

Agenda Item #	Page #

File No.: OZ-7072/OZ-7073  
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

<b>RECOMMENDATION</b>
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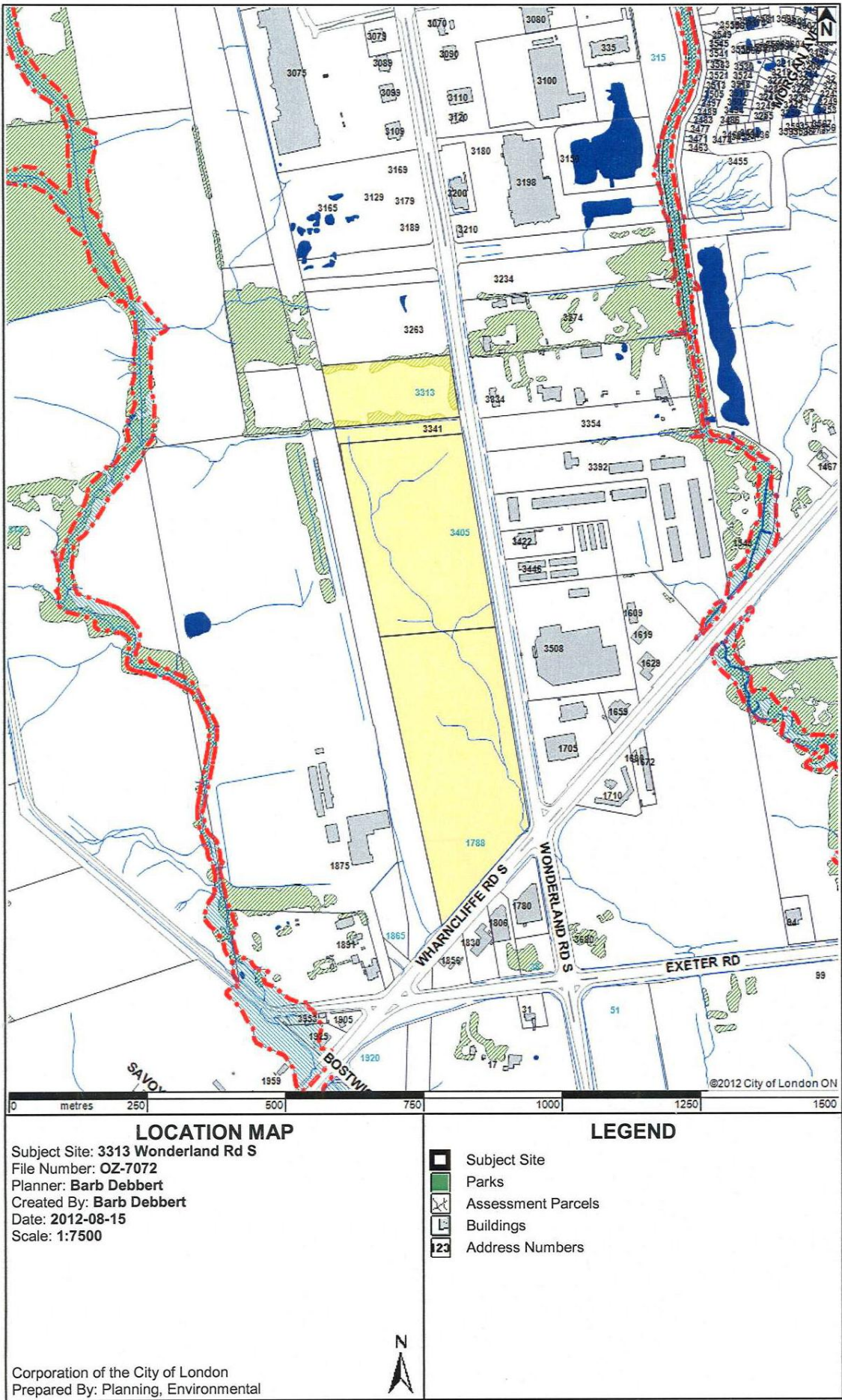
That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken in response to the letters of appeal to the Ontario Municipal Board, dated July 26, 2013 and submitted by Aird & Berlis LLP on behalf of Sifton Properties Limited, and dated July 25, 2013 and 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.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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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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**Planner: B. Debbert**

## **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.

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**Planner: B. Debbert**

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.

