

Planner: B. Debbert

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: 1279059 ONTARIO INC., CLF I (WONDERLAND) INC. AND 1699259 ONTARIO INC. (C/O YORK DEVELOPMENTS)
	3313 – 3405 WONDERLAND ROAD SOUTH AND 1789 WHARNCLIFFE ROAD SOUTH
	NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON SEPTEMBER 24, 2013

RECOMMENDATION

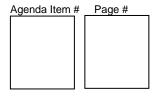
That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken in response to the letters of appeal to the Ontario Municipal Board, dated July 26, 2013 and submitted by Aird & Berlis LLP on behalf of Sifton Properties Limited, and dated July 25, 2013 and submitted by Wood Bull LLP on behalf of Greenhills SC Ltd., relating to Official Plan and Zoning By-law application No. OZ-7072 concerning 3313 – 3405 Wonderland Road South and 1789 Wharncliffe Road South:

- (a) the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it and that the City Solicitor shall represent Council's interests in these matters and may retain outside expert witnesses in support of Council's position; and,
- (b) the Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that Official Plan Amendment No. 553 and Zoning By-law Z.-1-132210 **BE CONSOLIDATED** with the hearing of PL130020 related to approval of the Southwest Area Secondary Plan.

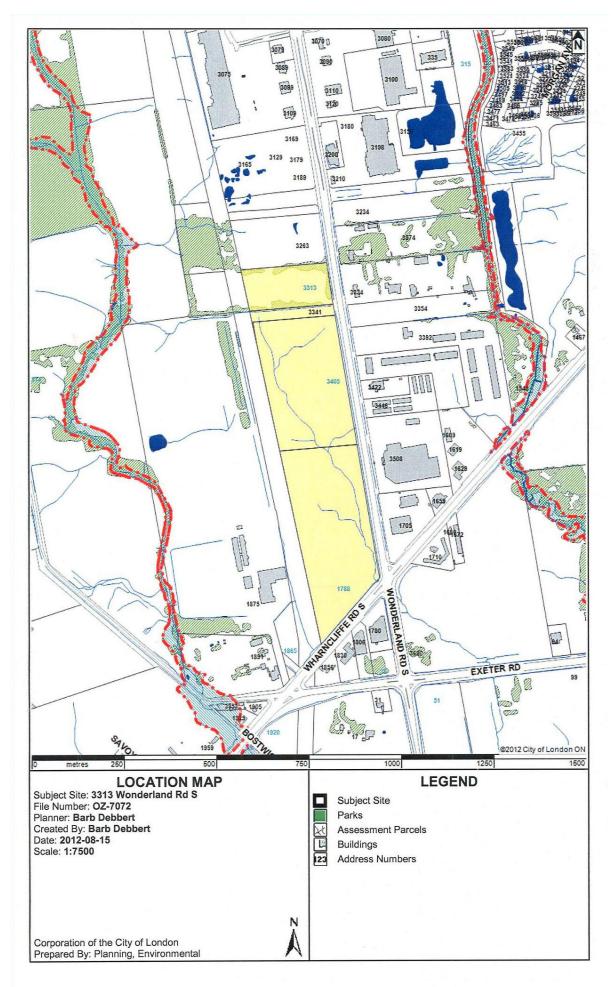
PREVIOUS REPORTS PERTINENT TO THIS MATTER

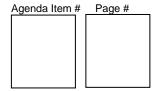
January 29, 2007 – Public Participation meeting and staff recommendation for refusal of Official Plan and Zoning By-law amendments to permit commercial development on the subject property (OZ-7072/OZ-7073) – applications submitted December 2005). The recommendation was referred back to staff to contact the applicant to complete an area plan.

June 20, 2013 – Public Participation meeting and staff recommendation for refusal of revised Official Plan and Zoning By-law amendments to permit commercial development on the subject property (OZ-7072/OZ-7073) – revised applications submitted July 30, 2012 and commonly referred to and maintained as file OZ-7072)



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PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action would advise the Ontario Municipal Board that Municipal Council is in agreement with its previous decision of June 25, 2013 to:

- Amend the Official Plan to change the land use designation from Urban Reserve –
 Community Growth to New Format Regional Commercial Node to permit a range of
 retail, convenience, personal and financial service, restaurant, commercial recreation,
 office, community facility and limited automotive uses; and,
- Amend the Zoning By-law to change the zoning from an Urban Reserve (UR4) Zone to an Associated Shopping Area Commercial Special Provision (h-5*h-__*h-__*ASA3/ASA5/ASA6/ASA8(__)) Zone which permits a broad range of large and small scale retail outlets, including supermarkets and food stores, department stores, retail warehouses, building supply, service commercial uses, offices, automotive related uses and other uses such as restaurants, studios, day care centres, commercial recreation establishments and home improvement stores, subject to holding provisions requiring: a development agreement be entered into to ensure that the development is consistent with and conforms to the vision and guidelines of the South West Area Plan; an agreement be entered into which specifies the conditions associated with the provision of temporary sanitary servicing for the land; and a public site plan meeting be held.

