

Planner: Amanda-Brea Watson

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: PENEQUITY REALTY CORPORATION 3130 & 3260 DINGMAN DRIVE AND THE REAR PORTION OF 4397/4407 WELLINGTON ROAD SOUTH NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD
	MEETING ON NOVEMBER 26, 2013

RECOMMENDATION

That, in response to the letters of appeal to the Ontario Municipal Board, dated July 24, 2014 and submitted by Barry R. Card Barrister & Solicitor on behalf of the Upper Thames River Conservation Authority, and dated September 24, 2013; and Wood Bull LLP on behalf of Greenhills SC Ltd. and dated September 24, 2013; relating to the Official Plan and Zoning Bylaw No. Z.-1; Goodmans LLP on behalf of Costco Wholesale Corporation, relating to a Zoning Bylaw No. Z.-1 concerning 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington Road South. 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.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

June 18, 2013

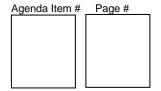
Planning and Environment Committee Meeting. At a Public Participation meeting of the Planning and Environment Committee, staff recommended an Official Plan and Zoning change to allow for 50,183m² of commercial retail use, 13,564m² of commercial recreational use, 3,921m² cinema use and a gas bar use as well as the retention and enhancement of 4.2ha of significant woodland.

Referred to the June 20, 2013 meeting of the Planning and Environment Committee for further consideration, and to report back with an amended By-law.

June 20, 2013

Planning and Environment Committee meeting. Staff presented a report, which modified the previous recommended Official Plan amendment at the direction of the Planning and Environment Committee, to delete the existing Unevaluated Vegetation Patch designation from Schedule "B-1" of the Official Plan to facilitate its removal while amending the Official Plan and Zoning By-law to permit a wider range of retail and cinema uses on the whole of the site.

Specifically, to allow for 14,000m² of commercial recreational use, 4,000m² cinema use, a gas bar use, and a hotel use, subject to holding provisions to ensure the provision of municipal servicing, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation permits be obtained, urban design matters be addressed, and a natural heritage compensation agreement between the City and the applicant be entered into to address the natural heritage compensation measures to be implemented resulting from the removal of the Unevaluated Vegetation Patch.



File No.: OZ-8120 Planner: Amanda-Brea Watson

June 25, 2013

- Municipal Council resolved that the matter be referred back to Civic Administration to: complete an Environmental Impact Study, which is to include an evaluation and comment on the status of the woodlot and/or wetland; [provide] a summary of the net jobs, including a description of the type of jobs that will be created by this proposal; permit the applicant an opportunity to further consider the potential to retain some, or all of the woodlot; and, report back to the Planning and Environment Committee.

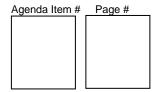
August 20, 2013

Planning and Environment Committee meeting. Staff presented a report with additional information and materials provided by the applicant in respect of the Municipal Council decision on June 25, 2013, and to allow Council to consider the information and materials and, to clarify the Council Resolution which was contradictory given that it requested that an EIS be undertaken, which would have the effect of preserving and the Significant Woodland, while requesting that the applicant consider retaining some or all of the woodlot, which implies that the Significant Woodland may be removed. It was noted that staff had not had an opportunity to fully review the additional information and material nor had the statutory approval authorities, where applicable.

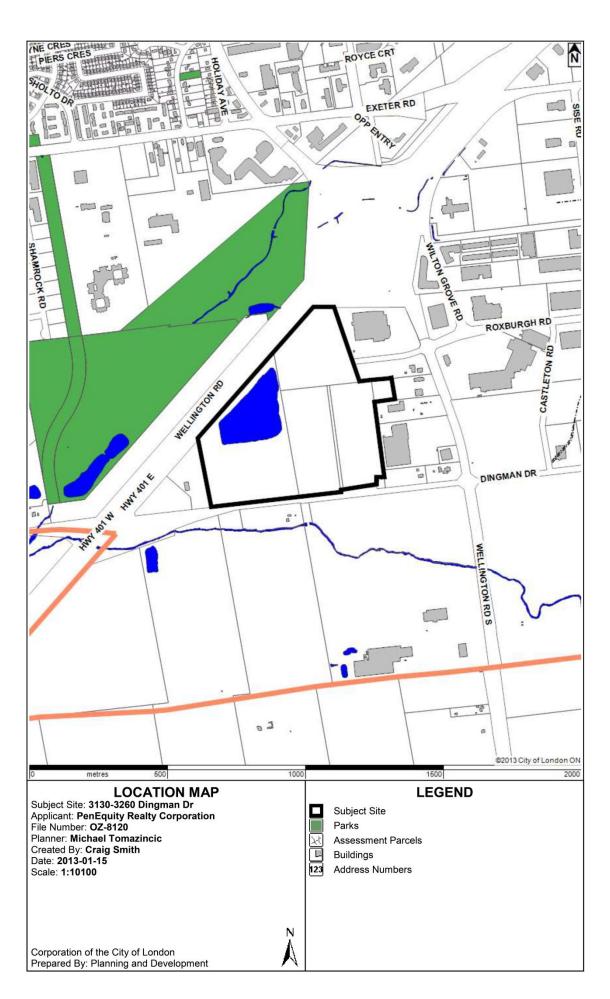
By way of this report staff were seeking clarity and direction as the Council Resolution pertaining to the Significant Woodland to assist Civic Administration in moving forward.

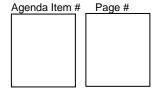
August 27, 2013

- Municipal Council approved an Official Plan and Zoning change and resolved that Civic Administration be directed to undertake a review, in the most expedient manner, of "Unevaluated Vegetation Patches" shown on Schedule "B-1" of the Official Plan that are not shown as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan and to initiate an Official Plan Amendment to designate the lands as Open Space, where appropriate, as soon as possible, on Schedule "A" of the Official Plan, noting that this would make these lands subject to the City's Tree Conservation By-law (By-law C.P.-1466-249); it being noted that the municipality will hire an ecologist to assist with the review.



File No.: OZ-8120 Planner: Amanda-Brea Watson





Planner: Amanda-Brea Watson

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 August 27, 2013 to:

- approve an Official Plan amendment to permit cinema use outside of the downtown area in the New Format Regional Commercial Node and amend Schedule B-1 Natural Heritage Features;
- approve a Zoning By-law amendment to change the zone on the property FROM a Restricted Service Commercial Special Provision/Light (h*RSC1(9)/RSC5/LI6) Zone, a Holding Restricted Service Commercial Special Provision (h*RSC1(9)/RSC3/ RSC4(5)/RSC5) Zone, TO a Holding Associated Shopping Commercial Provision (h*h-5*h-18*h-55*h-103*h-141*h___-Area Special *ASA3/ASA5/ASA6(__)/ASA7(__)/ASA8(__)) Zone, to allow commercial retail use, 14,000m² of commercial recreational use, 4,000m² cinema use, a gas bar use, a hotel use, home improvement and furnishing stores, and liquor, beer and wine stores subject to holding provisions to ensure the provision of municipal servicing, archaeological evaluation be completed, a transportation study be completed, Ministry of Transportation and Upper Thames River Conservation Authority permits be obtained, an Ontario Wetland evaluation to be completed to the satisfaction of the Ministry of Natural Resources, urban design matters be addressed, and a natural heritage compensation agreement between the City and the applicant be entered into to address the natural heritage compensation measures to be implemented resulting from the removal of the Unevaluated Vegetation Patch;

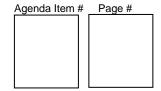
BACKGROUND

On November 6, 2012, an application was made by Penequity Realty Corporation for Official Plan and Zoning By-law amendments to allow the development of:

- 50,183m² of commercial retail use,
- 13,564m² of commercial recreational use,
- 3,921m² cinema use,
- A gas bar use, and
- Passive recreational use.