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

September 4, 2013  
 BD/  
 Attach.  
 Y:\Shared\implemen\DEVELOPMENT APPS\2012 Applications 8003 to\70727073-OZ-3313-3341 AND 3405 WONDERLAND ROAD S\OMB\OMB Appeal Report September 24 2013.docx

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

NAME	REPRESENTED BY
Omella 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: <a href="mailto:dwood@woodbull.ca">dwood@woodbull.ca</a>
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: <a href="mailto:szakem@airdberlis.com">szakem@airdberlis.com</a>

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File No.: OZ-7072/OZ-7073  
Planner: B. Debbert

# **AIRD & BERLIS LLP**

Barristers and Solicitors

Steven A. Zakem  
Direct: 416.863.3440  
E-mail: szakem@airdberlis.com

2013-101

July 26, 2013

BY COURIER

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

Our File No. 113938

City Clerk No. 2407  
Subject Appeal - ZBA - OZ-7072 -  
Sifton cheque encl.

JUL 29 2013

Ref. JNethercott ✓

C.C. (original docs)

Dear Ms. Saunders:

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

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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**  
Barristers and Solicitors

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**Planner: B. Debbert**

July 26, 2013  
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We trust this is satisfactory. Should you have any questions regarding this Notice of Appeal, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

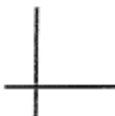
  
Steven A. Zakem

SAZ/ee

Enc.

cc. Sifton Properties Limited

15103337.1




**AIRD & BERLIS LLP**  
Barristers and Solicitors

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Planner: B. Debbert



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248  
FAX: (416) 326-6370  
www.eltb.gov.on.ca

APPELLANT FORM (A1)  
PLANNING ACT

SUBMIT COMPLETED FORM  
TO MUNICIPALITY/APPROVAL AUTHORITY

Date Stamp / Appeal Received by Municipality  

RECEIVED  
JUL 29 2013

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 checked="" 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

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

Municipality/Upper tier: City of London

A1 Revised April 2010Page 2 of 5

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File No.: OZ-7072/OZ-7073  
Planner: B. Debbert

**Part 3: Appellant Information**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Sifton Properties Limited

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 #: \_\_\_\_\_ Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 195 Dufferin Street London  
Street Address Apt/Suite/Unit# City/Town

Ontario NSA 1K7  
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: Steven Last Name: Zakem

Company Name: Aird & Berlis LLP

Professional Title: Solicitor

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

Daytime Telephone #: 416-865-3440 Alternate Telephone #: \_\_\_\_\_

Fax #: 416-863-1515

Mailing Address: 181 Bay Street Suite 1800 Toronto  
Street Address Apt/Suite/Unit# City/Town

Ontario M5J 2T9  
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: July 26/13

**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.

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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):

Appeal of Council of the City of London's decision to pass Zoning By-law Amendment Z.-1-132210 pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13  
Municipal File No. OZ-7072.

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 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)*
YES ☒
NO ☐

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

Related appeal of Official Plan Amendment 553 to the Official Plan for the City of London Planning Area 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)

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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: Dependant on other appeals

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

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):  
Land Use Planner

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 determine the parties, issues list and procedural order

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

Please see covering letter.

Part 10: Required Fee

Total Fee Submitted: \$ 125

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.