BACKGROUND

The subject property is located within the planning area for the Southwest Area Secondary Plan (SWAP). The SWAP was adopted by Council on November 20, 2012 as Official Plan Amendment 541 and subsequently appealed to the Ontario Municipal Board. The SWAP hearing has been scheduled to commence in February, 2014.

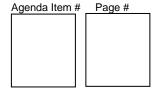
On July 30, 2012, 1279059 Ontario Inc., CLF I (Wonderland) Inc. and 1699259 Ontario Inc. (c/o York Developments) submitted revised applications to update the 2005 request for Official Plan and Zoning By-law amendments to permit commercial use of the land. Planning Staff recommended refusal of the applications.

After consideration by the Planning and Environment Committee of the application at a public meeting held on June 20, 2013, Council approved the requested Official Plan (OPA 553) and Zoning By-law (Z.-1-132210) amendments on June 25, 2013, with holding provisions related to the vision and guidelines of the South West Area Secondary Plan, sanitary servicing and public site plan approval.

Two appeals to Council's decision were received.

On July 25, 2013, an appeal was submitted by Wood Bull LLP on behalf of Greenhills SC Ltd., in opposition to Municipal Council's decision to approve the requested amendments. The reasons for appeal were:

- 1. The adoption of OPA 553 and the enactment of the Zoning By-law is premature within the context of the recent adoption of Official Plan Amendment No. 541 ("OPA 541") which adopts a Secondary Plan for Southwest London (the "Southwest London Area Plan" or "SWAP" and with the context of Council's adoption of OPA 554 and the enactment of Zoning By-law Z.-1-132211 (affecting lands of Sifton Properties Limited).
- 2. Such other reasons as counsel may advise upon further consideration.



On July 26, 2013, an appeal was submitted by Aird & Berlis LLP on behalf of Sifton Properties, in opposition to Council's decision to approve the requested amendments. The reasons for appeal are summarized as:

- 1. Approval of OPA 553 and By-law Z.-1-132210 is premature until the SWAP is in full force and effect. The Site, along with lands to the north and south along Wonderland Road, are proposed to be designated "Wonderland Road Community Enterprise Corridor" by the SWAP. The "New Format Regional Commercial Node" designation approved by OPA 553 represents a significant change from the designation proposed by the SWAP. This site specific designation will negatively impact the community planning process on surrounding lands and will impact the OMB hearing process of the SWAP.
- 2. The development of the Site will also undermine the findings of the SWAP as the development will have a significant impact on the surrounding area given its size and prominent location along Wonderland Road South.

A date for the Ontario Municipal Board Hearing has not yet been scheduled.

The reasons for appeal address matters previously discussed in detail in the staff report that was available to Council when it made its decision on June 25, 2013. The circumstances surrounding the site and the related Southwest Area Secondary Plan have not changed in substance with respect to these matters since Council made its decision. Therefore, Planning Staff see no reason for Council to alter its decision relating to this matter.

PREPARED BY:	REVIEWED BY:
BARB DEBBERT, SENIOR PLANNER COMMUNITY PLANNING AND DESIGN	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN
SUBMITTED BY:	RECOMMENDED BY:
JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

September 4, 2013

BD/

Attach

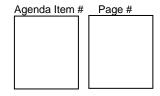
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Agenda Item #	Page #

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List of Appellants - Z.-1-132210 & OPA 553 3313-3405 Wonderland Rd S & 1789 Wharncliffe Rd S

NAME	REPRESENTED BY
Ornella Richichi Executive Vice President Greenhills SC Ltd. 700 Applewood Cres, Suite 100 Vaughan, ON L4K 5X3 Phone: 905-760-6200 ext 7646 Fax: 905-760-6201	Dennis Wood Wood Bull LLP 65 Queens St W, Suite 1400 Toronto, ON M5H 2M5 Phone: 416-203-7160 Fax: 416-203-8324 Email: dwood@woodbull.ca
Sifton Properties Limited 195 Dufferin St London ON N6A 1K7	Steven Zakem Aird & Berlis LLP 181 Bay Street, Suite 1800 Toronto, ON M5J 2T9 Phone: 416-865-3440 Fax: 416-863-1515 Email: szakem@airdberlis.com



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2013-LOI AIRD & BERLIS LLP

Our File No. 113938

JUL 29 2013

City Clark

Ref. C.C. Mo.

