



Jeffrey J. Wilker
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December 15, 2011

Mr. Andrew Doersam, Senior Planner
Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Ontario
777 Bay Street, 2nd Floor
Toronto, Ontario
M5G 2E5

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MUNICIPAL SERVICES OFFICE

DEC 15 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Dear Mr. Doersam:

Town of Halton Hills re: Appeal of Modifications to Region of Halton OPA 38
Our File No. 050791
Ministry File No: 24-OP-0027-038

We are the solicitors for the Town of Halton Hills ("Town") in this matter.

The Minister's decision in this matter ("the Decision") approves with modifications Official Plan Amendment No. 38 to the Regional Municipality of Halton Official Plan ("ROPA 38"). We are writing on behalf of the Town to appeal the Decision, specifically the modifications identified in this letter. Please find enclosed with this appeal letter the Ontario Municipal Board's appeal form as well as our firm's cheque in the amount of \$125.00 in payment of the appeal fee.

For the reasons set out below, the Town hereby appeals the following modifications contained in the Decision:

1. Modifications 115, 118, 119 and 159 which add a new policy 173(5.1)(c) relating to the GTA West preliminary route planning study area and make related changes including the note added to Map 3;
2. Modifications related to Future Strategic Employment Areas including modifications 8, 23, 28, 105, 114 and 161 that add and delete policies, references and mapping; and
3. Modification 34 which modifies policy 86(10) regarding second residential units.

General Reasons for Appeals

The modifications are not consistent with the Provincial Policy Statement, 2005, do not conform with provincial plans, are contrary to the planning vision of the Town and do not represent good, proper or appropriate planning.

GTA West Preliminary Route Planning Study Area

The Town hereby appeals modifications 115, 118, 119 and 159.

Modification 118 introduces a new policy 173(5.1)(c) which reads as follows:

(c) Where the Province through the Environmental Assessment process, such as the Niagara to GTA and GTA West Transportation Corridor EA's, has identified a preliminary route planning study area, the Region, and the Local Municipalities, shall undertake the necessary amendments to their respective Official Plans accordingly.

Modification 159 adds a note to Map 3 which reads:

Note: Map 3 as currently shown, will be updated by amendment to this plan upon the identification of a preliminary route planning study area as part of the ongoing Niagara to GTA and GTA West Transportation Corridor Environmental Assessment, in accordance with Policy 173(5.1).

Modifications 115 and 119 are related to this subject matter.

The Draft Transportation Development Strategy for the GTA West Transportation Corridor inappropriately identifies a preliminary route planning study area encompassing a substantial part of the rural area of the Town south of 10 Side Road. The Town also has substantial concerns with the options identified in the aforementioned Draft Transportation Development Strategy for the GTA West Transportation Corridor which remains under review by the Ministry of Transportation. The introduction of a policy in the Regional Official Plan requiring a future amendment to the Town's Official Plan, the details of which are presently unknown, is vague, ambiguous and has the potential to create substantial uncertainty for landowners and planning decision makers. As well, the Ministry of Transportation review is ongoing and requires further review, refinement and consideration by the Province to address significant and substantial concerns expressed by the Town and stakeholders. For these reasons, the above noted modifications are appealed.

Future Strategic Employment Areas

The Town hereby appeals modifications 8, 23, 28, 105, 114 and 161.

The Town appeals the foregoing modifications because they delete policy references to and mapping of the Future Strategic Employment Areas in the Region and amend related policies. The deleted policies and mapping are intended to constrain development in areas strategically located along major transportation corridors where future employment uses may be located beyond the 2031 planning horizon. The Town notes that the highways and other major transportation corridors to which Future Strategic Employment Areas relate are generally planned for a horizon that is more than 20 years away. The removal of this constraint to development would raise the possibility of incompatible land uses developing in these areas, hindering the Town's ability to make full use of public investment in transportation corridors at such future time as these lands may be considered for inclusion in the urban boundary. As such, the removal of references to and deletion of mapping of Future Strategic Employment Areas, and modifications to related policies are appealed.

Second Residential Units

The Town hereby appeals modification 34.

The modification reads as follows:

[Policy 86(10)] Is deleted in its entirety and replaced with:
"86(10) Require Local Official Plans and Zoning By-laws to permit second residential units within an existing dwelling in residential neighbourhoods as of right, provided that health, safety and other reasonable standards or criteria, ~~including parking and the adequacy of urban services,~~ are met."

The provision of parking and adequate urban services are "reasonable standards or criteria" for second residential units. The Town is concerned that modification 34 leaves open the potential future suggestion that these are not appropriate standards. Further, the Town is concerned that the deletion may be used to argue that these criteria do not need to be met. For the foregoing reasons, this modification is appealed.

Other Policies of Interest to the Town

We note that the Town has an interest in other policies and modifications contained in ROPA 38 and the Decision, in addition to those which the Town has appealed. In the event that there are appeals of policies which are of interest to the Town but which the Town has not appealed, the Town reserves the right to take positions and make submissions as a party at any hearing related to such appeals.

Yours very truly,

Original signed by

Jeffrey J. Wilker
Jeffrey Wilker Law Professional Corporation

JJW/dng

cc: Mayor Bonnette and Members of Town Council
Dennis Perlin, Town of Halton Hills
John Linhardt, Town of Halton Hills
Chris Mills, Town of Halton Hills

enclosures

**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
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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.**



Environment and Land Tribunals Ontario
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 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
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 FAX: (416) 326-5370
 www.elto.gov.on.ca

**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

Regional Municipality of Halton _____

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

Municipality/Upper tier: Regional Municipality of Halton _____

Part 3: Appellant Information

First Name: _____ Last Name: _____

The Corporation of the Town of Halton Hills
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 #: 905-873-2601 _____ Alternate Telephone #: _____

Fax #: 905-873-2347 _____

Mailing Address: 1 Halton Hills Drive _____ Halton Hills _____
Street Address Apt/Suite/Unit# City/Town
Ontario _____ L7G 5G2 _____
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: Jeff _____ Last Name: Wilker _____

Company Name: Thomson, Rogers _____

Professional Title: Barrister and Solicitor _____

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

Daytime Telephone #: 416-868-3118 _____ Alternate Telephone #: _____

Fax #: 416-868-3134 _____

Mailing Address: 390 Bay Street _____ 3100 _____ Toronto _____
Street Address Apt/Suite/Unit# City/Town
Ontario _____ M5H 1W2 _____
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Original signed by _____ Date: Dec. 15, 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)
The Town appeals the Minister's decision approving the Regional Municipality of Halton's ROPA 38, specifically the modifications identified in the attached 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)
See 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.

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)

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _Depends on number of appellants_.

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
5 or more

Describe expert witness(es)' area of expertise (*For example: land use planner, architect, engineer, etc.*):
Land use planning, transportation planning, engineering, ecology and agriculture. The Town may call witnesses in additional areas depending on the issues raised by other appellants.

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? To identify parties and issues

Part 9: Other Applicable Information ^{}Attach a separate page if more space is required.**

See attached letter.

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the **Minister of Finance**.
- **Do not send cash.**
- **PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.**