City Clerk

Subject APPEN - OPA SISTZ-7698

-3804 Suthwinds D = Draft
Plan Approval 3cit-09503

DEC 23 2013

Chaque - \$350.00 included)

Ref. INCharcott

Ref. The Harcott

Ref to INJP

ML

Certified Specialist in Municipal Law

File Number: 357

HAND DELIVERED

RECEIVED

DEC 2 3 2013

December 23, 2013

Ms. Catharine Saunders
City Clerk
Corporation of the City of London
300 Dufferin Avenue, 6th Floor
London, ON N6A 4L6

Dear Ms. Saunders:

RE: Official Plan Amendment No. 562, Zoning By-law Amendment Z-1-142250 and draft plan approval - City of London File # 39T-09503 3804 Southwinds Drive, London, Ontario

Attached please find the Ontario Municipal Board Forms for each of these above-captioned appeals for which we have received notice as of this date.

Although there was a recommendation that the approval authority provide draft plan approval of the above-captioned subdivision, no notice with respect to same has been received as of today's date. It will be appealed if approved - but we are unable to do so at this time, absent any information on what has happened since the matter was before Planning Committee and Council - despite repeated requests for information on its status since December 3rd, when the matter was last before Council.

The grounds for the zoning by-law appeal in particular, which are somewhat more extensive than those that relate to the Official Plan appeal, may be summarized generally as follows:

1. The proposed development does not comply with the Provincial Policy Statement in that it proposes development in excess of 5 lots on individual on-site sewage services, contrary to the PPS;

Telephone: (519) 652-5329 Fax: (519) 652-9773

e-mail: valerie@citylaw.ca

- 2. The lands are outside of the Urban Growth Boundary, and development in this context is therefore premature;
- 3. It contravenes the municipality's own Official Plan, in particular, Special Policy Section 9.3;
- 4. There are continuing hydrogeologic, hydraulic and sewage impact concerns which have not been adequately addressed by the proponent;
- 5. There is a serious problem with runoff and flooding from the subject lands which will be exacerbated and increased by development of those lands, causing substantial risk to the septic system at 3915 Southwinds Drive (abutting lands) and constituting a private nuisance, in fact and at law.
- 6. The proposed draft plan approval development conditions are inadequate to prevent future adverse impacts on the water and sewers systems on the neighbouring lands;
- 7. The Official Plan amendments necessitated by this development proposal are inadequate for the purpose, meaning that any rezoning amendments premised upon the required Official Plan amendments are similarly flawed;
- 8. Such further and other grounds as the Board will permit.

Please also find enclosed our firm cheque in the amount of \$250.00 for the processing of these appeals.

We note with concern that, although technically compliant with the provisions of the *Planning Act* with respect to appeals, the City has sent out notices dated December 12th, 2013, and specifying an appeal deadline of 4:30 p.m. on January 2nd, 2014, based on the statutory 20 days.

Given that City Hall is closed from noon on December 24th through to 8:30 in the morning of January 2nd, the actual appeal period has been reduced by 10 days, since it

Telephone: (519) 652-5329 Fax: (519) 652-9773

will not be possible for an appeal to be filed with the Municipal Clerk's Office during that time. When one adds in the time spent in the mail before delivery, to an area well distant from the core, at an exceptionally busy time of year for mail delivery, the actual available appeal period shrinks dramatically - to about 8 days, based on the timing of notice delivery experienced by our clients.

One would have thought that the municipal officials would have regard for the fact that the offices in which the appeal is to be filed will be inaccessible for a period of 10 days, and allowed for part of that time to also be lost to the mail system. That ought to have led, we suggest, to the giving of notice being postponed, pursuant to ss 17(23 and 34(18), until at least December 24th, the last day that the City is open for business this year, so as to ensure potential appellants the best opportunity, at a time of year when many will have made advance plans to be away from the City of London, to make a full and informed determination of whether or not they wish to appeal and to file such appeal.