Berristers and Solicitors

Steven A. Zakem Fred: 415.865.3440

July 26, 2013

BY COURIER

Catharine Saunders, City Clerk City of London Room 308, 3rd Floor, City Hall 300 Dufferin Avenue London, ON N6B 1Z2

Dear Ms. Saunders:

Re:

Longinal doco Notice of Appeal Amendment No. 553 to the Official Plan for the City of London Planning

Area - 1989

Zoning By-law Amendment No. Z.-1-132210 3313-3405 Wonderland Road South and 1789 Wharncliffe Road South

Municipal File No. OZ-7072

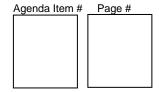
We act on behalf of Sifton Properties Limited ("Sifton") with respect to the abovereferenced matter.

The lands subject to this Notice of Appeal, 3313-3405 Wonderland Road South and 1789 Wharncliffe Road South, (the "Site"), are located in a prominent location at the northwest corner of Wonderland Road South and Wharncliffe Road South and comprise an area of 20.4 hectares. Applications for an Official Plan Amendment and a Zoning By-law Amendment were filed in 2005 to permit the development of the Site with a broad range of large and small scale retail outlets. At its meeting of June 25, 2013, Council for the City of London adopted Official Plan Amendment No. 553 to the Official Plan for the London Planning Area - 1989 and Zoning By-law Amendment No. 7-1-132210 to permit the Planning Area - 1989 and Zoning By-law Amendment No. Z.-1-132210 to permit the commercial development of the site.

We are writing at this time to appeal to the Ontario Municipal Board, Council's decision to adopt Official Plan Amendment No. 553 ("OPA553") and Zoning By-law Amendment No. Z.-1-132210 ("By-law Z.-1-132210"), pursuant to Sections 17(24) and 34(19) of the Planning Act, R.S.O. 1990, c. P. 13, respectively, for the reasons set out below.

The Site is designated "Urban Reserve - Community Growth" by Schedule A of the City of London Official Plan. In accordance with Section 9.4.3 of the Official Plan, areas designated Urban Reserve - Community Growth are to be composed of: "predominantly residential uses but will include commercial, institutional, and open space uses that are supportive of the community as well as provide employment opportunities in a community setting:" Section 9.4.4 of the Official Plan goes on to state that: "The preferred approach to planning areas designated "Urban Reserve" is through the Secondary Plan process as described in Section 19.2. Council may, however, review and adopt site specific Official

Brookfield Place, 181 Bay Street, Suite 1800, Box 754 - Toronto, ON - MSI 219 - Canada T 416.863.1500 F 416.863.1515



July 26, 2013 Page 2

Plan Amendments for lands designated "Urban Reserve" provided it does not negatively affect the community planning process on surrounding lands."

In accordance with Section 19.2.1 of the Official Plan: "Council may direct that a Secondary Plan be prepared if the land characteristics of a specific area, and sit (sic) potential for development or change, warrant a review, refinement or elaboration of Official Plan policies."

The Site is located within the area of the recently approved Southwest Area Secondary Plan (the "SWAP"). The SWAP was initiated in June of 2008, by the City of London to provide an assessment of opportunities and constraints for the planning and development of the study area. The SWAP was adopted by Council of the City of London as Official Plan Amendment No. 541 on November 20, 2012 and provides a comprehensive plan for the future development of the SWAP area. Following its adoption, the SWAP was appealed to the Ontario Municipal Board and is therefore not in force and effect at this time.

In our respectful submission, approval of OPA 553 and By-law Z.-1-132210 is premature until the SWAP is in full force and effect. The Site, along with lands to the north and south along Wonderland Road, are proposed to be designated "Wonderland Road Community Enterprise Corridor" by the SWAP. The "New Format Regional Commercial Node" designation approved by OPA 553 represents a significant change from the designation proposed by the SWAP. This site specific designation will negatively affect the community planning process on surrounding lands and will impact the OMB hearing process of the SWAP. The development of the Site will also undermine the findings of the SWAP as the development will have a significant impact on the surrounding area given its size and prominent location along Wonderland Road South. The undersigned, on behalf of Sifton, made submissions at the Public Participation Meeting on June 20, 2013, expressing these concerns.

Please accept this letter and the enclosed documents as Sifton's appeal of Official Plan Amendment No. 553 and Zoning By-law Amendment No. Z.-1-132210. Enclosed with this Notice of Appeal are:

- One completed Appellant Form (A1) representing the appeal of Official Plan Amendment No. 553 to the Official Plan for the City of London Planning Area – 1989.
- One completed Appellant Form (A1) representing the appeal of Zoning By-law Amendment No. Z,-1-132210.
- Two cheques, each in the amount of \$125 and made payable to the Minister of Finance, representing the filling fees for these appeals.