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File No.: OZ-7072/OZ-7073  
Planner: B. Debbert

2013-101

**AIRD & BERLIS LLP**  
Barristers and Solicitors  
 Steven A. Zakam  
 Direct: 416.865.3440  
 E-mail: szakam@airdberlis.com

July 26, 2013

BY COURIER

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

Dear Ms. Saunders:

**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**

Our File No. 113938

**City Clerk**      **No. 2408**

**Subject** Appeal - OPA 553 -  
OZ-7072 - Sifton - Change  
encl.

JUL 29 2013

Ref. J. Debbert ✓

C.C. (original docs)

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

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Brookfield Place, 181 Bay Street, Suite 1800, Box 754 • Toronto, ON • M5J 2T9 • Canada  
 T 416.863.1500 F 416.863.1515  
 www.airdberlis.com

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

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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:

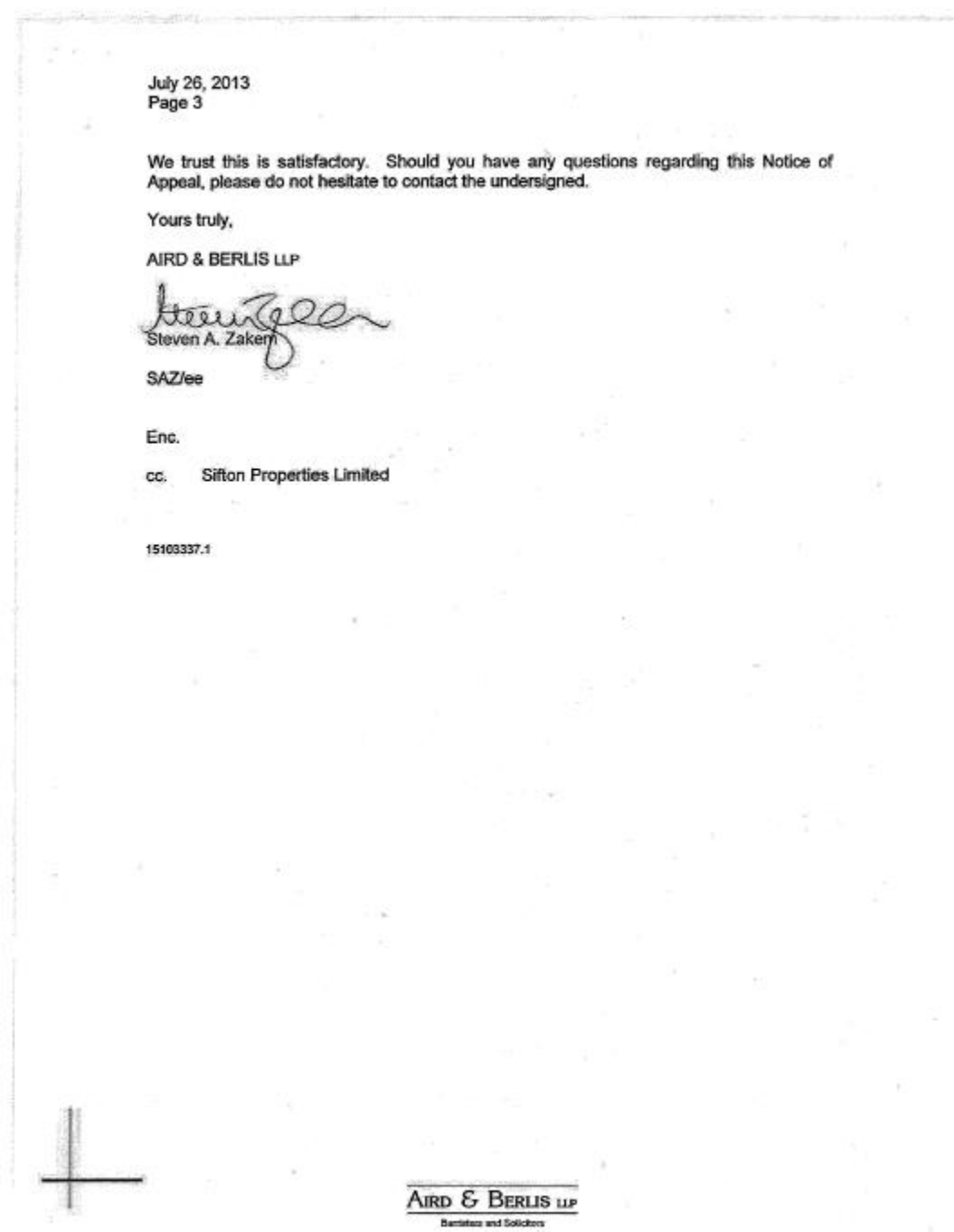
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**AIRD & BERLIS LLP**  
Barristers and Solicitors

