- Hydrogeological Impact Assessment
- Landscape/Visual Impact Analysis
- Noise Impact Assessment
- Setback from the Brow of the Escarpment
- Suitable for Septic Systems
- Traffic Impact Assessment
- Tree Removal/Planting including Berming and Landscaping
- Other:

Site Plan

Please attach an accurate Site Plan drawn to scale. The Site Plan may be drawn on a blank sheet; on an attached Survey, or by using mapping software (Ontario Make a Map etc.). The Site Plan must show existing features, such as, buildings and structures, streams, changes in grades, rock outcrops, driveways, forested areas and proposed uses to changes to the property or the features.

NOTE: For amendments regarding Mineral Resource Extraction Areas, please provide copies of the Site Plan as required by Regulation under the *Aggregates Resources Act*.

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:

Province:

Country:

Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: \$1,100

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	X	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form.

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).

Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
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Denise Baker



2022/06/24

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

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 at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5A or 5B	For the Areas of: Dufferin County (Mono) Region of Halton	For the Areas of: Bruce County Grey County

	<p>Region of Peel Region of Niagara City of Hamilton</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p>Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p>Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1</p> <p>Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.