Given the substantive and procedural similarities of the appeals of OPA 553 and By-law Z.-1-132210, we ask that these matters be administratively consolidated for purposes of a hearing before the Board.

AIRD & BERLIS LLP
Berristers and Solicitors

Agenda Item #	Page #

Planner: B. Debbert

July 26, 2013 Page 3

We trust this is satisfactory. Should you have any questions regarding this Notice of Appeal, please do not hesitate to contact the undersigned.

AIRD & BERLIS LLD

Yours truly

AIRD & BERLIS LLP

Steven A. Zaken

SAZ/ee

Enc.

cc. Sifton Properties Limited

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8

Agenda Item #	Page #

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Environment and Land Tribunals Ontario Ontario Municipal Board 655 Bay Street, Sula 1500 Toronto, Cetario MSG 165 TeL: (416) 212-4549 or Toll Free: 1-888-448-2248 FAX: (416) 325-6370 www.elb.cov.on.ce

APPELLANT FORM (A1) PLANNING ACT

SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY

RECEIVED	A- 511
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	CONTRACTOR SECTION		

Part 1: Appeal Type (Please check only one box) TYPE OF APPEAL SUBJECT OF APPEAL PLANNING ACT REFERENCE (SECTION) Appeal a decision Minor Variance 45(12) Appeal a decision 53(19) Appeal conditions imposed **F** Appeal changed conditions 53(27) Failed to make a decision on the application within 90 days 53(14) Appeal the passing of a Zoning By-law 34(19) Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days Zoning By-law or Zoning By-law Amend 34(11) Application for an amendment to the Zoning By-law – refused by the municipality П Interim Control By-law Appeal the passing of an Interim Control By-law 38(4) Appeal a decision 17(24) or 17(36) Failed to make a decision on the plan within 180 days 17(40) Official Plan or Official Plan Amendment Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days 22(7) Application for an amendment to the Official Plan – refused by the municipality Appeal a decision 51(39) Plan of Subdivision Appeal conditions imposed 51(43) or 51(48) Failed to make a decision on the application within 180 days 51(34) Part 2: Location Informati

3313-3405 Wonderland Road South and 1789 Wharncliffe Road South	
Address and/or Legal Description of property subject to the appeal:	
Municipality/Upper tier: City of London	
A1 Revised April 2010	Page 2 of 5

Agenda Item #	# _ Page #

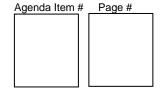
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Agenda Item #	# _ Page #

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
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):
oppeal of Council of the City of London's decision to pass Zoning By-law Amendment Z1-132210 pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13 funcipal File No. OZ-7072.
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.
Names and associated faller
Please see covering letter.
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.
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Do you believe this matter would benefit from a prehearing conference (Prehearing conferences are generally not scheduled for variances or consent	? YES	NO		
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A1 Polytopid April 2010				Page 5 of 5



Planner: B. Debbert



2013-401

Barristers and Solicitors

Steven A. Zakem Direct: 416,865,3440 E-mail: szakem@airdberlis

July 26, 2013

BY COURIER

Catharine Saunders, City Clerk City of London Room 308, 3rd Floor, City Hall 300 Dufferin Avenue London, ON N6B 1Z2

Dear Ms. Saunders:

Our File No. 113938

City Clerk

2408 OPA 553-

JUL 29 2013

J. Johnsoff Loriginal doco)

Re:

Notice of Appeal Amendment No. 553 to the Official Plan for the City of London Planning Area - 1989

Zoning By-law Amendment No. Z.-1-132210 3313-3405 Wonderland Road South and 1789 Wharncliffe Road South Municipal File No. OZ-7072

We act on behalf of Sifton Properties Limited ("Sifton") with respect to the above-referenced matter.

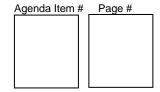
The lands subject to this Notice of Appeal, 3313-3405 Wonderland Road South and 1789 Wharncliffe Road South, (the "Site"), are located in a prominent location at the northwest corner of Wonderland Road South and Wharncliffe Road South and comprise an area of 20.4 hectares. Applications for an Official Plan Amendment and a Zoning By-law Amendment were filed in 2005 to permit the development of the Site with a broad range of large and small scale retail outlets. At its meeting of June 25, 2013, Council for the City of London adopted Official Plan Amendment No. 553 to the Official Plan for the London Planning Area - 1989 and Zoning By-law Amendment No. Z.-1-132210 to permit the commercial development of the site.