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Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
655 Bay Street, Suite 1600 Toronto, Ontario M5G 1E5  
TEL: (416) 212-6348 or Toll Free: 1-866-448-2248  
FAX: (416) 326-6370  
www.eltb.gov.on.ca

APPELLANT FORM (A1)  
PLANNING ACT

SUBMIT COMPLETED FORM  
TO MUNICIPALITY/APPROVAL AUTHORITY

Date Stamp – Appeal Received by Municipality

RECEIVED  
JUL 29 2013

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)
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	<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)
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	<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

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

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File No.: OZ-7072/OZ-7073  
Planner: B. Debbert

**Part 3: Appellant Information**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Sifton Properties Limited

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 #: \_\_\_\_\_ Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 195 Dufferin Street London

Street Address Apt/Suite/Unit# City/Town

Ontario N6A 1K7

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: Steven Last Name: Zakem

Company Name: Aird & Berlis LLP

Professional Title: Solicitor

E-mail Address: szakem@airdberlis.com

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

Daytime Telephone #: 416-865-3440 Alternate Telephone #: \_\_\_\_\_

Fax #: 416-863-1515

Mailing Address: 181 Bay Street Suite 1800 Toronto

Street Address Apt/Suite/Unit# City/Town

Ontario M5J 2T9

Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: July 26/13

**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.

Agenda Item #	Page #

File No.: OZ-7072/OZ-7073  
Planner: B. Debbert

**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):

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.P.-1284<sup>th</sup>-235 on June 25, 2013, pursuant to Section 17 of the *Planning Act*.  
Municipal File No. OZ-7072.

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 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:  
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**Part 7: Related Matters (if known)**

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- 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:

Appeal of related Zoning By-law Amendment Z.-1-132210, 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)

**File No.: OZ-7072/OZ-7073**  
**Planner: B. Debbert**

## 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: depending on other appeals

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

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):  
**Land Use Planner**

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 determine the parties, procedural order and issues list

## Part 9: Other Applicable Information \*\*Attach a separate page if more space is required.

[illegible]**Part 10: Required Fee**

Total Fee Submitted: \$ 125

**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.

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File No.: OZ-7072/OZ-7073  
Planner: B. Debbert

2013-LO1

Wood Bull...

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MUNICIPAL, PLANNING & DEVELOPMENT LAW

25 July 2013

Sent via courier and email to [csaunders@london.ca](mailto:csaunders@london.ca)

City Clerk  
**Attention: Catharine Saunders**  
City of London  
300 Dufferin Avenue  
3<sup>rd</sup> Floor  
London, ON N6B 1Z2

Dear Ms. Saunders:

**Re: Applications by 1279059 Ontario Inc., CLF I (Wonderland) Inc., and 1699259 Ontario Inc. ("York Developments")**  
**Municipal File OZ-7072/OZ-7073**  
**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**

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 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.

**City Clerk** No. 2367

**Subject** APPEAL - OZ-7072  
OZ-7073 - OPA 553  
2 cheques enclosed  
JUL 25 2013

**Ref.** J. Nelheroff

**C.C.** Original held  
copy

**Ref to:** JN SCANNED LN

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

65 Queen Street West Suite 1400 Toronto Ontario M5H 2M5 T (416) 203-7160 F (416) 203-8324 www.woodbull.ca

File No.: OZ-7072/OZ-7073  
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**


  
per: Dennis H. Wood

DHW

Agenda Item #

Page #

File No.: OZ-7072/OZ-7073  
Planner: B. Debbert



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248  
FAX: (416) 326-5370  
www.oto.gov.on.ca