Please also note that, although at the time Mr. Dittmer filled out the zoning by-law appeal form, he appointed this office as his representative, there have been discussions since with other potential appellants, who will be represented by the firm of McKenzie Lake, and it appears that the appeals may be consolidated. As a result, please also show the McKenzie Lake firm, attention Mr. Don Bryant or Mr. Steve Gibson, at 140 Fullarton Street, Suite 1800, London, Ontario, N6A 5P2, as counsel for Mr. Dittmer. Their other relevant contact information is: phone: 519-672-5666 and fax: 519-672-2674. If the parties currently represented by McKenzie Lake do file appeals and the parties decide to consolidate their efforts, we will ensure that the Board is advised accordingly as soon as that information is available.

Thank you for your assistance in this regard.

Yours very truly,

Valerie M'Garry

VM'G/hp Encl.

cc: Elizabeth MacKinnon and Doug Dittmer

Telephone: (519) 652-5329 Fax: (519) 652-9773

e-mail: valerie@citylaw.ca



Ontario Municipal Board Commission des affaires municipales de l'Ontario

PLANNING ACT - BIII 51

655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5 TEL: (416) 326-6800 or Toll Free: 1-866-887-8820 FAX: (416) 326-5370

Instructions:

· Complete one form for each type of appeal you are filing.

www.omb.gov.on.ca

- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- Submit your completed appeal form(s) and filing fee(s) to either the Approval Authority or Municipality, as applicable, by the required filing deadline. The Approval Authority/Municipality will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- Please print clearly throughout the appeal form.
- The Planning Act and the Ontario Municipal Board Act are available at www.omb.gov.on.ca.

Receipt Number (OMB Office Use Only):	

APPELLANT FORM (A1)

Date Stamp - Appeal Received by Municipality

(SUBMIT 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 or conditions imposed	53(19)
Consent	Appeal conditions imposed	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/Amendments	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	Application for an amendment to the Zoning By-law – refused by the municipality	22
Interim Control By-law	Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	Appeal a decision	17(24) or 17(36)
	Failed to make a decision on the application within 180 days	17(40)
	Application for an amendment to the Official Plan – refused by the municipality	22(7)
	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	Appeal a decision	51(39)
Subdivision	Appeal conditions imposed	51(43) or 51(48)
	Failed to make a decision on the application within 180 days	51(34)

A1 (Bill 51) Rev. 23/01/2007

Page 1 of 5

Part 2: Location Information		
3804 Southwhas	Drive	
Address and/or Legal Description of propert		
Municipality: Landon		
Part 3: Appellant Information		
First Name:	Last Name:	
Company Name or Association Name (Association	on must be incorporated – includ copy of letter	r of incorporation)
Professional Title (if applicable):		
E-mail Address:	ress you agree to receive communications from the ON	RB bv e-msil.
Daytime Telephone #	Alternate Telephone #:	
Fax #:		
Mailing Address:		
Street Address	Apt/Suite/Unit#	City/Town
Province Province	(if not Canada)	Postal Code
Signature of Appellant:		Date:
Personal information requested on this form is co and the Ontario Municipal Board Act, R.S.O. 199 may become available to the public.	ollected under the provisions of the Planning Ag	et, R.S.O. 1990, c. P. 13, as amended, d, all information relating to this appeal
Part 4: Representative Information (if app	olicable)	
I hereby authorize the named company ar		
First Name: Valerie	Last Name: MI Gavr	<u> </u>
Company Name: Volerie M' G	arry how Office	
Professional Title: Lawyer		
E-mail Address: Valerie a city By providing an e-mail add	Iress you to receive communications from the OM	B by I.
Daytime Telephone #: 519-652-5	5329_Alternate Telephone #:519	-878-7044 (cell) preferres
Fax#: 519-652-9773		1
Mailing Address: 37 Mill Mano	Place P.O. Bex 40 Apt/Suite/Unit#	Dela ware City/Town
_ G TA TO		NOL 1 EO
Province Signature of Appellant:	Country (if not Canada)	Postal Code Date: Dec 16/13
		(continued on next page)

