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**File No.: O-7668
Planner: B. Debbert**

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: INFRASTRUCTURE ONTARIO (FORMERLY ONTARIO REALTY CORPORATION) LONDON PSYCHIATRIC HOSPITAL SECONDARY PLAN NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON MONDAY, JANUARY 16, 2012

RECOMMENDATION

That, on the recommendation of the Director, Land Use Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, dated November 1, 2011 and received by the City Clerk on November 3, 2011, and submitted by Robert Malpass, President of the Fairmont Lawn Bowling Club, on behalf of the Fairmont Lawn Bowling Club, relating to Official Plan Application No. O-7668 concerning the London Psychiatric Hospital Secondary Plan described as 840 and 850 Highbury Avenue North and 1414 and 1340 Dundas Street and lands without municipal address east of 850 Highbury Avenue North and bounded by the Canadian Pacific and Canadian National Railways, 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
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December 12, 2005 – Information report to Planning Committee regarding a process for planning the redevelopment of the London Psychiatric Hospital Lands.

April 21, 2009 – Meeting to table the draft London Psychiatric Hospital Lands Area Plan Terms of Reference and circulate it for comment.

June 22, 2009 – Public Meeting for consideration of the adoption of the London Psychiatric Hospital Lands Area Plan Terms of Reference.

June 13, 2011 – Public Meeting for consideration of endorsement of the Secondary Plan and Stormwater Management Class Environmental Assessment.

September 26, 2011 – Public Meeting for consideration of approval of the Secondary Plan and Stormwater Management Class Environmental Assessment.

BACKGROUND

Following a comprehensive public consultation and planning review process, the Director of Land Use Planning & City Planner brought forward a report to the Built and Natural Environment Committee on September 26, 2011, recommending the introduction for Council adoption, of the proposed Official Plan amendment for the London Psychiatric Hospital Secondary Plan. The purpose and effect of this recommendation was to put Official Plan policies in place providing a

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framework for the future development of the subject lands, supporting the conservation of the existing historically significant buildings, cultural features and environmental features on the site, while guiding future development in terms of the location and types of land uses, provision of passive and active recreational spaces, urban design, municipal servicing infrastructure and road networks, and phasing of development.

On November 3, 2011, Robert Malpass, President of the Fairmont Lawn Bowling Club, filed an appeal in response to Council's decision. The appeal pertains specifically to lands owned by the Province of Ontario (Management Board Secretariat), located to the rear of 1414 Dundas Street (see Appendix "A", Location Map), which were redesignated from Regional Facility to Multi-family, Medium Density Residential on Schedule "A" of the Official Plan, and as Transit Oriented Corridor Policy Area 3 in the Secondary Plan. The new policy would permit a lawn bowling facility on the rear portion of the designated area.

The reasons for appeal are stated as follows: Lawn bowling has been carried out on this parcel of land owned by the Province of Ontario, for over 90 years, the City of London is proposing that our lawn bowling club be moved approx. 15 yards to the north in order to develop our property for commercial purposes, the cost to relocate our facilities is estimated over one million dollars, Council has refused to designate our property for its existing use and also refused to designate our property as a heritage site.

A copy of Schedule 3 to the Secondary Plan is attached as Appendix "B". A copy of the appeal letter from Robert Malpass and the reasons for appeal are attached as Appendix "C". A date for the Ontario Municipal Board hearing has not yet been scheduled. Planning staff have reviewed the appeal letter and see no reason for Council to alter its decision relating to this matter.

Infrastructure Ontario, representing the Province of Ontario which owns the land, has been requested to provide its position on the appeal and has indicated that it will be retaining its own legal counsel.

PREPARED BY:	SUBMITTED BY:
BARB DEBBERT SENIOR PLANNER COMMUNITY PLANNING AND URBAN DESIGN SECTION	JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN SECTION
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