On September 24, 2014 an appeal was submitted by Barry R. Card Barrister & Solicitor on behalf of the Upper Thames River Conservation Authority in opposition to the Municipal Council's decision, the appellant states:

- 1. The Appellant is a commenting agency with respect to natural hazard and natural heritage matters and has a statutory mandate with respect to natural hazard protection, flood plain management and wetland protection.
- 2. A significant woodland and wetland have been zoned for development by the subject Zoning By-law Amendment subject to certain holding provisions.
- 3. The subject site contains a previously unevaluated wetland which may be provincially significant (PSW). A decision by the MNR is pending.
- 4. The Council, in recognition of the potential significance of the wetland, has deferred the deletion for the present "unevaluated Vegetation Patch" area shown on Schedule B-1 Natural Heritage Features, of the Official Plan until an "Ontario Wetland evaluation...has been completed to the satisfaction of the Ministry of Natural Resources".
- 5. The policies of Chapters 8 and 15 of the Official Plan are relevant and applicable to the subject lands, and in particular, Section: 15.2.4, 15.4.5, and 15.4.51.



File No.: OZ-8120 Planner: Amanda-Brea Watson

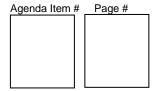
- 6. The subject Zoning Bylaw Amendment is premature until these policies have been addressed.
- 7. The use of a holing symbol (here h-153, h-157 and h-158) under such circumstances does not conform to the Official Plan and is not consistent with Provincial Policy and does not represent good planning.
- 8. The subject site contains significant woodland.
- 9. Buffers have not been identified for the significant woodland and wetland features on the property.
- 10. The Zoning By-law Amendment proposes the elimination of the significant features and function on the basis of a conceptual "natural heritage compensation agreement" (which has not been disclosed during the planning process) for which there is no policy basis in the Official Plan.
- 11. The Council resolution which approves the Zoning By-law Amendment and the Official Plan Amendment notes, in clause d); "in the event that the Ontario Wetland evaluation noted in c) above, results in a portions of the subject lands being deemed to be a Provincially Significant Wetland, the Civic Administration BE DIRECTED to bring forward the necessary amendment to Schedule B-1 Natural Heritage Features, to identify the Provincially Significant Wetland", further illustrating the prematurity of the proposed amendments.
- 12. Land containing the identified natural heritage features and functions and appropriate ecological buffers should be excluded from the development zone in accordance with applicable polices of the Official Plan and Provincial Policy.
- 13. The proposed development within the wetland on the property is not consistent with URTCA policies for the administration of Ontario Regulation 157/06 mad under the Conservation Authorities Act.

On September 24, 2013 an appeal was submitted by Wood Bull LLP on behalf of Greenhills SC Ltd. in opposition to the Municipal Council's decision, the appellant states:

- 1. PenQuity's appeal of OPA 541 states that they have concerns respecting the scope of commercial lands available for development and the elimination of a phasing strategy for development of commercial lands. Furthermore, their appeal states that there has been insufficient justification to support the volume of commercial lands available for development and that there is to policy basis to support the planning horizon for that development.
 - The adoption of OPA 557 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").
- 2. Such other reason as councel may advise upon further consideration.

On September 24, 2013 an appeal was submitted by Goodmans LLP on behalf of Costco Wholesale Corporation in opposition to the Municipal Council's decision, the appellant states:

- Our client's transportation consultant, BA Group, has review the traffic study submitted in support of the application by Penequity Realty Corporation ("Penequity") and has advised that the current design of the proposal will have a major negative impact on access and egress for the Costco site which has not been addressed in the applicant's traffic study.
- Penequity has failed to address Policy 4.5 of the Official Plan which requires an applicant to evaluate the impact of its traffic generated by the proposal on surrounding properties as well as coordination of access and traffic circulation with surrounding sutes. Prior to a Council decision on this application, Penequity should be required to undertake a more comprehensive traffic and a planning analysis and to undertake a redesign of the proposal. We note that a redesign will be required in any event to reflect



File No.: OZ-8120 Planner: Amanda-Brea Watson

the OS5 zoning that has been recommended for the central portion of Penequity site in order to protect the significant woodland.

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

Copies of the appeal letters and reasons for the appeal are attached as Appendix "A" to this report. The reasons for appeal address matters previously discussed in detail in the staff reports that were available to Council when it made its decision on August 27, 2013.

PREPARED BY:	REVIEWED BY:
AMANDA-BREA WATSON, MCIP RPP PLANNER II, COMMUNITY PLANNING AND DESIGN	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN
OUDMITTED DV	
SUBMITTED BY:	SUBMITTED BY:
SORWILLED RA:	SUBMITTED BY:
SORWILLED RA:	SUBMITTED BY:
SORWILLED RA:	SUBMITTED BY:

October 21, 2013

ABW

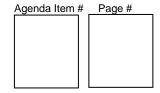
y:\shared\implemen\development apps\2012 applications 8003 to\8120oz - 3130-3260 dingman dr (cs)\omb appeal\pec report oz-8120 omb appeal.docx

[&]quot;Attach"

Agenda Item #	Page #
	1

Planner: Amanda-Brea Watson

Appendix "A"



(ML

Planner: Amanda-Brea Watson

2013-602

Barry R. Card

BARRISTER & SOLICITOR

Certified Specialist - Municipal Law: Local Government/ Land Use Planning & Development Law

568 RIDGEWOOD CRESCENT LONDON, ONTARIO N6J 3J2 TELEPHONE (519) 433-5117 • FACSIMILE (519) 963-0285

Internet Address: cardlaw@rogers.com

City Clerk

Ref. JNC

Subject Appea

September 24, 2013

DELIVERED

Cathy Saunders City Clerk Corporation of the City of London City Hall, 3rd Floor 300 Dufferin Avenue London, Ontario N6A 4L9

Dear Ms. Saunders:

the City of London.

Appeals to the Ontario Municipal Board Zoning By-law No. Z-1-132226 and OPA 557

3130 and 3260 Dingman Drive; 4397-4407 Wellington Road South, London Upper Thames River Conservation Authority

I am the solicitor for the Upper Thames River Conservation Authority. On behalf of my client, I hereby appeal to the Ontario Municipal Board with respect to enactment of the captioned Zoning By-law Amendment and against adoption by the Municipal Council of OPA No. 557 for

In support of the appeals, I enclose the following:

- 1. ZBA Appellant Form (A1), Appendix re resaons, and certified cheque in the sum of \$125.00; and
- 3. OPA Appellant Form (A1) and certified cheque in the sum of \$125.00.

I respectfully request that you proceed to forward these appeals to the Ontario Municipal Board. Please contact me if anything further is required to permit you to honour this request.

Yours very truly,

Barry R Card

BRC:jmh:Encls.

Agenda Item #	Page #

Planner: Amanda-Brea Watson



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.elto.gov.on.ca
FORM

APPELLANT FORM (A1) PLANNING ACT

SUBMIT COMPLETED

TO MUNICIPALITY/APPROVAL AUTHORITY



Receipt N	lumber (OMB Off	ice Use C	inly)	

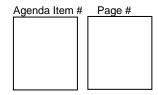
Part 1: Appeal Type (Please check only one box)

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)	
	X 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	1,21	
nterim 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 Information

3130 and 3260 Dingman Drive and 4397-4407 Wellington Road South Address and/or Legal Description of property subject to the appeal: A1 Revised April 2010