Page 2 of 5

A1 (Bill 51) Rev. 23/01/2007

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.
I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.
Part 5: 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 No. C.P (284(+n)-8, which adopts ap. Amendment
#562 to Mu City of London OP, 1989.
 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 8 or attach a separate page.
(Please Print) The OP amendment redesignates too small an area, based on
(Please Print) The OP amendment redesignates too small an area, based on the required ETIS and the City Guideline on Ecological Buffers, thus imperially the health and one group protection of ESA lands. In addition the proposed dual of conditions for designation and protection of the ESH lands are non-complicat with COL policy and inadequate for the purpose.
imperial on the health and ongoing protection of ESA lando. In additions
The proposed dual of conditions for designation and photeetion of the ESA ands
are non-complicant with coly policy and inadequate for the purpose -
**The following sections (a&b) apply <u>only</u> to appeals of Zoning By-law Amendments under Section 34(11) of the Planning Act.
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:
(If application submitted on or after January 1, 2007 please use the OMB1 '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 8 or attach a separate page.

Page 3 of 5

Fait V. Itelated Matters (ii known)
Are there other appeals not yet filed with the Municipality?
Are there other planning matters related to this appeal? YES NO
If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:
(Please Print) A recommendation to the approval authority for approval of the draft plan of subdivision, as red-line amended, municipal file # 39 T 09503 has been received will be appealed, bid no notice has been received as yet
Part 7: 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 witnesses do you expect to have at the hearing?
Do you believe this matter would benefit from mediation? Do you believe this matter would benefit from a Prehearing Conference? YES NO NO NO NO NO NO NO NO NO N
Part 8: Other Applicable Information **Attach a separate page if more space is required.

		-		_
Part	ο.	DARK	tiend.	Foo
rail	J.	Medi	III Eu	ree

Total Fee Submitted: \$ 125.00

Payment Method:

X Certified cheque *

Money Order

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.

^{*}Or Solicitor's general or trust account cheque.



Ontario Municipal Board Commission des affaires municipales de l'Ontario 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5 TEL: (416) 326-6800 or Toll Free: 1-866-887-8820 FAX: (416) 326-5370

www.omb.gov.on.ca

APPELLANT FORM (A1) PLANNING ACT - Bill 51

(SUBMIT TO MUNICIPALITY/APPROVAL AUTHORITY)

Instructions:

- Complete one form for each type of appeal you are filing.
 A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee <u>must</u> be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- Submit your completed appeal form(s) and filing fee(s) to either the Approval Authority or Municipality, as applicable, by the required filing deadline. The Approval Authority/Municipality will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- Please print clearly throughout the appeal form.
- The Planning Act and the Ontario Municipal Board Act are available at www.omb.gov.on.ca.

Receipt Number (OMB Office Use Offiy)				
Date Stam	- Appeal Received by Municipality			
	,,			

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)
Consent	Appeal a decision or conditions imposed	53(19)
	Appeal conditions imposed	53(27)
	Failed to make a decision on the application within 90 days	53(14)
Zoning By-law/Amendments	Appeal the passing of a Zoning By-law	34(19)
	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	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)
Official Plan or Official Plan Amendment	K Appeal a decision	17(24) or 17(36)
	Failed to make a decision on the application within 180 days	17(40)
	Application for an amendment to the Official Plan – refused by the municipality	22(7)
	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	Appeal a decision	51(39)
Subdivision	Appeal conditions imposed	51(43) or 51(48)
	Failed to make a decision on the application within 180 days	51(34)

