



Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 14 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Please refer to: **John M. Alati**
e-mail: johna@davieshowe.com

December 8, 2011

By Next Day 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: Regional Municipality of Halton, Official Plan Amendment 38
Notice of Appeal, on behalf of TSI International Canada Inc.
pursuant to Section 17(24)**

We are counsel to TSI International Canada Inc. ("TSI International"), the owner of lands municipally known as 9063 Twiss Road, legally described as Lot 6, Concession 3, in the Town of Milton.

On November 24, 2011, the Minister of Municipal Affairs and Housing approved with modifications, Official Plan Amendment No. 38 to the Regional Municipality of Halton Official Plan ("ROPA 38"), as adopted by By-law No. 162-09.

Prior to the adoption of ROPA 38 by the Minister, our client met with the Town of Milton, the Region of Halton, the Toronto Conservation Authority and the Ministry of Municipal Affairs and Housing to discuss the inclusion of its lands being rounded into the Campbellville Hamlet Area. This would provide for the development of residential lots similar to the existing 'village residential subdivision' within the Hamlet boundary immediately adjacent to this property. The purpose of this letter is to appeal, pursuant to Section 17 (24) of the *Planning Act*, the Minister's Decision to adopt ROPA 38, to the Ontario Municipal Board for a hearing.

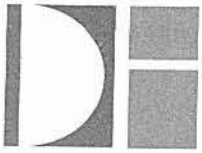
The reasons for the appeal are :

1. The Minister's decision with respect to the subject lands is inappropriate and fails to recognize that the lands should be rounded into the Campbellville Hamlet Area.

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2. TSI International is actively involved in the broader planning processes associated with the regional official plan reviews, as well as the statutory process leading up to the Ministry approval of ROPA 38. Our client made submissions prior to adoption and approval of ROPA 38.
3. Town of Milton Council determined that the TSI International lands qualified as a minor rounding out of the Campbellville Hamlet boundary and adopted OPA 31, on June 24, 2010, which included the TSI International lands within the Campbellville Hamlet.
4. The TSI International lands are outside the Speciality Crop Area and the proposed residential re-development of this former wayside pit and quarry is in keeping with the character of the Hamlet which satisfies two of the requirement criteria for consideration of "rounding out" of the Hamlet boundary at the time of municipal conformity. The small Provincially Significant Wetland area found on the TSI International site is in reality a man made channel. A scoped environmental assessment report (SEA) concluded that it is in decay and segregated from the main Provincially Significant Wetland to the east by the Railway. The inclusion of the TSI International lands in the Hamlet boundary would provide for a basis to remediate this man made feature and the true limit of the Provincially Significant Wetland. The SEA concludes that residential development is an opportunity to create a healthy natural linkage on this property to the wetland east of the railroad. The Niagara Escarpment Commission had advised that the TSI International lands are not subject to the Niagara Escarpment Commission approval as the lands do not fall within the Niagara Escarpment Commission Plan.
5. There is no opportunity on the TSI International lands to support or maintain a permanently secure, economically viable agricultural industry as stated in the Region's Official Plan policy number 91. The lands are situated on one side by the settlement boundary of the Campbellville Hamlet, a developed village residential subdivision and an Industrial Employment Park on the other side. Also the topsoil has been completely striped away and aggregate removed (wayside pit) which makes this site ideal for rehabilitation as required by the Ministry of Natural Resources as an infill parcel and in a form compatible with the abutting village residential use located in the Campbellville settlement area.
6. Map 1 shows our client's lands as being partially included in the Regional Natural Heritage system. This is inconsistent with other maps and the



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circumstances on the ground. There are no key features of Natural Heritage interest on our client's lands

7. Our client continues to review the policies and schedules provided in ROPA 38 and may identify in due course additional issues upon completion of their more comprehensive review of ROPA 38.
8. Such further and other reasons as counsel may provide and the Board will permit.

We have copied this letter to the Town of Milton Clerk, Mr. Tory McHarg, and the Region of Halton Clerk, Ms. Karyn Bennett, so that they are aware of our appeal.

We have enclosed with the delivered copy of this Notice of Appeal a cheque in the amount of \$125.00, payable to the Minister of Finance, which represents the filing fee associated with the processing this appeal. We have also enclosed a completed copy of the OMB Appellant Form (A1).

We would appreciate receiving your confirmation of receipt of this Notice of Appeal and would be pleased to forward any additional information which the Board requires.

Should you have any questions or if you require additional information do not hesitate to contact us.

Yours truly,

DAVIES HOWE PARTNERS LLP

Original signed by

John M. Alati

Enclosure

Copy: client
Town Clerk
Regional Clerk

**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

Télocopieur: (416) 326-5370

Site Web: www.elto.gov.on.ca



Ontario

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.



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**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

9063 Twiss Road, legally described as Lot 6, Concession 3
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Town of Milton

Part 3: Appellant Information

First Name: _____ Last Name: _____

TSI International Canada Inc.

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

Professional Title (if applicable): _____

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: _____

(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: Alati

Company Name: Davies Howe Partners LLP

Professional Title: Lawyer

E-mail Address: johna@davieshowe.com

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

Daytime Telephone #: (416) 977-7088 Alternate Telephone #: _____

Fax #: (416) 977-8931

Mailing Address: 99 Spadina Avenue 5th Floor Toronto

Street Address

Apt/Suite/Unit#

City/Town

Ontario

M5V 3P8

Province

Country (if not Canada)

Postal Code

Signature of Appellant: Original signed by _____ Date: Dec 8/2011

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)

Please refer to the attached Notice of Appeal letter.

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 attached Notice of Appeal 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.

[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)]