Page 2 of 5



Planner: Amanda-Brea Watson

Part 3: Appell	THE PARTY OF THE P						
First Name:				Last Name:			
Upper Tompany Name	hames River or Association	Conservation A n Name (Assoc	uthority. c/o B ation must be	arry R. Card, Barrister and Solid incorporated – include copy of I	citor letter of incorpo	oration)	-
Professional Title	(if applicable	e):		70 VIII VIII VIII VIII VIII VIII VIII VI	- 27		
-mail Address:	card	law@rogers.cor	n			5.13	
	Ву	providing an e-mail	i address you ag	ree to receive communications from th	ne OMB by e-mall.		
aytime Telepho	ne #:51	9-433-5117		Alternate Telephone #:			
ax #:	51	19-963-0285					
failing Address:	568 Ridgew	vood Crescent			Lond	don	
	Street Addr			Apt/Suite/Unit#	City/T	Town	
	Ontario)			J 3J2	
	Province	< Ro	. 1	Country (if not Canada)		Sept. 242013	
Signature of App	ellant:	Signature not re	quired if the a	ppeal is submitted by a law offic	Date:	Sept. 4.7.2013	
nd the Ontario M	Municipal Boa	ard Act, R.S.O.	1990, c. O. 28	der the provisions of the <i>Plannir</i> as amended. After an appeal is	s filed, all inform	mation relating to this	appea
nd the Ontario May become ava Part 4: Repres	Municipal Bos illable to the p sentative In rize the nar	ard Act, R.S.O. public. formation (if med compan)	1990, c. O. 28 applicable) / and/or indi	as amended. After an appeal is	s filed, all inform	mation relating to this	арреа
art 4: Repres hereby autho	Municipal Bos illable to the p sentative In	ard Act, R.S.O. public. formation (if med company	applicable)	as amended. After an appeal is ividual(s) to represent me: Last Name:	s filed, all inform	mation relating to this	арреа
art 4: Repres hereby autho irst Name:	Municipal Bos idable to the p sentative In	ard Act, R.S.O. public. formation (if med compan)	applicable)	as amended. After an appeal is ividual(s) to represent me: Last Name:	s filed, all inform	mation relating to this	appea
art 4: Repres hereby autho irst Name: company Name:	Municipal Bosilable to the particle to the particle the nai	ard Act, R.S.O. public. formation (if med company	applicable)	as amended. After an appeal is ividual(s) to represent me: Last Name:	s filed, all inform	mation relating to this	арреа
art 4: Repres hereby autho irst Name: company Name:	Municipal Bosilable to the particle to the particle the nai	ard Act, R.S.O. public. formation (if med company	applicable)	as amended. After an appeal is ividual(s) to represent me: Last Name:	s filed, all inform	mation relating to this	арреа
art 4: Repres hereby autho irst Name: company Name: rofessional Title	Municipal Bos idable to the p sentative In rize the nar	ard Act, R.S.O. public. formation (if med company	applicable)	as amended. After an appeal is ividual(s) to represent me: Last Name:	s filed, all inform	mation relating to this	арреа
art 4: Represent 4	Municipal Bosilable to the particle the nar	ard Act, R.S.O. public. formation (if med company	applicable) / and/or indi	ividual(s) to represent me: Last Name:	s filed, all inform	mation relating to this	арреа
art 4: Repres hereby autho irst Name: ompany Name: rofessional Title -mail Address: aytime Telepho	Municipal Bosilable to the particle to the particle the nairize th	ard Act, R.S.O. public. formation (if med compan)	applicable) / and/or indi	ividual(s) to represent me: Last Name:	s filed, all inform	mation relating to this	appea
art 4: Repres hereby autho irst Name: ompany Name: rofessional Title -mail Address: aytime Telepho	Municipal Bosilable to the particle to the particle the nairize th	ard Act, R.S.O. public. formation (if med company)	applicable) / and/or indi	ividual(s) to represent me: Last Name:	s filed, all inform	mation relating to this	appea
art 4: Repres hereby autho irst Name: company Name: rofessional Title -mail Address: _ eaytime Telepho	Municipal Bosilable to the particle to the particle the narrize th	ard Act, R.S.O. public. formation (if med company)	applicable) / and/or indi	ividual(s) to represent me:Last Name:Alternate Telephone #:	s filed, all information in the ome of the company	mation relating to this	appea
art 4: Repres hereby autho irst Name: ompany Name: rofessional Title -mail Address: aytime Telepho ax #: lailing Address:	Municipal Bosilable to the province Sentative Institute	ard Act, R.S.O. public. formation (if med company)	applicable) / and/or indi	ividual(s) to represent me:Last Name:Alternate Telephone #: Apt/Suite/Unit#	s filed, all information in the ome of the company	Town	appea
Part 4: Representation of the Part 4: Representation of Appendix Bignature of Bignature	Municipal Bosilable to the province ellant:	providing an e-mail	applicable) / and/or indi	ividual(s) to represent me:Last Name:Alternate Telephone #: Apt/Suite/Unit#	he OMB by e-mail. City/T Posta Date	Town I Code there written authorize	appea
Part 4: Represent the Company Name: Company Name: Professional Title E-mail Address: Daytime Telepho Fax #: Mailing Address: Signature of Appel Please note: If yequired by the Expelow.	Municipal Bosilable to the province the narray street Address Province ellant:	public. formation (if med company) providing an e-mail	applicable) applicable applicable and/or indi address you ag	ividual(s) to represent me:Last Name:Alternate Telephone #:Apt/Suite/Unit# Country (if not Canada)	he OMB by e-mall. City/I Posta Date firm that you int. Please con	Town I Code I written authorization this by checking	appea

<u>Page #</u>
4

Planner: Amanda-Brea Watson

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: X 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):
(Please print) By-law Z1-132226 of the City of London Municipal File No. OZ-8120
 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 Appendix A attached.
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:
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
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:
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.
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)
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 X NO
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 X NO
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 X NO Are there other planning matters related to this appeal? YES X NO
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? Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)

Agenda Item	Agenda Item #				

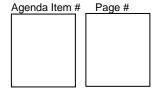
File No.: OZ-8120 Planner: Amanda-Brea Watson

Bort 9: Cabaduling Information		1000	rive (28/1)	16/38	651 ST 100 163 6	1568 F1 654
Part 8: Scheduling Information		9.07.00		e Skiller	Wall State	45.60
How many days do you estimate are needed for hearing this appeal? \Box	half da	ay 🗆	1 day		2 days	3 days
4 days X 1 week More than 1 week – please specify r	number	of days:				
How many expert witnesses and other witnesses do you expect to have a	at the he	earing pr	roviding	evid	ence/testi	mony?
Describe expert witness(es)' area of expertise (For example: land use pla Planner, Ecologist, Hydrogeologist, Water Resources Engineer				er, et	c.):	
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES			X		
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES		NO	X		
If yes, why?						
Part 9: Other Applicable Information **Attach a separate page if mo	re spac	e is req	uired.		R Bathie	ele inte
· · · · · · · · · · · · · · · · · · ·						
Part 10: Required Fee				11.00	COMMON H	
Total Fee Submitted: \$ \$125.00						
Payment Method: X Certified cheque	□ ;	Solicitor's	s gener	al or	trust acco	unt chequ
The payment must be in Canadian funds, payable to the Mir	nister o	f Financ	e.			
Do not send cash.						
 PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORD 	ER TO	THE FR	ONT O	F TH	IIS FORM	l.