A1 (Bill 51) Rev. 23/01/2007

Page 1 of 5

Part 2: Location Information	•	
Address and/or Legal Description of property	Ville	
	^	
Part 3: Appellant Information		
First Name:	Last Name:	
Company Name or Association Name (Association	on must be incorporated – include copy of let	tter of incorporation)
Professional Title (if applicable):		
E-mail Address:		***************************************
By providing an e-mail add	dress you agree to receive communications from the	OMB by e-mail.
Daytime Telephone #:	Alternate Telephone #	•
Fax #:	, monitor y orophione in	
Mailing Address:		
Street Address	Apt/Suite/Unit#	City/Town
Province	Country (if not Canada)	Postal Code
Signature of Appellant:	• •	Date:
Please note: You must notify the Ontario Mun		r telephone number in writing. Please
quote your OMB Reference Number(s) after th	ey have been assigned.	
Personal information requested on this form is co	ellected under the provisions of the Planning	Acl, R.S.O. 1990, c. P. 13, as amended,
and the Ontario Municipal Board Act, R.S.O. 1990 may become available to the public.	0, c. O. 28 as amended. After an appeal is fi	iled, all information relating to this appeal
Part 4: Representative Information (if app	olicable)	
I hereby authorize the named company ar	nd/or individual(s) to represent me:	
First Name: Valerie	Last Name: M'Garry	•
Company Name: Valerie MIG	farry Law Office	
Professional Title: Lawyer		
E mail Address: 1) ale (18-B) (ity)	w, ca	
	iress you agree to receive communications from the	9-878-7044 (cell) 2 referre
	329 Alternate Telephone #: 51	(- 0 to
Fax#: (519) 652 -9773	DI DA Ray	all halo bece
Mailing Address: 5 Mull mo	nor Place P.O. Dox Apt/Suite/Unit#	City/Town
GNT		NOLIEO
Province	Country (if not Canada)	Postal Code
Signature of Appellant:	Z L +	Date: Dec 23,2013
le Hec.		(continued on next page)

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

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

Part 5: 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) Municipal By-law # Z-1-142250 + Planey Division File # 0Z-7698 where de to rezone lands in order to permit de et plan approval of a plan of subdivision, File No. 39T-09503

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 8 or attach a separate page.

of Valerie M'Garry Law Office.

**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 on or after January 1, 2007 please use the OMB1 '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 8 or attach a separate page.

The proposal is to rezone lando (assuming approval of the GPamendments also required and under appeal) from PGI, a holdern AGREDNE air Environmental Periew Zarle, an Open Space zone and a holdern open space zone, to Penidential RI (special provision R-14) and GS 5, with soir holdern provisions associated with compliance with duely subdivision plan approvers. The proposal is to develop the northernal lands on 17 widerick private services and superior and on 17 widerick with on 17 widerick private service are unsufficient in Size to compy with the GP, even coamended, and inicating with for the needs of both the intervalual lets when the proposed plan, and with virtually certain educate impacts on all the needs own finds. The lands are surrounded and sides by pune Ag I lands, ements activity in probability wielede a stretch of Dingman Creek and its appositional subdivision probability without are and about two loss in a nucleo later colories all subdivision probability without are a surrounded by in a nucleo later colories and subdivision probability with one are and about two loss in a nucleo later colories and subdivision probability and about two loss in a nucleo later colories and subdivision probability had