We are writing at this time to appeal to the Ontario Municipal Board, Council's decision to adopt Official Plan Amendment No. 553 ("OPA553") and Zoning By-law Amendment No. Z.-1-132210 ("By-law Z.-1-132210"), pursuant to Sections 17(24) and 34(19) of the Planning Act, R.S.O. 1990, c. P. 13, respectively, for the reasons set out below.

The Site is designated "Urban Reserve - Community Growth" by Schedule A of the City of London Official Plan. In accordance with Section 9.4.3 of the Official Plan, areas designated Urban Reserve - Community Growth are to be composed of: "predominantly residential uses but will include commercial, institutional, and open space uses that are supportive of the community as well as provide employment opportunities in a community setting." Section 9.4.4 of the Official Plan goes on to state that: "The preferred approach to planning areas designated "Urban Reserve" is through the Secondary Plan process as described in Section 19.2. Council may, however, review and adopt site specific Official

Brookfield Place, 181 Bay Street, Suite 1800, Box 754 * Toronto, ON * MSI 2T9 * Canada T 416:863.1500 F 416:863.1515

13



July 26, 2013 Page 2

Plan Amendments for lands designated "Urban Reserve" provided it does not negatively affect the community planning process on surrounding lands."

In accordance with Section 19.2.1 of the Official Plan: "Council may direct that a Secondary Plan be prepared if the land characteristics of a specific area, and sit (sic) potential for development or change, warrant a review, refinement or elaboration of Official Plan policies."

The Site is located within the area of the recently approved Southwest Area Secondary Plan (the "SWAP"). The SWAP was initiated in June of 2008, by the City of London to provide an assessment of opportunities and constraints for the planning and development of the study area. The SWAP was adopted by Council of the City of London as Official Plan Amendment No. 541 on November 20, 2012 and provides a comprehensive plan for the future development of the SWAP area. Following its adoption, the SWAP was appealed to the Ontario Municipal Board and is therefore not in force and effect at this time.

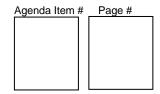
In our respectful submission, approval of OPA 553 and By-law Z.-1-132210 is premature until the SWAP is in full force and effect. The Site, along with lands to the north and south along Wonderland Road, are proposed to be designated "Wonderland Road Community Enterprise Corridor" by the SWAP. The "New Format Regional Commercial Node' designation approved by OPA 553 represents a significant change from the designation proposed by the SWAP. This site specific designation will negatively affect the community planning process on surrounding lands and will impact the OMB hearing process of the SWAP. The development of the Site will also undermine the findings of the SWAP as the development will have a significant impact on the surrounding area given its size and prominent location along Wonderland Road South. The undersigned, on behalf of Sifton, made submissions at the Public Participation Meeting on June 20, 2013, expressing these concerns.

Please accept this letter and the enclosed documents as Sifton's appeal of Official Plan Amendment No. 553 and Zoning By-law Amendment No. Z.-1-132210. Enclosed with this Notice of Appeal are:

- One completed Appellant Form (A1) representing the appeal of Official Plan Amendment No. 553 to the Official Plan for the City of London Planning Area – 1989.
- One completed Appellant Form (A1) representing the appeal of Zoning By-law Amendment No. Z.-1-132210.
- Two cheques, each in the amount of \$125 and made payable to the Minister of Finance, representing the filing fees for these appeals.

Given the substantive and procedural similarities of the appeals of OPA 553 and By-law Z.-1-132210, we ask that these matters be administratively consolidated for purposes of a hearing before the Board.

AIRD & BERLIS LLP Bertisters and Solicities



Planner: B. Debbert

	July 26, 2013						
	Page 3						
	We trust this Appeal, please	s satisfactory. S do not hesitate to	Should you have contact the und	any question lersigned.	ns regardir	ng this Notic	ce of
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Agenda Item #	Page #

Planner: B. Debbert



APPELLANT FORM (A1) PLANNING ACT

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

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SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	Appeal a decision	45(12)
	Appeal a decision	
Consent/Severance	Appeal conditions imposed	53(19)
	Appeal changed conditions	53(27)
	Failed to make a decision on the application within 90 days	53(14)
	Appeal the passing of a Zoning By-law	34(19)
Zoning By-law or	Application for an amendment to the Zoning By-law – falled to make a decision on the application within 120 days	34(11)
Zoning By-law Amendment	Application for an amendment to the Zoning By-law – refused by the municipality	1 2
Interim Control By-law	Appeal the passing of an Interim Control By-law	38(4)
	Appeal a decision	17(24) or 17(36)
	Failed to make a decision on the plan within 180 days	17(40)
Official Plan or Official Plan Amendment	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	Application for an amendment to the Official Plan – refused by the municipality	a independent
	Appeal a decision	51(39)
Plan of Subdivision	Appeal conditions imposed	51(43) or 51(48)
	Failed to make a decision on the application within 180 days	51(34)

