
AIRD & BERLIS LLP

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February 3, 2012

BY COURIER

Our File No.: 104774

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

Attention: Andrew Doersam, Senior Planner

Dear Mr. Doersam:

**Re: Notice of Appeal, on behalf of the Corporation of the Town of Milton,
pursuant to s. 17(36), Planning Act, R.S.O. 1990 c. P.13, as amended
File No.: 24-OP-0027-038
Municipality: Regional Municipality of Halton
Regional Municipality of Halton, Official Plan Amendment 38 (“ROPA 38”)**

We are counsel for the Corporation of the Town of Milton (the “Town”) in respect of the above-noted matter and, on behalf of the Town, filed a notice of appeal of ROPA 38 on December 15, 2011.

As we indicated in our notice of appeal, the Town had, out of an abundance of caution, appealed the entirety of ROPA 38 pending its comprehensive review of the Minister’s modifications. We have now had an opportunity to do that and are satisfied that there is no need for the Town to maintain that aspect of the appeal. Therefore, the Town hereby withdraws its appeal of the entirety of ROPA 38.

In addition, we had indicated the Town’s commitment to work with the Region to further scope the specific items that we had raised. We are pleased to report that as a result of ongoing discussions with the Region we are able to narrow the appeal further to the following items:

1. There appears to be inconsistency between the text of Section 51 and the associated mapping.
2. Section 77(5)(q) requires the application of the Minimum Distance Separation formulae in respect of the potential impact of urban development on existing agricultural operations. This is not appropriate within an urban or urbanizing context, either within the Urban Area itself, or at the interface of an urban area boundary and agricultural lands.
3. Through both the original text of ROPA 38 and the Minister’s modifications, changes have been introduced which impact land use permissions in the Agricultural Rural Area, including permissions for veterinary clinics, animal kennels and horticultural trade uses which require further analysis.

4. Section 118(1.1) places the onus upon the Town to protect additional Regional NHS and key features which are listed in Section 115.3(1) but are not mapped. Given that these features and areas are not geographically defined, it is impossible to assess the impact of this policy on the Town and the Town requires further clarification of potential impacts before it can determine if modifications to the policy are required.
5. The Town objects to the deletion of Sections 139.6 to 139.7(4), Future Strategic Employment Areas. It is appropriate to protect these lands, for the reasons set out in the original policies, from the establishment of incompatible uses, either nearby, or in the Areas themselves. Through the Sustainable Halton program, the Town consistently advocated one of its cornerstones of growth, being the maintenance of a 0.5 activity rate to ensure that a balance is maintained between residential and employment growth. Milton advocated the expansion of the range and extent of available employment lands within both the local municipalities and within the Region as a whole, in order to increase its economic development potential and competitiveness. While it is recognized that lands beyond those required to achieve the employment distribution established in the Growth Plan cannot be designated, it is the Town's position that that it is necessary to identify these lands within ROPA 38.

Notwithstanding the scoping of our client's appeal, it is its intention to seek party status with respect to all matters that arise in the course of the hearing of ROPA 38 that may affect the Town. In particular, we have now had an opportunity to review the letters of appeal filed by other parties, a number of which directly relate to or impact the Town of Milton. The Town will seek party status with respect to those appeals, and reserves the right to raise issues, in addition to those set out above, that arise from them. The Town remains committed to working with the Region and other parties to resolve its objections and concerns. As stated previously, our client intends to elaborate on this appeal, and its supporting reasons, through the pre-hearing and hearing process.

In the meantime, should you require further information or clarification respecting any aspect of this appeal, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

Original signed by


Josephine A. Matera

JAM/AJCS

cc Raymond Borja, Ontario Municipal Board
Bill Mann, Town of Milton, Director of Planning
Barb Koopmans, Town of Milton, Senior Manager of Policy Planning

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Troy McHarg, Town of Milton, Clerk
Ron Glenn, Region of Halton, Director of Planning and Chief Planning Official
Karyn Bennett, Region of Halton, Clerk
Stephen Waque

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