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CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Scott Snider
Professional Corp.
15 Bold Street
Hamilton Ontario Canada L8P 1T3
Direct Line 905 526-6183 ext. 289
Receptionist 905 529 3476 (905 LAW-FIRM)
Facsimile 905 529 3663 ssnider@tmalaw.ca

December 14, 2011

VIA COURIER & EMAIL (andrew.doersam@ontario.ca)

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

Attn: Andrew Doersam, Senior Planner

Dear Mr. Doersam:

Re: Regional Municipality of Halton
Notice of Decision to approve, with modifications,
Official Plan Amendment No. 38 to the
Regional Municipality of Halton Official Plan
Notice of Appeal pursuant to Section 17(36) of the *Planning Act*
Paletta International Corporation and P & L Livestock Limited

We represent Paletta International Corporation and P&L Livestock Limited (hereinafter, together, "Paletta"), which are related companies, in this matter.

Paletta made numerous submissions to the Region of Halton in respect of both the Region's Official Plan review exercise ("Sustainable Halton") and the resulting Regional Official Plan Amendment 38 ("ROPA 38"). This included correspondence dated June 18, October 26, October 30, November 11 and December 14, 2009 as well as a meeting with Regional Staff which was held on or about November 23, 2009. Paletta has significant landholdings within the Region.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

Pursuant to Section 17(36) of the *Planning Act*, Paletta hereby appeals the Minister's decision to approve, with modifications, ROPA 38. This appeal relates to ROPA 38 in its entirety, including all modifications made by the Minister pursuant to the Notice of Decision dated November 24, 2011.

The reasons for Paletta's appeal include, but are not limited to, the following:

1. The proposed "Natural Heritage System" designation as it relates to lands owned by Paletta, including:
 - 1041 Dundas Street, Burlington;
 - 1155 Dundas Street, Burlington;
 - 3151 Dundas Street, Burlington;
 - 4257 Guelph Line, Burlington;
 - 3415 Cedar Springs Road, Burlington;
 - 4300 Cedar Springs Road, Burlington;
 - 2161 No. 1 Side Road, Burlington;
 - 2260 No. 1 Side Road, Burlington;
 - 4335 No. 1 Side Road, Burlington;
 - 4267 Walkers Line, Burlington;
 - 4353 Walkers Line, Burlington; and
 - 5762 Fourth Line, Milton.

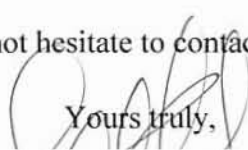
2. The "Employment Area" designation (and woodlot designation) as they relate to:
 - 5164 Upper Middle Road, Burlington;
 - 5366 Upper Middle Road, Burlington;
 - 5470 Upper Middle Road, Burlington;
 - 5900 Upper Middle Road, Burlington;
 - 5201 Mainway, Burlington;
 - 3251 Appleby Line, Burlington;
 - 1200 King Road, Burlington;

3. The designations proposed for lands known as "Eagle Heights", including:
 - 1640 Flatt Road Extension, Burlington;
 - 1751 Flatt Road Extension, Burlington;
 - 1664 Waterdown Road, Burlington; and
 - 66 Horning Road.

4. In general, the relationship of the proposed Natural Heritage System with lands in agriculture use in the Region. The proposed policies will frustrate normal farm practices and the business of farming.
5. The failure of ROPA 38 to properly recognize the severance of surplus farm dwellings to farming operations as a result of farm consolidations.
6. The lack of balance in policies requiring the development industry to absorb the costs of the provision of infrastructure.
7. Policies related to mineral extraction areas.
8. A lack of balance in policies that would require environmental impact assessments for all "development" regardless of the scale of that development, as well as the scope of these assessments.
9. The lack of balance in policies related to the preservation of existing trees.
10. The failure of the Region to appropriately recognize the costs of heritage protection for private landowners.
11. The lack of balance in policies purporting to authorize the taking of land through development applications.
12. In general, the failure of the policies to adequately recognize the needs of larger corporate farming operations such as that conducted by Paletta.

We are enclosing the prescribed fee as well as a completed Appellant Form A1.

If there is anything else you require, please do not hesitate to contact us.


Yours truly,

Original signed by


SCOTT SNIDER

SSnd 13388/1
Cc: Angelo Paletta
Dave Pitblado

**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.**



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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

Region of Halton

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

Municipality/Upper tier: **Region of Halton**

Part 3: Appellant Information

First Name: Angelo Last Name: Paletta

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

Professional Title (if applicable): President

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

Daytime Telephone #: 905-632-603 Alternate Telephone #: _____

Fax #: _____

Mailing Address: 4480 Paletta Court Burlington
Street Address Apt/Suite/Unit# City/Town
Ontario L7L 5R2
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: Scott Last Name: Snider

Company Name: Turkstra Mazza Associates

Professional Title: Lawyer

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

Daytime Telephone #: 905-529-3476 Alternate Telephone #: 905-512-7833

Fax #: 905-529-3663

Mailing Address: 15 Bold Street Hamilton
Street Address Apt/Suite/Unit# City/Town
Ontario L8P 1T3
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: December 14, 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)

**MMAH File No. 24-OP-0027-038
ROPA 38 - Halton**

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 see the attached 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)]