A1 Revised April 2010

12

Page 5 of 5

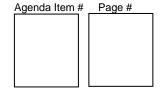


Planner: Amanda-Brea Watson

Appendix A

Part 6: Appeal Specific Information

- Outline the nature of your appeal and the reasons for your appeal.
- The Appellant is a commenting agency with respect to natural hazard and natural heritage matters and has a statutory mandate with respect to natural hazard protection, flood plain management and wetland protection.
- A significant woodland and wetland have been zoned for development by the subject Zoning By-law Amendment subject to certain holding provisions.
- The subject site contains a previously unevaluated wetland which may be provincially significant (PSW). A decision by the MNR is pending.
- 4. The Council, in recognition of the potential significance of the wetland, has deferred the deletion of the present "unevaluated Vegetation Patch" area shown on Schedule B-1 Natural Heritage Features, of the Official Plan until an "Ontario Wetland evaluation...has been completed to the satisfaction of the Ministry of Natural Resources".
- The policies of Chapters 8 and 15 of the Official Plan are relevant and applicable to the subject lands, and in particular, Sections: 15.2.4, 15.4.5, and 15.4.5.1.
- The subject Zoning By-law Amendment is premature until these policies have been addressed.
- The use of a holding symbol (here h-153, h-157 and h-158) under such circumstances does not conform to the Official Plan and is not consistent with Provincial Policy and does not represent good planning.
- The subject site contains a significant woodland.
- Buffers have not been identified for the significant woodland and wetland features on the property.
- The Zoning By-law Amendment proposes the elimination of the significant features and functions on the basis of a conceptual "natural heritage compensation agreement" (which has not been disclosed during the planning process) for which there is no policy basis in the Official Plan.
- The Council resolution which approves the Zoning By-law Amendment and the Official Plan Amendment notes, in clause d):



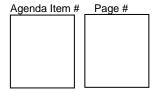
Planner: Amanda-Brea Watson

-2-

"in the event that the Ontario Wetland evaluation noted in c) above, results in a portion of the subject land being deemed to be a Provincially Significant Wetland, the Civic Administration BE DIRECTED to bring forward the necessary amendment to Schedule B-1 Natural Heritage Features, to identify the Provincially Significant Wetland",

further illustrating the prematurity of the proposed amendments.

- Land containing the identified natural heritage features and functions and appropriate
 ecological buffers should be excluded from the development zone in accordance with
 applicable policies of the Official Plan and Provincial Policy.
- The proposed development within the wetland on the property is not consistent with UTRCA policies for the administration of Ontario Regulation 157/06 made under the Conservation Authorities Act.



Planner: Amanda-Brea Watson

2013-LOZ

Barry R. Card

BARRISTER & SOLICITOR

Certified Specialist - Municipal Law: Local Government/ Land Use Planning & Development Law

568 RIDGEWOOD CRESCENT LONDON, ONTARIO N6J 3J2 TELEPHONE (519) 433-5117 • PACSIMILE (519) 963-0285

Internet Address: cardlaw@rogers.com

September 24, 2013

DELIVERED

Cathy Saunders City Clerk Corporation of the City of London City Hall, 3rd Floor 300 Dufferin Avenue London, Ontario N6A 4L9

Dear Ms. Saunders:

City Clark Subject ADDEC

Re: Appeals to the Ontario Municipal Board

Zoning By-law No. Z.-1-132226 and OPA 557 Ref to:

3130 and 3260 Dingman Drive; 4397-4407 Wellington Road South, London

Upper Thames River Conservation Authority

I am the solicitor for the Upper Thames River Conservation Authority. On behalf of my client, I hereby appeal to the Ontario Municipal Board with respect to enactment of the captioned Zoning By-law Amendment and against adoption by the Municipal Council of OPA No. 557 for the City of London.

In support of the appeals, I enclose the following:

- ZBA Appellant Form (A1), Appendix re resaons, and certified cheque in the sum of 1. \$125.00; and
- OPA Appellant Form (A1) and certified cheque in the sum of \$125.00. 3.

I respectfully request that you proceed to forward these appeals to the Ontario Municipal Board. Please contact me if anything further is required to permit you to honour this request.

Yours very truly,

Barry R Card

BRC:jmh:Encls.

Agenda Item #	Page #

Planner: Amanda-Brea Watson



Environment and Land Tribunals Ontario

Ontario Municipal Board 885 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5 TEL: (416) 212-6349 or Toll Free: 1-868-448-2248 FAX: (418) 326-5370

www.elto.gov.on.ca

APPELLANT FORM (A1) PLANNING ACT

SUBMIT COMPLETED

MUNICIPALITY/APPROVAL AUTHORITY



Receipt Number (1	OMB Office Use Only	10	

Part 1: Appeal Type (Please check only one box)

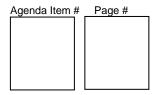
SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)	
Minor Variance	Appeal a decision	45(12)	
	Appeal a decision	N. N	
Consent/Severance	Appeal conditions imposed	53(19)	
	Appeal changed conditions	53(27)	
	Failed to make a decision on the application within 90 days	53(14)	
	Appeal the passing of a Zoning By-law	34(19)	
Zoning By-law or	Application for an amendment to the Zoning By-law – 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)	
	X Appeal a decision	17(24) or 17(36)	
5 125 (CONT.) - CONT.	Failed to make a decision on the plan within 180 days	17(40)	
Official Plan or Official Plan Amendment	대통령이 2018년에 1일		
	Application for an amendment to the Official Plan – refused by the municipality		
Plan of Subdivision	Appeal a decision	51(39)	
	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

3130 and 3260 Dingman Drive and 4397-4407 Wellington Road South Address and/or Legal Description of property subject to the appeal:

A1 Revised April 2010

Page 2 of 6



Planner: Amanda-Brea Watson

Municipality/Uppe	er tier: City of Lond	on	
Part 3: Appellar	nt Information	middle a fine can a house at a mode	
First Name:		Last Name:	
Upper Than Company Name or	nes River Conservation Authority, c/o Association Name (Association mus	Barry R. Card, Barrister and Solicitor t be incorporated – include copy of lette	er of incorporation)
Professional Title (f applicable):		
E-mail Address:	cardiaw@rogers.com By providing an e-mail address yo	u agree to receive communications from the C	IMB by e-mail.
Daytime Telephone	#:519-433-5117	Alternate Telephone #:	
Fax #:	519-963-0285		
Mailing Address:	568 Ridgewood Crescent		London
	Street Address	Apt/Suite/Unit#	City/Town
	Ontario	2	NBJ 3J2
	Province	Country (if not Canada)	Postal Code
Signature of Appell	ant:	• 10	Date: Sept. 242013
orgination of Appen	(Signature not required if the	he appeal is submitted by a law office.)	
	1	Barry R. Card	
	must notify the Ontario Municipal Reference Number(s) after-they ha		telephone number in writing. Please
	micipal Board Act, R.S.O. 1990, c. O		Act, R.S.O. 1990, c. P. 13, as amended, ed, all information relating to this appeal
Part 4: Represe	ntative Information (if applicab	le)	
I hereby authori	ze the named company and/or	individual(s) to represent me:	
First Name:		Last Name:	
E-mail Address:		u agree to receive communications from the C	DMB by e-mail.
5 # T .ll.			
Daytime Telephone	#:	Alternate Telephone #:	
Fax #:			
Mailing Address:			
	Street Address	Apt/Suite/Unit#	City/Town
1	Province	Country (if not Canada)	Postal Code
Discountry of Assess	and:		Deter
Signature of Appell	ant		Date:
			n that you have written authorization, as Please confirm this by checking the box
п			
I certify that I I A1 Revised April 2010		ppellant to act as a representative with	respect to this appeal on his or her Page 3 of 6

Agenda Item #	Page #

Planner: Amanda-Brea Watson

Part 8: Scheduling Information	
How many days do you estimate are needed for hearing this appeal? half day 1 day 4 days X 1 week More than 1 week – please specify number of days:	evidence/testimony?
Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer Planner, Ecologist, Hydrogeologist, Water Resources Engineer, Regulations Officer	r, etc.):
Do you believe this matter would benefit from mediation? YES NO (Mediation is generally scheduled only when all parties agree to participate)	x
Do you believe this matter would benefit from a prehearing conference? YES (Prehearing conferences are generally not scheduled for variances or consents)	x
If yes, why?	
Part 9: Other Applicable Information **Attach a separate page if more space is required.	
· · · · · · · · · · · · · · · · · · ·	
Part 10: Required Fee	liki ilika inavalesi.
Total Fee Submitted: \$125.00	
Payment Method: X Certified cheque	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.

