

Davis Webb LLP

Barristers & Solicitors

24 Queen Street East, Suite 800
Brampton, Ontario, Canada
L6V 1A3

Telephone (905) 451-6714
Fax (905) 454-1876

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 14 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Ronald K. Webb, Q.C.
Ronald S. Sleightholm
Neil G. Davis, B.A., LL.B.
Christopher L. Moon
Ellen S. Pefhany, B.S.L., LL.B.
Barbara Skupien
James S.G. Macdonald

COUNSEL
Hon. William G. Davis PC CC QC

A. Grenville Davis, Q.C. (1916-1973)

File No.

TELECOPIER TRANSMISSION

DATE: December 14, 2011
TO: Mr. Andrew Doersam, Senior Planner
FIRM: Ministry of Municipal Affairs and Housing
CITY: Toronto
FROM: Ronald K. Webb, Q.C.

Total number of pages including cover letter: 5

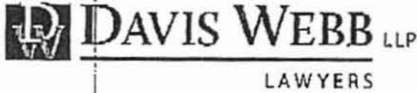
FAX #: 416-585-6882

If you do not receive all of the pages, please call Leila at (905) 451-6714

COMMENTS:

This fax is attorney-client privileged and contains confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone and return the original transmission to us by mail without making a copy.

55



24 Queen Street East
Suite 800
Brampton, Ontario, Canada
L6V 1A3

Internet: DavisWebb.com
Fax: 905.454.1876
Telephone: 905.451.6714

ESTABLISHED IN 1916
A. Grenville Davis QC (1916-1973)

Ronald K. Webb QC
Nell G. Davis
Christopher L. Moon
Ronald S. Sleightholm
Ellen S. Pefheny
Barbara Skupien
James S.G. Macdonald

COUNSEL
Hon. William G. Davis PC CC QC

Via Fax - 905-585-6882

December 14, 2011

Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Office
777 Bay Street, 2nd Floor
Toronto, Ontario
M5G 2E5

**Attention: Mr. Andrew Doersam,
Senior Planner**

Dear Sir:

**RE: Notice of Appeal
Appellant: Clay Brick Association of Canada (CBAC)
File No. 24-OP-0027-038
Municipality: Regional Municipality of Halton
Regional Official Plan Amendment 38 (ROPA 38)**

We are enclosing herewith the appeal of our client Clay Brick Association of Canada which is an incorporated association. We are filing this Notice of Appeal by fax and we are also mailing a copy of this Notice of Appeal by original letter on this date.

If you need more information, please communicate with the writer at your convenience.

Yours truly,

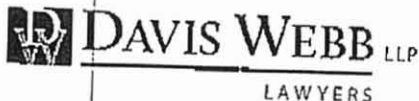
DAVIS WEBB LLP

Original signed by
Ronald K. Webb, Q.C.

RKW:lb

Encl.

c.c. Mr. Robert Long
Mr. George McKibton



24 Queen Street East
Suite 800
Brampton, Ontario, Canada
L6V 1A3

Internet: DavisWebb.com
Fax: 905.454.1876
Telephone: 905.451.6714

ESTABLISHED IN 1916
A. Grenville Davis QC (1916-1973)

Ronald K. Webb QC
Neil G. Davis
Christopher L. Moon
Ronald S. Sleightholm
Ellen S. Pefhany
Barbara Skupien
James S.G. Macdonald

COUNSEL
Hon. William G. Davis PC CC QC

December 14, 2011

Via Fax & Original By Mail

Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Ontario
777 Bay Street, 2nd Floor
Toronto, Ontario
M5G 2E5

**Attention: Mr. Andrew Doersam,
Senior Planner**

Dear Sir:

**RE: NOTICE OF APPEAL
Regional Municipality of Halton
Halton ROPA 38
Appellant: Clay Brick Association of Canada (CBAC)**

Clay Brick Association of Canada (CBAC) appeals the following parts of Region of Halton, Regional Official Plan Amendment 38 (ROPA 38) for the reasons set out below.