3313-3405 Wonderland Road South and 1789 Wharncliffe Road South
Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of London

At Revised April 2010

Page 2 of 5

Agenda Item #	Page #

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Agenda Item #	# <u>Page #</u>

Part 5: Language and Accessibility
Please choose preferred language: E 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
 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):
Appeal of Council of the City of London's decision to adopt OPA 553 to the Official Plan for the City of London Planning Area – 1989, OPA 553 was adopted by By-law No. C.P1284 th -235 on June 25, 2013, pursuant to Section 17 of the Planning Act. Municipal File No. OZ-7072.
 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 see covering 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? (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:
Appeal of related Zoning By-law Amendment Z1-132210, appeal filed concurrently. Municipal File No. OZ-7072 Appeal of the Southwest Area Plan, Official Plan Amendment No. 541 to the City of London Planning Area. (PL130020)
A1 Revised April 2010 Page 4 of 5

18

Agenda Item #	Page #

Part 8: Scheduling Information	S. 8300			
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Agenda Item a	# <u>Page #</u>
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Planner: B. Debbert

2013-LOI

Wood Bull

MUNICIPAL, PLANNING & DEVELOPMENT LAW

1.4

25 July 2013

Sent via courier and email to csaunders@london.ca

City Clerk Attention: Catharine Saunders City of London 300 Dufferin Avenue 3rd Floor London, ON N6B 1Z2

Dear Ms. Saunders

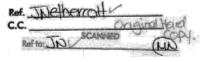
City Clerk

Subject ADDEAL - 02 - 7019

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2 chaques enclosed.

JUL 25 2013



Re: Applications by 1279059 Ontario Inc., CLF I (Wonderland) Inc., and 1699259 Ontario Inc. ("York Developments")

("York Developments") Municipal File OZ-7072/OZ-7073

Municipal File OLZ-1012-1013
Notice of Appeal pursuant to section 17 and 34 of the Planning Act - Official Plan
Amendment No. 553 and Zoning By-law Z.-1-132210 respectively
In regard to 3313-3405 Wonderland Road South and 1789 Wharncliffe Road South (the
"York Developments' Lands")
City of London

We are solicitors for Greenhills SC Ltd., the owner of property located at the south-east corner of Wonderland Road and Exeter Road, within the London Southwest Planning Area.

On behalf of our clients we have provided written submissions on this matter dated June 20, 2013.

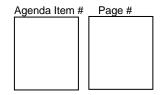
On behalf of our client, please accept this letter and the enclosed materials as its appeal of Official Plan Amendment No. 553 ("OPA 553") and Zoning By-law Z.-1-132210 (the "Zoning By-law"). A summary of the reasons for appeal are found below.

Reasons for Appeal

- The adoption of OPA 553 and the enactment of the Zoning By-law is premature within the
 context of the recent adoption of Official Plan Amendment No. 541 ("OPA 541") which adopts a
 Secondary Plan for Southwest London (the "Southwest London Area Plan" or "SWAP") and
 within the context of Council's adoption of OPA 554 and the enactment of Zoning By-law Z.1.132211 (affecting the lands of Sifton Properties Limited).
- 2. Such other reasons as counsel may advise upon further consideration.

Dennis H. Wood Direct: (416) 203-7718 dwood@woodbull.co

65 Queen Street West Suita 1400 Toronto Ontolio M5H 2M5 T (416) 203-7160 F (416) 203-8324 www.woodbull.co



Planner: B. Debbert



25 July 2013

Enclosures

In support of this appeal we enclose the following:

- two (2) completed Appellant Forms (A1) one for each of the adoption of the Official Plan Amendment and passing of the Zoning By-Law;
- two (2) cheques in the amount of \$125.00 each made payable to the Minister of Finance,
 Province of Ontario representing the appeal filing fees.

We respectfully request a copy of the record that will be submitted to the Board.