A1 Revised April 2010

Page 5 of 6

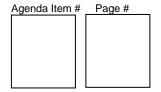
Agenda Item #	Ψ.	Page #	

Planner: Amanda-Brea Watson

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: X 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):
(Please print) Official Plan Amendment No. 557 of the City of London Municipal File No. OZ-8120
 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)
 OPA 557 purports to permit a cinema within an area comprised of a significant woodland and wetland. The proposed Amendment is premature until the woodland and wetland have been fully evaluated. The proposed Amendment is premature until it has been confirmed that its purpose and effect is consistent with Provincial Policy and applicable polies of the Official Plan (ie. those dealing with the recognition and protection of significant natural heritage features and functions). The Appellant is a commenting agency with respect to natural heritage matters and has a statutory mandate with respect to wetland protection.
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 X NO
Are there other planning matters related to this appeal? YES X NO
If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:
(Please print) A zoning by-law amendment appeal against By-law No. Z1-132226 is also being filed with respect to these same lands.

A1 Revised April 2010

Page 4 of 6



Planner: Amanda-Brea Watson

2013-LD



MUNICIPAL, PLANNING & DEVELOPMENT LAW

23 September 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:

Subject Appeal to ONB-Subject Appeal to ONB-ZRA-DZ-8120-3120/3200 DIRGINAL DY 4 4347/14407 Wellington Refs Ref. J. Nefferrott c.c. J. SCANNED

Re: Applications by PenEquity Realty Corporation, Municipal File OZ-8120

Notice of Appeal pursuant to sections 17 and 34 of the Planning Act - Official Plan

Amendment No. 557 and Zoning By-law Z.-1-132226

In regard to 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington

Road South (the "PenEquity 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.

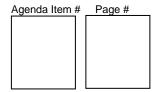
On behalf of our clients we have provided written submissions on this matter dated 19 August 2013.

On behalf of our client, please accept this letter and the enclosed materials as its appeal of Official Plan Amendment No. 557 ("OPA 557") and Zoning By-law Z.-1-132226 (the "Zoning By-law"). A summary of the reasons for appeal are found below.

Reasons for Appeal

PenEquity's appeal of OPA 541 states that they have concerns respecting the scope of
commercial lands available for development and the elimination of a phasing strategy for
development of commercial lands. Furthermore, their appeal states that there has been
insufficient justification to support the volume of commercial lands available for development
and that there is no policy basis to support the planning horizon for that development.

The adoption of OPA 557 and the enactment of the Zoning By-law is premature within the context of the recent adoption of Official Plan Amendment No. 541("OPA541") which adopts a Secondary Plan for Southwest London (the "Southwest London Area Plan" or "SWAP").



Planner: Amanda-Brea Watson



23 September 2013

2. Such other reasons as counsel may advise upon further consideration.

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

Sharmini Mahadevan

S. Muhal

Agenda Item #	Ϊ.	Page #	
	-		
	-		
	-		
	-		
	-		
	- [

Planner: Amanda-Brea Watson



Environment and Land Tribunals Ontario Ontario Municipal Board 655 Bay Street, Suite 1800 Toronto, Ontario MSG 1E5 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248 FAX: (418) 328-5370 APPELLANT FORM (A1) PLANNING ACT

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

Receipt Number (OMB Office Use Only)

RECEIVED SEP 2 4 2013

www.elto.gov.on.ca

Part 1: Appeal Type (Please check only one box)

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 – 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(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 Information	
3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington 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 #

Planner: Amanda-Brea Watson

Part 3: Appell	ant Information		
irst Name: Om	ela	Last Name: Richichi	
Greenhills SC L	td.		
Company Name	or Association Name (Association	n must be incorporated – include copy of lett	er of incorporation)
rofessional Title -mail Address:		President, Land Development	
	By providing an e-mail addr	ress you agree to receive communications from the C	MB by e-mail.
Savtime Telepho	ne #: 905-760-6200 ext. 7646	Alternate Telephone #:	
ax #: 905-760-6	, ,	Provide Comprosite #	
-		0.00.400	Mauchan
nalling Address:	700 Applewood Cres., Street Address	Suite 100 Apt/Suite/Unit#	Vaughan City/Town
	Ontario		L4K 5X3
	Province	Country (if not Canada)	Postal Code
ignature of Appe	allant:	ad if the appeal is submitted by a law office.)	Date:
nd the Ontarlo M		ected under the provisions of the Pianning , c. O. 28 as amended. After an appeal is file	
lay bocomo avai	able to the public.		
	, ,	d/or individual(s) to represent me: Last Name: <u>Mahadevan</u>	
ompany Name:	Wood Bull LLP		
rofessional Title:	Solicitor		
-mail Address:	smahadevan@wcodbull.ca	ess you agree to receive communications from the O	MD by a mail
avtime Telephon		Alternate Telephone #:	
x #: 416-203-8			
	65 Queen St. W	Suite 1400	Toronto
aning roundes	Street Address	Apt/Suite/Unit#	City/Town
	Ontario	·	M5H 2M5
	Province Dell	Country (if not Canada)	Postal Code
gnature of Appel	lant_JSUU	4	
		nt and are NOT a solicitor, please confirm poedure, to act on behalf of the appellant.	
		he appellant to act as a representative with produce this authorization at any time.	respect to this appeal on his or her
Revised April 201	0		Page 3 of

Agenda Item #	Page #

Planner: Amanda-Brea Watson

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):
(Please print)
Zoning By-law Z1-132226 Municipal Files OZ-8120
 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.
SECTION 34(11) OF THE PLANNING ACT. a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:
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:
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:
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)
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)
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 NO
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? Are there other planning matters related to this appeal? YES NO Part 7: Related Matters (if known) Are there other planning matters related to this appeal? YES NO Part 7: Related Matters (if known)
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? 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:
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? 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: (Please print)

A1 Revised April 2010

24

Page 4 of 5

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

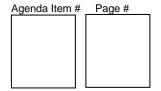
Planner: Amanda-Brea Watson

Part 8: Scheduling Information							
How many days do you estimate are needed for hearing this appeal? A days More than 1 week – please specify in the many expert witnesses and other witnesses do you expect to have at the second se		of days:			? days	_	3 days
Describe expert witness(es)' area of expertise (For example: land use plant Land Use Planner, Market Analyst	ner, arcl	nitect, er	nginee	ır, etc):		
	YES	V	NO				
	YES	☑	NO				
If yes, why? Scope Issues, Identify Parties etc.							
Part 9: Other Applicable Information **Attach a separate page if more	space i	s requi	red.				
,							
Part 10: Required Fee							
Total Fee Submitted: \$ 125.00							
Payment Method: Certified cheque	₽ Sol	icitor's g	enera	l or tr	ust acc	ount	cheque
The payment must be in Canadian funds, payable to the Minis	ter of F	inance.					
 Do not send cash. PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER 	R TO TI	HE FRO	NT O	F THI	S FOR	м.	

A1 Revised April 2010

25

Page 5 of 5



Planner: Amanda-Brea Watson

2013-601

City Clerk

Subject 1000



MUNICIPAL PLANNING & DEVELOPMENT LAW

23 September 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:

Ref to: IN SCANNED HILL

Re: Applications by PenEquity Realty Corporation, Municipal File OZ-8120
Notice of Appeal pursuant to sections 17 and 34 of the Planning Act - Official Plan
Amendment No. 557 and Zoning By-law Z.-1-132226
In regard to 3130 and 3260 Dingman Drive and the rear portion of 4397/4407 Wellington
Road South (the "PenEquity 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.

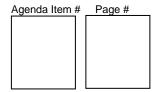
On behalf of our clients we have provided written submissions on this matter dated 19 August 2013.

On behalf of our client, please accept this letter and the enclosed materials as its appeal of Official Plan Amendment No. 557 ("OPA 557") and Zoning By-law Z.-1-132226 (the "Zoning By-law"). A summary of the reasons for appeal are found below.

Reasons for Appeal

PenEquity's appeal of OPA 541 states that they have concerns respecting the scope of
commercial lands available for development and the elimination of a phasing strategy for
development of commercial lands. Furthermore, their appeal states that there has been
insufficient justification to support the volume of commercial lands available for development
and that there is no policy basis to support the planning horizon for that development.