APPELLANT FORM (A1)  
PLANNING ACT

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Receipt Number (OMB Office Use Only)

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Part 2: Location Information

3313 – 3405 Wonderland Road South and 1789 Wharfedale Road South  
Address and/or Legal Description of property subject to the appeal

Municipality/Upper tier: London

A1 Revised April 2010Page 2 of 5

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File No.: OZ-7072/OZ-7073  
Planner: B. Debbert

### Part 3: Appellant Information


First Name: Omella Last Name: Richichi  
Greenhills SC Ltd  
 Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)  
 Professional Title (if applicable): Executive Vice-President, Land Development  
 E-mail Address: \_\_\_\_\_  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.  
 Daytime Telephone #: 905-760-6200 ext. 7646 Alternate Telephone #: \_\_\_\_\_  
 Fax #: 905-760-6201  
 Mailing Address: 700 Applewood Cres. Suite 100 Vaughan  
 Street Address Apt/Suite/Unit# City/Town  
Ontario L4K 5X3  
 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: Dennis Last Name: Wood  
 Company Name: Wood Bull LLP  
 Professional Title: Solicitor  
 E-mail Address: dwood@woodbull.ca  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.  
 Daytime Telephone #: 416-203-7160 Alternate Telephone #: \_\_\_\_\_  
 Fax #: 416-203-8324  
 Mailing Address: 65 Queen St. W Suite 1400 Toronto  
 Street Address Apt/Suite/Unit# City/Town  
Ontario M5H 2M5  
 Province Country (if not Canada) Postal Code  
 Signature of Appellant:  Date: July 25/13

**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.

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Agenda Item #	Page #

File No.: OZ-7072/OZ-7073  
Planner: B. Debbert

**Part 5: Language and Accessibility**

Please choose preferred language: ☒ English ☐ French

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**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)

Official Plan Amendment No. 553  
Municipal Files OZ-7072/OZ-7073

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 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: \_\_\_\_\_  
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**Part 7: Related Matters (if known)**

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Appeal of Zoning By-law Z.-1-132210 filed concurrently.

The lands which are subject to this appeal are subject to the London Southwest Area Plan which is before the OMB in OMB File PL130020.

Appeals of OPA 553 and Zoning By-law Z.-1-132211 for properties at 1311, 1363 and 1451 Wharncliffe Road South (Silton Properties Limited) also filed with the municipality on July 25, 2013.

Agenda Item #	Page #

File No.: OZ-7072/OZ-7073  
Planner: B. Debbert

Part 8: Scheduling Information

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How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
2

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):  
Land Use Planner, Market Analyst

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

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If yes, why? Scope Issues, Identify Parties etc.

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


Part 10: Required Fee

Total Fee Submitted: \$ 125.00


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

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3313 - 3406 Wonderland Road South and 1789 Wharmcliffe Road South

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Municipality/Upper tier: London

A1 Revised April 2010

Page 2 of 5

Agenda Item #	Page #

File No.: OZ-7072/OZ-7073  
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First Name: Ornella

Last Name: Richichi

Greenhills SC Ltd.

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Professional Title (if applicable): Executive Vice-President, Land Development

E-mail Address: \_\_\_\_\_

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Daytime Telephone #: 905-760-6200 ext. 7646

Alternate Telephone #: \_\_\_\_\_

Fax #: 905-760-6201

Mailing Address: 700 Applewood Cres.

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Vaughan

Street Address

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City/Town

Ontario

L4K 5X3

Province

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E-mail Address: dwood@woodbull.ca

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Daytime Telephone #: 416-203-7160

Alternate Telephone #: \_\_\_\_\_

Fax #: 416-203-8324

Mailing Address: 65 Queen St. W.

Suite 1400

Toronto

Street Address

Apt/Suite/Unit#

City/Town


Ontario

M5H 2M5

Province

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Postal Code

Signature of Appellant: 

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A1 Revised April 2010

Page 3 of 5

27

Agenda Item #	Page #

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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.