Yours very truly,

Wood Bull LLP

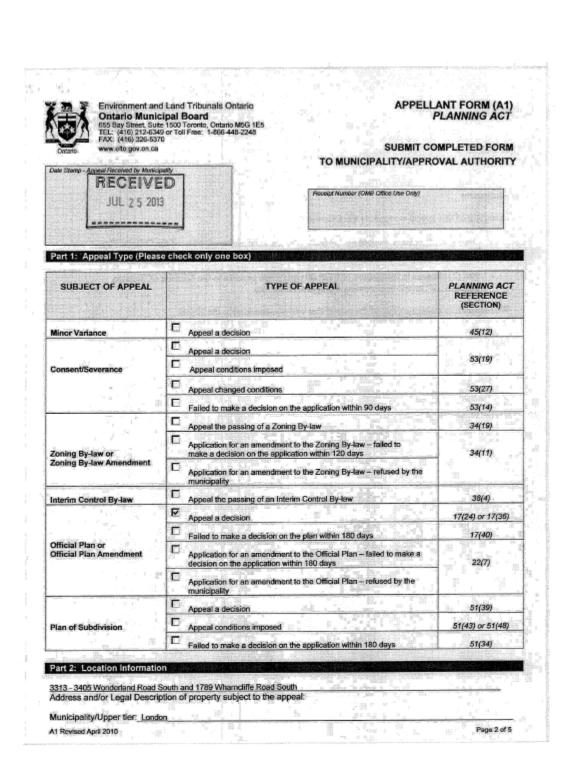
Dennis H. Wood

DHW

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Agenda Item #	# _ Page #

Planner: B. Debbert



Agenda Item #	Page #

Planner: B. Debbert

Agenda Item a	# Page #

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Agenda Item #	# Page #
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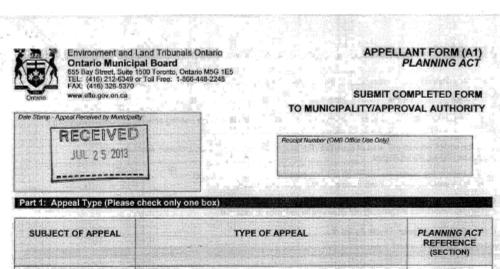
Control of the Contro							
Part 8: Scheduling Information							
How many days do you estimate are needed for hearing this appeal? ☐ ☐ 4 days ☐ 1 week ☐ More than 1 week – please specif	y number	of day	s: <u>10 d</u>	tays			3 days
How many expert witnesses and other witnesses do you expect to have a						stimo -	ny?
Describe expert witness(es)' area of expertise (For example: land use pla Land Use Planner, Market Analyst	anner, arc		engine	_	c.):		
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES	Ø	NO				
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES	Ø	NO	В			
If yes, why? _Scope Issues, Identify Parties etc.							
Part 9: Other Applicable Information **Attach a separate page if mo	re space	is req	uired.				
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Part 10: Required Fee							-
Total Fee Submitted: \$ 125.00	-						
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The payment must be in Canadian funds, payable to the Min	ister of F	inanc	0.				
Do not send cash. PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORD.	ER TO T	E FP	ONT O	FTH	IS FOR	и.	

A1 Revised April 2010

Page 5 of 5

Agenda Item #	Page #

Planner: B. Debbert



SUBJECT OF APPEAL	CT OF APPEAL TYPE OF APPEAL		
Minor Variance	Appeal a decision	45(12)	
	Appeal a decision		
Consent/Severance	C Appeal conditions imposed	53(19)	
	Appeal changed conditions	53(27)	
	Failed to make a decision on the application within 90 days	53(14)	
- 10, 25	Appeal the passing of a Zoning By-law	34(19)	
Zoning By-law or	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)	
Zoning By-law Amendment	Application for an amendment to the Zoning By-law – refused by the municipality		
Interim Control By-law	Appeal the passing of an Interim Control By-law	38(4)	
	Appeal a decision	17(24) or 17(35)	
	Failed to make a decision on the plan within 180 days	17(40)	
Official Plan or Official Plan Amendment	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)	
	Application for an amendment to the Official Plan – refused by the municipality		
1 100	Appeal a decision	51(39)	
Plan of Subdivision	Appeal conditions imposed	51(43) or 51(48)	
	Failed to make a decision on the application within 180 days	51(34)	

Part 2: Location Information 3313 - 3406 Wonderland Road South and 1789 Wharncliffe Road South Address and/or Legal Description of property subject to the appeal: Municipality/Upper tier: London A1 Revised April 2010: Page 2 of 5

Agenda Item #	Page #
1	
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Planner: B. Debbert