The adoption of OPA 557 and the enactment of the Zoning By-law is premature within the context of the recent adoption of Official Plan Amendment No. 541("OPA541") which adopts a Secondary Plan for Southwest London (the "Southwest London Area Plan" or "SWAP").



Planner: Amanda-Brea Watson



23 September 2013

2. Such other reasons as counsel may advise upon further consideration.

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 filling fees.

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

Yours very truly,

Wood Bull LLP

Sharmini Mahadevan

Silvabal

Agenda Item #	Ϊ.	Page #	
	-		
	-		
	-		
	-		
	-		
	- [

Planner: Amanda-Brea Watson

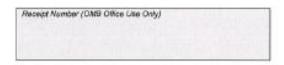


Environment and Land Tribunals Ontario Ontario Municipal Board 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248 FAX: (416) 328-5370 www.eto.gov.on.ca

Date Stemp - Appeal Received by Municipality RECEIVED SEP 2 4 2013

APPELLANT FORM (A1) PLANNING ACT

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY



Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)	
Minor Variance	Appeal a decision	45(12)	
	Appeal a decision	53(19)	
Consent/Severance	Appeal conditions imposed	Partial S	
	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 – 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		
nterim 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 Information

3130 and 3250 Dingman Drive and the rear portion of 4397/4407 Wellington 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 #

Planner: Amanda-Brea Watson

Part 3: Appellant Information		
irst Name: Ornella	Last Name: Richichi	
Greenhills SC Ltd. company Name or Association Name (Association must b	e incomorated – include conv of le	etter of incorporation)
		or a root portation ly
rofessional Title (if applicable): <u>Executive Vice-Presiden</u> -mall Address:		
By providing an e-mail address you a	gree to receive communications from the	e OMB by e-mail.
aytime Telephone #: 905-760-6200 ext. 7646	Alternate Telephone #:	
ax #: 905-760-6201		
cilles Address: 700 April	C-t- 400	Mountain
ailing Address: 700 Applewood Cres. Street Address	Suite 100 Apt/Suite/Unit#	Vaughan City/Town
	- pocular cinar	o dy romi
Ontario		L4K 5X3
Province	Country (if not Canada)	Postal Code
gnature of Appellant:	34.3	Date:
(Signature not required if the	appeal is submitted by a law office	s.)
lease note: You must notify the Ontario Municipal Bo uote your OMB Reference Number(s) after they have		r telephone number in writing. Please
ersonal information requested on this form is collected un id the Ontario Municipal Board Act, R.S.O. 1990, c. O. 2 ay become available to the public. art 4: Representative Information (if applicable)	8 as amended. After an appeal is	
art 4. Representative information (if applicable)		
hereby authorize the named company and/or inc	lividual(s) to represent me:	•
rst Name: Sharmini	Last Name: Mahadevan	
mpany Name: Wood Bull LLP		
ofessional Title: Solicitor		
mail Address: _smahadevan@woodbull.ca		
By providing an e-mail address you ag	gree to receive communications from the	OMII by e-mail.
ytime Telephone #: _416-203-7160	Alternate Telephone #:	
x#: _416-203-8324	<u>.</u> .	
ailing Address: 65 Queen St. W	Suite 1400	Toronto
Street Address	Apt/Suite/Unit#	City/Town
	-	,
Ontario		M5H 2M5
Province 00 A A	Country (if not Canada)	Postal Code
making of Amadianti FAL 0 0 0 h		50t 23/3
mature of Appellant:		Date: Sect. ASI
hase note: If you are representing the appellant and a nuired by the Board's Rules of Practice and Procedure, low.		
I certify that I have written authorization from the appel behalf and I understand that I may be asked to produce	llant to act as a representative wit e this authorization at any time.	h respect to this appeal on his or her
Revised April 2010		Page 3 of 5

Agenda Item #	Page #
	1

Planner: Amanda-Brea Watson

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 so			isabiliti	es Act, 2	005. If y	ou have
Part 6: Appeal Specific Information						
 Provide specific information about what you are appealing. For Number(s), Official Plan Number(s) or Subdivision Number(s): 	examp	ole: Mu	nicipal	File Nu	mber(s),	By-law
(Please print)						
Official Plan Amendment No. 557 Municipal File OZ-8120						
Outline the nature of your appeal and the reasons for your appeal. Be (for example: the specific provisions, sections and/or policies of the your appeal - if applicable). **If more space is required, please continu	Official	Plan or	By-law	which a	re the si	
(Please print)						
Please see attached letter.						
			Management			
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF SECTION 34(11) OF THE PLANNING ACT.	F ZON	ING BY	-LAW	AMEND	MENTS	UNDER
			-LAW	AMEND	MENTS	UNDER
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 includes category, the purpose of the desired zoning by-law change, and a description.	Bill 51' f	iorm.) sting zo	ning ca	tegory, d	esired z	
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 includes	Bill 51' f	iorm.) sting zo	ning ca	tegory, d	esired z	
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 includes category, the purpose of the desired zoning by-law change, and a desc**If more space is required, please continue in Part 9 or attach a separation.	Bill 51' f	iorm.) sting zo	ning ca	tegory, d	esired z	
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 desc**If more space is required, please continue in Part 9 or attach a separ	Bill 51' f s the exi cription o ate page	iorm.) sting zo	ning ca nds und	tegory, d	esired z	
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 desc **If more space is required, please continue in Part 9 or attach a separ	Bill 51' f s the exi pription of ate page	orm.) sting zo of the lar	ning ca ids und	tegory, der appea	esired z	
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 desc**If more space is required, please continue in Part 9 or attach a separ	Bill 51' f s the exi cription o sate page	orm.) sting zo of the lar	ning ca nds und	tegory, der appea	esired z	
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 desc **If more space is required, please continue in Part 9 or attach a separ. Part 7: Related Matters (if known) Are there other appeals not yet filed with the Municipality? Are there other planning matters related to this appeal?	Bill 51' f s the exi cription o ate page	form.) sting zo if the lar	ning ca ids und NO NO	tegory, der appea	esired z	
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 includes category, the purpose of the desired zoning by-law change, and a descentif more space is required, please continue in Part 9 or attach a separate there other appeals not yet filed with the Municipality? Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)	Bill 51' f s the exi cription o ate page	form.) sting zo if the lar	ning ca ids und NO NO	tegory, der appea	esired z	
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 includes category, the purpose of the desired zoning by-law change, and a descentif more space is required, please continue in Part 9 or attach a separate the other appeals not yet filed with the Municipality? 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 No.	Bill 51' f s the exi cription o ate page	form.) sting zo if the lar	ning ca ids und NO NO	tegory, der appea	esired z	
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 included category, the purpose of the desired zoning by-law change, and a desc **If more space is required, please continue in Part 9 or attach a separ. Part 7: Related Matters (If known) Are there other appeals not yet filed with the Municipality? 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 Notes (Please print)	Bill 51' f s the exi cription of ate page YES YES umber(s	form.) sting zo of the lar	NO NO NO	tegory, der appea	esired z	oning

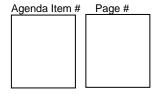
A1 Revised April 2010 Page 4 of 5

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

Planner: Amanda-Brea Watson

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					3 days
How many expert witnesses and other witnesses do you expect to have					nonv?
2					
Describe expert witness(es)' area of expertise (For example: land use plant Land Use Planner, Market Analyst	anner, a	rchitect, e	nginee	er, etc.):	
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES	V	NO		
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES	M	NO	П	
If yes, why? Scope Issues, Identify Parties etc.					
Part 9: Other Applicable Information "Attach a separate page if mo	re spac	e is requ	ired.		
A A A A A A A A A A A A A A A A A A A					
Dest 40. Description					
Part 10: Required Fee					
Total Fee Submitted: \$ 125.00					
Payment Method: Certified cheque	Ø s	olicitor's	genera	al or trust accou	nt cheque
 The payment must be in Canadian funds, payable to the Mir 	nister of	Finance			
Do not send cash.					
PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORD	ER TO	THE FRO	O TAC	F THIS FORM.	