1. Map 1E - identified mineral resource areas:
CBAC appeals Map 1E and references in sections 111(2), 112(1) and 139.10. The reason is that the map designates areas with excessive parcel fragmentation and over burden thickness and the policies should refer to making the aggregate available.
2. Consistency with Provincial Policy Statement and Greenbelt Plan
CBAC appeals sections 36, 54, 64, 110(6.1) and others which are more restrictive than the corresponding policies within the PPS and the Greenbelt Plan.

- 2 -

3. **Competitive Resource Demands:**
CBAC appeals section 110(6)(b) and the requirement to consider "resources on lands identified as designated growth areas". The reason for this appeal is based on experience with comparable policy in other municipalities which is that these are not viable or accessible resources given other planning policy and practical development matters at play and should not be included as an alternative to be given consideration. Other ministers modifications provide for the protection of sensitive urban uses such as residential uses from existing mineral aggregate operations. As a practical matter, requiring resources in designated growth areas to be considered as an alternative sets up an impossible situation where other policies addressing sensitive use buffers are concerned.
4. CBAC appeals sections 110 and 114 and specifically 110(7.1.), 110(7.2.), 110(7.3.), 110(7.4) and 115.3(1) as these apply generally and in policy 138.1. The reason for this appeal is that the policy may be so much in conflict as to preclude the licensing of the remaining shale resources. Commitments in policies to reasonableness of application is needed to clarify the application of this policy and to ensure that the policies, when taken together and with the other policies affecting the licensing of Bedrock Shale deposits as intended.
5. CBAC appeals section 169 because it does not recognize mineral aggregate and industrial mineral development as important to the regions economy.
6. **Private communal water systems:**
CBAC appeals section 110(7.4a). The reason for this appeal is based on the appellant's experience with ground water resources within shale deposits east of the Niagara Escarpment is that ground water is scarce and of low quality. Where license applications are made, attention will need to be given to providing private communal or public water to adjoining farms and residences and so on. This policy on water resources should provide clarity that such private communal and public water sources will be considered favourably, where required, subject to the *Environmental Assessment Act*.
7. **Aggregate Resources Reference Manual:**
CBAC appeals sections 110(7.6) and 110.9.1. The reason for this is that these policies enable the Region to impose currently unpublished and evolving standards upon mineral aggregate license applicants.
8. **General Sections:**
CBAC appeals section 212.1 because the definition of Adaptive Management Plan needs to be clarified and expanded.

- 3 -

9. Natural Heritage System Policies including section 114 to 130 and Map 1F because they require clarification particularly in the context of mineral aggregate resource hierarchy and consistency with the PPS and the Greenbelt Plan.

Appeal dated the 14th day of December 2011.

Original signed by _____

Clay Brick Association of Canada
by it's solicitors **DAVIS WEBB LLP**
Per: **Ronald K. Webb, Q.C.**

24 Queen Street East
Suite 800
Brampton, Ontario, Canada
L6V 1A3

Internet: DavisWebb.com
Fax: 905.454.1876
Telephone: 905.451.6714

ESTABLISHED IN 1916
A. Grenville Davis QC (1916-1973)

Ronald K. Webb QC
Neil G. Davis
Christopher L. Moon
Ronald S. Sleightholm
Ellen S. Pefhany
Barbara Skupien
James S.G. Macdonald

COUNSEL
Hon. William G. Davis PC CC QC

Via Fax - 905-585-6882

December 14, 2011

Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Office
777 Bay Street, 2nd Floor
Toronto, Ontario
M5G 2E5

**Attention: Mr. Andrew Doersam,
Senior Planner**

Dear Sir:

**RE: Notice of Appeal
Appellant: Clay Brick Association of Canada (CBAC)
File No. 24-OP-0027-038
Municipality: Regional Municipality of Halton
Regional Official Plan Amendment 38 (ROPA 38)**

Enclosed herewith please find our general account cheque payable to the Minister of Finance, Province of Ontario in the amount of \$125.00 with regards to the filing fee of the appeal in this matter

Yours truly,

DAVIS WEBB LLP

Original signed by

Ronald K. Webb, Q.C.

RKW:lb
Encl.