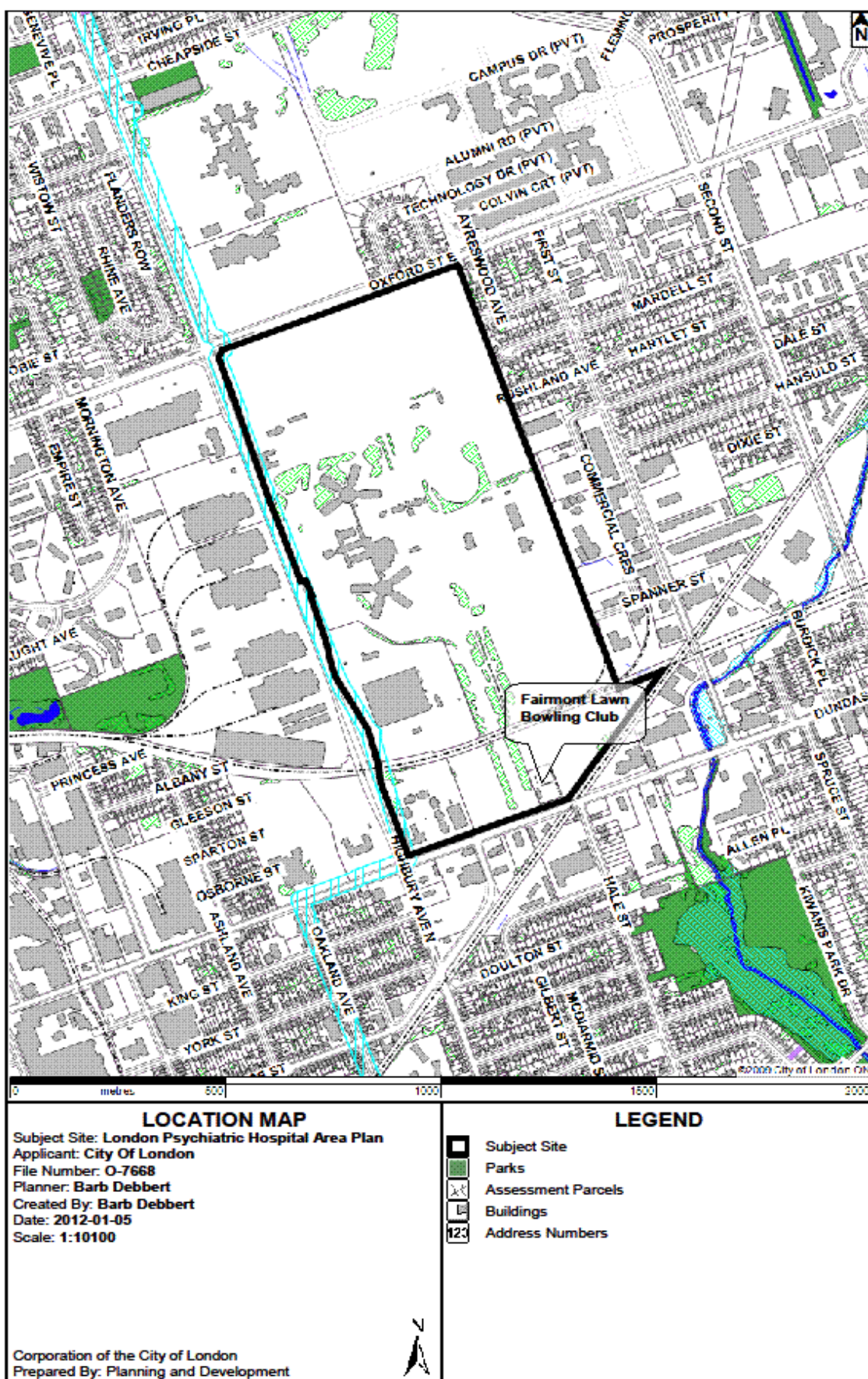
January 5, 2012

BD/

"Attach"

Y:\Shared\implemen\Area Plans\LPH Lands Area Plan\Ontario Municipal Board\LPH OMB report to Planning & Environment committee on receipt of appeal.docx

Appendix "A" – Location Map



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Appendix "B" – Secondary Plan Schedule 3



Appendix "C" – Letter of Appeal

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 Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 212-6348 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370
www.eltb.gov.on.ca

RECEIVED
NOV 03 2011

APPELLANT FORM (A1)
PLANNING ACT

3935

SUBMIT COMPLETED FORM

City Clerk MUNICIPALITY APPROVAL AUTHORITY

Subject Appeal - 1414 Dundas St.

Receipt Number (OMB Office Use Only) 0-7668 LPH

NOV 03 2011

Ref. L. Dakin + 125 chg

Date Stamp - Appeal Received by Municipality
BAARB
NOV - 7 2011
THE CITY OF LONDON
APPEALS DIVISION
APPEAL TO
MUNICIPAL BOARD

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

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

Part 2: Location Information

1414 DUNDAS ST., LONDON, NSW 3B6

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

Municipality/Upper tier: CITY OF LONDON

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Part 3: Appellant Information

First Name: ROBERT (BOB) Last Name: MALPASS
FAIRMONT LAWN BOWLING CLUB
 Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
 Professional Title (if applicable): _____
 E-mail Address: EBMALPASS@ROGERS.COM
By providing an e-mail address you agree to receive communications from the OMB by e-mail.
 Daytime Telephone #: 519-657-9019 Alternate Telephone #: N/A
 Fax #: N/A
 Mailing Address: 284 WONDERLAND RD.S. 1410 LONDON
Street Address Apt/Suite/Unit# City/Town
ONTARIO N6K 4Z4
Province Country (if not Canada) Postal Code
 Signature of Appellant: R.M. Malpass Date: Nov. 1, 2011
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____
 Company Name: _____
 Professional Title: _____
 E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.
 Daytime Telephone #: _____ Alternate Telephone #: _____
 Fax #: _____
 Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code
 Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

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Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)
FAIRMONT LAWN BOWLING CLUB IS APPEALING THE PASSING OF BYLAW NO. C.P.-1284 (RP)-283 OF THE CITY OF LONDON, ADOPTING AMENDMENT NO. 510 OF ITS OFFICIAL PLAN,