A1 Revised April 2010 Page 5 of 5



Planner: Amanda-Brea Watson

Goodmans

2013-101

Barristers & Solicitors

Bay Adelaide Centre 333 Bay Street, Suite 3400 Toronto, Onfario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca
Direct Live: 416.597.4119
rhouser@goodmans.ca

September 23, 2013

Catherine Saunders City Clerk City of London 3rd Floor, 300 Dufferin Avenue London, ON N2B 1Z2

HAND DELIVERED

3025

Roof for JN J SCANNED AN

Dear Ms. Saunders:

Re: Appeal of By-law Z.-1-132226 by Costco Wholesale Corporation

City Clerk

Ref. 5

Subject AC

We are the solicitors for Costco Wholesale Corporation ("Costco"), the owner of a property immediately adjacent to the lands subject to the above-noted amendment. On behalf of our client, we advised Council on June 17, 2013 of the transportation concerns respecting the development proposed by PenEquity Realty Corporation ("PenEquity"). We attach a copy of that letter which contains the basis for the appeal herein.

As the matters raised in the submission filed with Council remain a concern to our client, we have been instructed to file this appeal of By-lawZ.-1-132226. We would note however that there have been productive discussions between Costco and PenEquity regarding measures to address our client's transportation issues so we are hopeful that it will be possible to achieve a resolution that will facilitate the withdrawal of the appeal. Provided the transportation issues are resolved, Costco is supportive of the development proposed by PenEquity.

In conjunction with this appeal we enclose the following:

1. A completed copy of the Board's Appellant Form A1

2. A firm cheque in the amount of \$125 for the zoning appeal

We trust this is satisfactory.

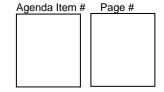
Yours very truly,

GOODMANS LLP

Roslyn Houser

RH/ss

Mark Marchissano Margaret McCulla Walter Kaczynski Scott Snider



Planner: Amanda-Brea Watson

Goodmans

Barristers & Solicitors

Bay Adelaide Centre 333 Bay Street, Suite 3400 Toronto, Ontario M5H 2S7

Telephone: 416,979,2211 Facsimile: 416,979,1234 goodmans.ca

Direct Line: 416.597.4119 rhouser@goodmans.ca

June 17, 2013

Chair and Members of the Planning and Environment Committee City Hall 300 Dufferin Avenue P.O. Box 5035 London, ON N6A 4L9

Dear Sirs/Mesdames:

Re: Application by Penequity Realty Corporation, 3130 and 3260 Dingman Drive

We are the solicitors for Costco Wholesale Corporation ("Costco"), the owner and operator of a warehouse membership club located at the northwest corner of Wellington Road and Roxburgh Road (4313 Wellington Road South), immediately adjacent to the property that is the subject of the above-noted application. This warehouse membership club has been in operation since 1992 and is a busy and successful store.

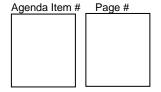
Our client's transportation consultant, BA Group, has reviewed the traffic study submitted in support of the application by Penequity Realty Corporation ("Penequity") and has advised that the current design of the proposal will have a major negative impact on access and egress for the Costco site which has not been addressed in the applicant's traffic study.

The primary means of access to the Costco site is provided from three full move driveways on Roxburgh Road. The Penequity proposal contemplates the implementation of double left turning lanes at the Roxburgh/Wellington intersection to accommodate the projected high traffic volumes from the Penequity development. BA Group has advised that the road network improvements recommended by Penequity's transportation consultant, HDR, would not provide sufficient capacity, would create unacceptable weaving conditions on Roxburgh Road and are inadequate.

Also, BA has indicated that southbound left turn capacity from Costco's Roxburgh driveways would be severely restricted and the driveways would be blocked by the queues on Roxburgh Road in the dual left turn lanes. The delays would be particularly severe for the east driveway, which is Costco's most important driveway because of its proximity to the Roxburgh/Wellington intersection and the parking lot layout.

The applicant's transportation consultant, HDR, acknowledges there will be lengthy delays at Costco's east driveway and suggests that this could be addressed by the on-site redistribution of Costco's traffic to its central and western driveways. This would not be an appropriate or

\6216663.4



Planner: Amanda-Brea Watson

Goodmans

Page 2

acceptable outcome for Costco because it would result in significant on-site queuing and circulation issues creating an area of high vehicular and pedestrian conflict at the main warehouse entrance.

Penequity has failed to address Policy 4.5 of the Official Plan which requires an applicant to evaluate the impact of its traffic generated by the proposal on surrounding properties as well as the coordination of access and traffic circulation with surrounding sites. Prior to a Council decision on this application, Penequity should be required to undertake more comprehensive traffic and planning analyses and to undertake a redesign of the proposal. We note that a redesign will be required in any event to reflect the OS5 zoning that has been recommended for the central portion of Penequity site in order to protect the significant woodland.

The City's Transportation and Planning Division has identified the need for additional traffic work to be undertaken by the applicant. However the recommendations in the planning report provide for approval of the development subject to a holding provision that would be lifted at the site plan approval stage when the additional traffic work is completed. In our view, it is premature for the City to enact a zoning amendment permitting a project of this scale when there are fundamental traffic issues to be resolved. We would also point out that deferring the resolution of the traffic issue to the site plan stage would deprive our client of the opportunity for meaningful participation in the process, as the Planning Act does not afford third parties with a right to appeal a site plan to the OMB.

Our client has brought its concerns to the attention of Penequity and it is our understanding that Penequity has agreed to involve Costco in the discussions with the City respecting the re-design of the proposal and the resolution of the above-noted transportation issues. In these circumstances, we trust the Committee will agree that it is premature for the zoning by-law amendment to be introduced at the Council meeting on June 25, 2013 and therefore staff recommendation (c) should not be approved.

Yours very truly,

Goodmans LLP

Roslyn Houser

RH/ss

cc:

Jeff Ishida Mark Marchisano Margaret McCulla Walter Kaczynski David Johnston Leger Xavier Craig Smith

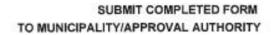
\6216663.4

Agenda Item #	# Page #

Planner: Amanda-Brea Watson



Environment and Land Tribunals Ontario Ontario Municipal Board 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5 TEL: (416) 212-6349 or Toil Free: 1-866-448-2248 FAX: (416) 326-5370 www.elto.gov.on.ca APPELLANT FORM (A1) PLANNING ACT



RECE		/E	D	
SEP 2	4	2013	3	
RESERV	9.00	u.		

Receipt Number	GMB Office Use Only)	

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)	
Minor Variance	Appeal a decision	45(12)	
	Appeal a decision	1220000	
Consent/Severance	Appeal conditions imposed	53(19)	
	Appeal changed conditions	53(27)	
	Falled 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 – 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(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 Information

3130	and	3260	Dingman	Drive	and	the	rear	corner	of	4397/4407	Wellington	Rđ
Address	and/o	or Legal	Description of	f property	subje	ct to th	e appea	l:				
Municip	ality/U	pper tie	city	of Lar	idon							- 7
A1 Revis	ed April	2010									Page	2 of 5