Are there other appeals not yet filed with the Municipality? Are there other planning matters related to this appeal? If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below: (Please Print) Appeal of GP amendment #51e2 of the Cot of London GP, 1969 (Adapted by by John C.P. 1284(th) -8, and once native is provided, three will be at appeal to the dual of plane of Subdivision, the No. 39709503, which has bur
Are there other planning matters related to this appeal? YES NO NO NO NO NO NO NO NO NO N
If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:
(Please Print) Appeal c) GP amendment # Tle 2 of The Coty of London GP, 1989 (adapted by by - Van C.P. 1284(th) - 8, and once native is provided, There will be al oppiel to the dealth plane Subdivision, Jile No. 39 T 09505, which has been
The commendation of the co
Part 7: 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 witnesses do you expect to have at the hearing?
1
Describe witness(es)' area of expertise:
Do you believe this matter would benefit from mediation? YES NO NO NO NO NO NO NO NO NO N
If yes, why?
Part 8: Other Applicable Information **Attach a separate page if more space is required.
Tart 6. Other Apphoasic Michigan Amach a separate page if more space is required.
by The former numericality of Wolfmister, under an oldersplanning regime and which begane analyzmeted with the City of London in its major canegation bid in the 1990's. The lands here continued, horever,
to remain autside of the Cubar Growth Foundary.
Jo remain autside of The Clubar Growth Houndary.
Je remain autside at The Urban Graw The Houndary.
Je remain autside of The Clubar Growth Houndary
Je remain autside at The Autour Graw The Houndary.
40 remain autside at The Autour Growth Houndary.
40 remain autside at The Autour Growth Houndary.
Ja remain autside at the Autou (400 DTh Houndary)
Je remain autside of The Unbar (trowth Housday)

Part	n.	Dag		, di	Eac
F 31 I	. J.	nec	JU II E	:u	1212

Total Fee Submitted: \$ 125

Payment Method:

Contified cheque *

Money Order

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.

*Or Solicitor's general or trust account cheque.



Environment and La... 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

APPELLANT FORM (A1 PLANNING ACT

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORIT

Receipt Number (OME	Office Hee Ontol	
Versibi inninne (Oine	Office Use Only)	

Date Stamp - Appeal Received by Municipality

RECEIVED DEC 2 4 2013

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING AC 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