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)
LAWN BOWLING HAS BEEN CARRIED OUT ON THIS PARCEL OF LAND OWNED BY THE PROVINCE OF ONTARIO, FOR OVER 90 YEARS, THE CITY OF LONDON IS PROPOSING THAT OUR LAWN BOWLING CLUB BE MOVED APPROX. 15 YARDS TO THE NORTH IN ORDER TO DEVELOP OUR PROPERTY FOR COMMERCIAL
(CONTINUED IN PART 9)

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO
Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

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

(Please print)

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Part 8: Scheduling Information

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

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
NONE

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):
N/A

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

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

If yes, why? _____

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

(CONTINUED FROM PART 2)

PURPOSES, THE COST TO RELOCATE OUR FACILITIES IS ESTIMATED OVER ONE MILLION DOLLARS, COUNCIL HAS REFUSED TO DESIGNATE OUR PROPERTY FOR ITS EXISTING USE AND ALSO REFUSED TO DESIGNATE OUR PROPERTY AS A HERITAGE SITE,

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

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

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

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Fairmont Lawn Bowling Club

1414 Dundas Street (rear)
London, ON N5W 3B6

Tel: (519) 453-1100

**2011-2012
Board of Directors**

President
Bob Malpass

Vice-President
Brian Garrett

Past President
Brian Sims

Treasurer
Alwyn Verbeek

Secretary
Sandy Ronson

Directors
Bill Baxter
Bob Morse
Chuck Townsend
Linda Bailey
Bobbi Johnston
Eileen Malpass

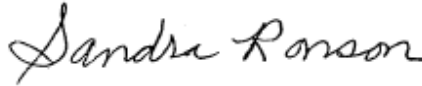
October 28, 2011

**Ontario Municipal Board
766 Bay Street, Suite 1500
Toronto ON M5G 1E5**

**Re: Appeal of Official Plan Amendment No. 510 of the City of
London**

**Please be advised that Robert Malpass, President of the Fairmont
Lawn Bowling Club, has been authorized by the said club to
represent the club with respect to the above mentioned appeal.**

Yours truly



**Sandra Ronson
Secretary**

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Formule 1 - Personnes morales de l'Ontario

Rapport Initial/Avis de modification
Corporations Information Act/Loi sur les
renseignements exigés des personnes morales

Please type or print all information in block capital letters using black ink.
Prière de dactylographier les renseignements ou de les écrire en caractères d'imprimerie à l'encre noire.

		Notice of Change Avis de modification	
1. Business Corporation/ Société par actions	Initial Return Rapport initial	<input type="checkbox"/>	<input type="checkbox"/>
Not-For-Profit Corporation Personne morale sans but lucratif		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Ontario Corporation Number Numéro matricule de la personne morale en Ontario	3. Date of Incorporation or Amalgamation/ Date de constitution ou fusion	For Ministry Use Only À l'usage du ministère seulement
1589564	Year/Année: 2003 Month/Mois: 10 Day/Jour: 17	

4. Corporation Name including Function/Raison sociale de la personne morale, y compris la fonction

FAIRMONT LAWN BOWLING CLUB

5. Address of Registered or Head Office/Adresse du siège social

cto / ats

Street No./N° civique: 1414 Street Name/Nom de la rue: DUNDAS STREET Suite/Bureau:

City/Town/Ville: LONDON ONTARIO, CANADA

Postal Code/Code postal: ONTARIO

6. Mailing Address/Adresse postale

Street No./N° civique: 208

Street Name/Nom de la rue: KILLARNEY GROVE Suite/Bureau:

City/Town/Ville: LONDON

Province, State/Province, État: ONTARIO Country/Pays: CANADA Postal Code/Code postal: N5X 3X6

Same as Registered or Head Office/Même que siège social
 Not Applicable/Ne s'applique pas

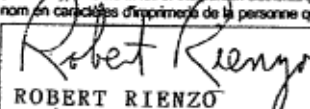
7. Language of Preference/Langue préférée

English - Anglais French - Français

8. Information on Directors/Officers must be completed on Schedule A as requested. If additional space is required, photocopy Schedule A. Les renseignements sur les administrateurs ou les dirigeants doivent être fournis dans l'Annexe A, tel que demandé. Si vous avez besoin de plus d'espace, vous pouvez photocopier l'Annexe A.

Number of Schedule A(s) submitted/Nombre d'Annexes A présentées: 3 (At least one Schedule A must be submitted/Au moins une Annexe A doit être présentée)

9. (Print or type name in full of the person authorizing filing / Dactylographier ou inscrire le prénom et le nom en caractères d'imprimerie de la personne qui autorise l'enregistrement)

I/Je: 
ROBERT RIENZO

certify that the information set out herein, is true and correct.
atteste que les renseignements précités sont véridiques et exacts.

Check appropriate box
Cocher la case pertinente

D) Director/Administrateur
O) Officer /Dirigeant
P) Other individual having knowledge of the affairs of the Corporation/Autre personne ayant connaissance des activités de la personne morale

NOTE/REMARQUE: Sections 13 and 14 of the Corporations Information Act provide penalties for making false or misleading statements or omissions. Les articles 13 et 14 de la Loi sur les renseignements exigés des personnes morales prévoient des peines en cas de déclaration fautive ou trompeuse, ou d'omission.