Agenda Item:	#	Page #	

Planner: Amanda-Brea Watson

Part 3: Appellant Information	on	
First Name:	Last Name:	
Costco Wholesale (Corporation	
Company Name or Association Na	ame (Association must be incorporated – include copy of	of letter of incorporation)
Professional Title (if applicable): _		
-mail Address:	riding an e-mail address you agree to receive communications from	
By prov	riding an e-mail address you agree to receive communications from	the OMB by e-mail.
Paytime Telephone #:	Alternate Telephone #:	
ax #:		
Mailing Address: 45940 Ho	orseshoe Drive, Suite 150	Sterling
Street Address		City/Town
Virgina	U.S.A	20166
Province	Country (if not Canada)	Postal Code
ignature of Appellant:	nature not required if the appeal is submitted by a law of	Date:
	he Ontario Municipal Board of any change of addres	
art 4: Representative Infor	rmation (if applicable)	
•	d company and/or individual(s) to represent me	
irst Name:Roslyn	Last Name: House	r
irst Name: Roslyn ompany Name: Goodman	ns LLP	r
irst Name:Roslyn company Name:Goodman rofessional Title:	ns LLP	r
irst Name:Roslyn company Name:Goodman refessional Title:	ns LLP	r
ompany Name: Roslyn ompany Name: Goodman refessional Title: Thouser@g By prev	Last Name: House ps LLP goodmans.ca yiding an o-mail address you agree to receive communications from	n the OMB by e-mail.
irst Name:Roslyn company Name:Goodman refessional Title:mail Address:rhouser@g By prev sytime Telephone #:416-5	Last Name: House ns LLP goodmans.ca viding an o-mail address you agree to receive communications from 597-4119 Alternate Telephone #:	n the OMB by e-mail.
irst Name:Roslyn company Name:Goodman refessional Title:mail Address:rhouser@g By prev syttme Telephone #:416-5 ax #:416-979-1234	Last Name: House ns LLP goodmans.ca viding an e-mail address you agree to receive communications from 597-4119 Alternate Telephone #:	n the OMB by e-mail. Toronto
irst Name:Roslyn company Name:Goodman refessional Title:mail Address:rhouser@g By prev syttme Telephone #:416-5 ax #:416-979-1234	Last Name: House ns LLP goodmans.ca widing an e-mail address you agree to receive communications from 597-4119 Alternate Telephone #: Street Suite 3400	Toronto City/Town
irst Name:Roslyn company Name:Goodman refessional Title:mail Address:rhouser@g By prev saytime Telephone #:416 - 5 ax #:416 - 979 - 1234 failing Address:333 Bay	Last Name: House ns LLP goodmans.ca idding an e-mail address you agree to receive communications from 597-4119 Alternate Telephone #:	n the OMB by e-mail. Toronto
irst Name:Roslyn company Name:Goodman refessional Title:mail Address:rhouser@g By prov saytime Telephone #:416 - 5 ax #:416 - 979 - 1234 failing Address:333 Bay Street Address	Last Name: House ns LLP goodmans.ca goodmans.ca Alternate Telephone #: Street Suite 3400 Apt/Suite/Unit# Country (if not Canada)	Toronto City/Town
irst Name:Roslyn company Name:Goodman rofessional Title:mail Address:rhouser@g By prov teytime Telephone #:416-5 ax #:416-979-1234 failing Address:333 Bay Street Address Ontario Province	Last Name:House ns LLP goodmans.ca goodmans.ca Alternate Telephone #: Street Suite 3400 Apt/Suite/Unit#	Toronto City/Town M5N 2S7
First Name: Roslyn Company Name: Goodman Professional Title: Fhouser@g By prov Daytime Telephone #: 416-5 Sax #: 416-979-1234 Mailing Address: 333 Bay Street Address Ontario Province Signature of Appellant: Please note: If you are represented by the Board's Rules of	Last Name: House ns LLP goodmans.ca goodmans.ca Alternate Telephone #: Street Suite 3400 Apt/Suite/Unit# Country (if not Canada)	Toronto City/Town M5N 2S7 Postal Code Date: 43,2013
First Name:Roslyn Company Name:Goodman Professional Title: E-mail Address:rhouser@g By prov Daytime Telephone #:416-5 Eax #:416-979-1234 Apilling Address:333 Bay Street Address Ontario Province Signature of Appellant:	Last Name: House Ins. LLP Goodmans.ca Idding an e-mail address you agree to receive communications from 597-4119 Alternate Telephone #:	Toronto City/Town M5N 2S7 Postal Code Date: 43,2013
irst Name:Roslyn company Name:Goodman refessional Title:mail Address:Khouser@g By prev systime Telephone #:416-5 ax #:416-979-1234 failing Address:333 Bay Street Address Ontario Province Ignature of Appellant:	Last Name: House Ins. LLP Goodmans.ca Idding an e-mail address you agree to receive communications from 597-4119 Alternate Telephone #:	Toronto City/Town M5N 2S7 Postal Code Date:

Agenda Item #	Page #
	1

Planner: Amanda-Brea Watson

Part 5: Language and Accessibility	
7 -	
Please choose preferred language; English French	
We are committed to providing services as set out in the Accessibility for Ontarians with Disab any accessibility needs, please contact our Accessibility Coordinator as soon as possible.	ilities Act, 2005. If you have
Part 6: Appeal Specific Information	
 Provide specific information about what you are appealing. For example: Municip Number(s), Official Plan Number(s) or Subdivision Number(s): 	al File Number(s), By-law
(Plesse print)	
 Outline the nature of your appeal and the reasons for your appeal. Be specific and provid (for example: the specific provisions, sections and/or policies of the Official Plan or By-l your appeal - if applicable). **If more space is required, please continue in Part 9 or attach 	aw which are the subject of
(Please print)	
See attached letter.	
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LA SECTION 34(11) OF THE PLANNING ACT.	W AMENDMENTS UNDER
Section 34(11) of the Planning Act.	W AMENDMENTS UNDER
	W AMENDMENTS UNDER
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: (If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)	
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, the purpose of the desired zoning by-law change, and a description of the lands of the lands of the purpose of the desired zoning by-law change, and a description of the lands of	category, desired zoning
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
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, the purpose of the desired zoning by-law change, and a description of the lands of the lands of the purpose of the desired zoning by-law change, and a description of the lands of	category, desired zoning
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, the purpose of the desired zoning by-law change, and a description of the lands of the lands of the purpose of the desired zoning by-law change, and a description of the lands of	category, desired zoning
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, the purpose of the desired zoning by-law change, and a description of the lands of the lands of the purpose of the desired zoning by-law change, and a description of the lands of	category, desired zoning under appeal:
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, the purpose of the desired zoning by-law change, and a description of the lands "If more space is required, please continue in Part 9 or attach a separate page. Part 7: Related Matters (if known)	category, desired zoning
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, the purpose of the desired zoning by-law change, and a description of the lands of "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	category, desired zoning under appeal:
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, the purpose of the desired zoning by-law change, and a description of the lands the "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 Are there other planning matters related to this appeal? YES	category, desired zoning under appeal:
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, the purpose of the desired zoning by-law change, and a description of the lands the "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? Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)	category, desired zoning under appeal:
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, the purpose of the desired zoning by-law change, and a description of the lands of "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? 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	category, desired zoning under appeal:
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, the purpose of the desired zoning by-law change, and a description of the lands of "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? 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	category, desired zoning under appeal:
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, the purpose of the desired zoning by-law change, and a description of the lands of "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? 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	category, desired zoning under appeal:

A1 Revised April 2010

Agenda Item #	Page #
	1

Planner: Amanda-Brea Watson

arf8: Scheduling Information	
low many days do you estimate are needed for hearing this appeal?	
4 days 1 week More than 1 week – please specif	fy number of days:
ow many expert witnesses and other witnesses do you expect to have 2 planning and traffic engineers	at the hearing providing evidence/lestimony?
escribe expert witness(es)' area of expertise (For example: land use pla	anner, architect, engineer, etc.):
o you believe this matter would benefit from mediation? declation is generally scheduled only when all parties agree to participate)	YES NO F
o you believe this matter would benefit from a prehearing conference? Perhearing conferences are generally not scheduled for variances or consents)	YES NO F
yes, why?	
art 9: Other Applicable Information **Attach a separate page if mo	re space is required.
rt 10: Required Fee	
tal Fee Submitted: \$ 125.00	
yment Method: Certified cheque Money Order	Solicitor's general or trust account cheque
 The payment must be in Canadian funds, payable to the Min 	ister of Finance.
Do not send cash.	
 PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORD 	ER TO THE FRONT OF THIS FORM.

A1 Revised April 2010

Page 5 of 5