	ant Information		
First Name: Ornella		Last Name: Richichi	
Greenhills SC LI Company Name of	d. or Association Name (Association m	ust be incorporated – include copy of let	tter of incorporation)
Professional Title -mail Address:	(if applicable): _Executive Vice-Pre:	sident, Land Development you agree to receive communications from the	OWB by e-mail.
Daytime Telephor	ne #: 905-760-6200 ext. 7646	Alternate Telephone #:	
ax #: 905-760-6	The second secon		
Asiling Address	700 Applewood Cres.,	Suite 100	Vaughan
name of recursion.	Street Address	Apt/Suite/Unit#	City/Town
	Ontario	M	L4K 5X3
45,444	Province	Country (if not Canada)	Postal Code
ignature of Appe	llant:	f the appeal is submitted by a law office.	Date:
art 4: Repres	able to the public. entative Information (if applica	ible)	
THE STATE OF	entative Information (if applica	r individual(s) to represent me:	
	entative Information (if applicative the named company and/o		
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hereby author irst Name: _Den company Name: _ rofessional Title: -mail Address saytime Telephon ax # _416-203-8	entative Information (if applies ize the named company and/o nis Wood Bull LLP Solicitor dwood@woodbuil cs By providing an e-mail address is #_416-203-7160	individual(s) to represent me: Last Name: Wood you agree to receive communications from the Alternate Telephone #:	
hereby author irst Name: _Den company Name: _ rofessional Title: -mail Address caytime Telephon ax # _416-203-8	entative Information (if applies ize the named company and/o nis Wood Bull LLP Solicitor dwood@woodbuil cs By providing an e-mail address is #_416-203-7160	r individual(s) to represent me: Last Name: <u>Wood</u>	OMB by s-mail. Toronto City/Town
hereby author irst Name: _Den company Name: _ rofessional Title: -mail Address saytime Telephon ax # _416-203-8	entative Information (if applicative the named company and/onis Wood Bull LLP Solicitor Deveod@woodbull ca By growding an e-mail address is # 416-203-7160 324 65 Queen St. W Street Address Ontario	you agree to receive communications from the Alternate Telephone #: Suite 1400 Apt/Suite/Unit#	Toronto City/Town MSH 2MS
hereby author irst Name: _Den company Name: _ rofessional Title: -mail Address saytime Telephon ax # _416-203-8	antative information (if applies ize the named company and/onis Wood Bull LLP Solicitor Decodi@woodbull.cs By providing an e-mail address: e # 416-203-7160 324 65 Queen St. W Street Address Ontario Province	crindividual(s) to represent me: Last Name: Wood you agree to receive communications from the Alternate Telephone #: Suite 1400	Toronto City/Town
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hereby author irst Name: Den Company Name: refessional Title: -mail Address: author ax # 416-203-8 failing Address:	antative information (if applicative the named company and/ones Wood Bull LLP Solicitor Devoci@wood@woodbull.cs By providing an e-mail address se # 416-203-7160 so24 65 Queen St. W Street Address Ontario Province liant:	you agree to receive communications from the Alternate Telephone #: Suite 1400 Apt/Suite/Unit# Country (if not Canada)	Toronto City/Town M5H 2M5 Postal Code

Agenda Item #	Page #

Part 5: Language and Accessibility	
Please choose preferred language: English French	
We are committed to providing services as set out in the Accessibility for any accessibility needs, please contact our Accessibility Coordinator as s	
Part 6: Appeal Specific Information	
 Provide specific information about what you are appealing. For Number(s), Official Plan Number(s) or Subdivision Number(s): 	or example: Municipal File Number(s), By-law
(Please print)	
Zoning By-law Z1-132210 Municipal Files OZ-7072/OZ-7073	
 Outline the nature of your appeal and the reasons for your appeal. B (for example: the specific provisions, sections and/or policies of the your appeal - if applicable). **If more space is required, please contin 	Official Plan or By-law which are the subject of
(Please print)	
Please 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 b) Provide a brief explanatory note regarding the proposal, which include category, the purpose of the desired zoning by-law change, and a des "If more space is required, please continue in Part 9 or attach a sepai	e-Bill 51' form.) as the existing zoning category, desired zoning scription of the lands under appeal:
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted before January 1, 2007 please use the O1 'pre b) Provide a brief explanatory note regarding the proposal, which include category, the purpose of the desired zoning by-law change, and a des	e-Bill 51' form.) as the existing zoning category, desired zoning scription of the lands under appeal:
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Agenda Item #	Page #

Planner: B. Debbert

Part 8: Scheduling Information	
☐ 4 days ☐ 1 week ☐ More than 1 week — please specify	number of days: 10 days
How many expert witnesses and other witnesses do you expect to have at 2	t the hearing providing evidence/testimony?
Describe expert witness(es)' area of expertise (For example: land use plan Land Use Planner, Market Analyst	nner, architect, engineer, etc.):
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES NO
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES NO
If yes, why? Scope Issues, Identify Parties etc.	-
Part 9: Other Applicable Information **Attach a separate page if more	e space is required.
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Part 10: Required Fee	
Total Fee Submitted: \$ 125.00	
Payment Method: Certified cheque Money Order	Solicitor's general or trust account chequ
 The payment must be in Canadian funds, payable to the Minis 	ster of Finance.
Do not send cash.	
PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDE	ER TO THE FRONT OF THIS FORM.

A1 Revised April 2010

Page 5 of 5