3804 South Winds Drive, London, Ontario

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

Municipality/Upper tier: Corporation of the City of London

A1 Revised April 2010

Page 2 of 5

First Name:			Last Name:	
GN	- Associatio	n Nama (Associati	on must be incorporated – include copy of I	letter of incorporation)
anaman gama 🍎 a		1907	on must be incorporated — include copy of i	etter of moorporation)
Professional Title	(if applicable	e): 		
E-mail Address:	Ву	providing an e-mail ad	dress you agree to receive communications from th	e OMB by e-mail.
Daytime Telephon	e #:		Alternate Telephone #:	
-ax #:				
Mailing Address:				
	Street Addr	ess	Apt/Suite/Unit#	City/Town
	Ontario			N6P 1E6
	Province		Country (if not Canada)	Postal Code
Signature of Appell	lant:		red if the appeal is submitted by a law office	Date:
uote your OMB F ersonal information nd the Ontario Mu ay become availa	must notify Reference M on requested unicipal Boal able to the p	y the Ontario Mur. Number(s) after the d on this form is co rd Act, R.S.O. 1990 ublic.	nicipal Board of any change of address of ey have been assigned. Illected under the provisions of the Planning O, c. O. 28 as amended After an appeal is	or telephone number in writing. Ple
Personal information of the Ontario Munay become availa	must notify Reference M on requested unicipal Boar able to the pro- ntative Inf	y the Ontario Mur. Number(s) after the d on this form is co rd Act, R.S.O. 1990 ublic.	nicipal Board of any change of address of a ddress of	or telephone number in writing. Ple
ersonal information of the Ontario Munay become availal art 4: Represe hereby authorizations	must notify Reference M on requested unicipal Boan able to the pr ntative Info	ty the Ontario Mur. Number(s) after the d on this form is co rd Act, R.S.O. 1990 ublic. formation (if apponed company an	nicipal Board of any change of address of a have been assigned. Illected under the provisions of the Planning O, c. O. 28 as amended After an appeal is olicable)	or telephone number in writing. Ple
ersonal information the Ontario Munay become availal art 4: Represe hereby authorizarst Name: Steph	must notify Reference M on requested unicipal Boan able to the pr ntative Info ze the nam en	ty the Ontario Mur. Number(s) after the d on this form is co rd Act, R.S.O. 1996 ublic. formation (if app	nicipal Board of any change of address of a ddress of	or telephone number in writing. Ple
ersonal information the Ontario Munay become availal art 4: Represe thereby authorizerst Name: Stephompany Name: N	must notify Reference M on requested unicipal Boar able to the pro- ntative Info ze the namen	ty the Ontario Mur. Number(s) after the d on this form is co rd Act, R.S.O. 1996 ublic. formation (if app	nicipal Board of any change of address of a have been assigned. Illected under the provisions of the Planning O, c. O. 28 as amended After an appeal is olicable)	or telephone number in writing. Ple
ersonal information the Ontario Mulay become availant 4: Representereby authorizant Name: Stephompany Name: Name: Leofessional Title: Leofessional	must notification requested inicipal Boar able to the protection of the protection of the protection of the name o	ty the Ontario Mur. Number(s) after the d on this form is co rd Act, R.S.O. 1999 ublic. ormation (if app ned company and	nicipal Board of any change of address of a have been assigned. Illected under the provisions of the Planning O, c. O. 28 as amended After an appeal is olicable)	or telephone number in writing. Ple
ersonal information the Ontario Mulay become availant 4: Representereby authorizant Name: Stephompany Name: Name: Leofessional Title: Leofessional	must notify Reference M on requested unicipal Boar able to the property ntative Informative en McKenzie La awyer son@mcker	ty the Ontario Mur. Number(s) after the don this form is conducted. Tormation (if approach company and ake Lawyers LLP	nicipal Board of any change of address of a have been assigned. Illected under the provisions of the Planning O, c. O. 28 as amended After an appeal is olicable)	or telephone number in writing. Ple
ersonal information the Ontario Munay become availal art 4: Represe hereby authorizest Name: Stephompany Name: Name: Marcofessional Title: Lemail Address: gibs	must notify Reference Mon requested Inicipal Boar Intative Info Intative	ty the Ontario Mur. Number(s) after the d on this form is condended to the form is condended to the formation (if approximation (if approximation) and company and the Lawyers LLP	nicipal Board of any change of address of the have been assigned. Illected under the provisions of the Planning 0, c. O. 28 as amended After an appeal is plicable) Individual(s) to represent me: Last Name: Gibson	or telephone number in writing. Please of the phone number in writing.
ersonal information the Ontario Munay become availal art 4: Represe thereby authorizes Name: Stephompany Name: Name: Maria artitle: Lamail Address: gibanytime Telephone	must notify Reference Mon requested Inicipal Boar Intative Info Intative Info Intative Info Interpretative Info Intative Info In	ty the Ontario Mur. Number(s) after the d on this form is condended to the form is condended to the formation (if approximation (if approximation) and company and the Lawyers LLP	nicipal Board of any change of address of the have been assigned. Illected under the provisions of the Planning O, c. O. 28 as amended After an appeal is plicable) Individual(s) to represent me: Last Name: Gibson	or telephone number in writing. Please of the phone number in writing.
ersonal information the Ontario Munay become availal art 4: Represe thereby authorizerst Name: Stephompany Name: Name: Maria Address: gibstaytime Telephone ax #: 519-672-267-24/1/19 Address: 14/19	must notify Reference Mon requested Inicipal Boar Inicipal	ty the Ontario Mur. Number(s) after the don this form is conducted. In the conducted of the conducted of the company and the company and the company are company and the compa	nicipal Board of any change of address of the have been assigned. Illected under the provisions of the Planning 0, c. O. 28 as amended After an appeal is solicable) Indicable Last Name: Gibson Last Name: Gibson Alternate Telephone #: 519-6	or telephone number in writing. Please of the phone number in writing. Please of the phone of th
ersonal information the Ontario Munay become availal art 4: Represe thereby authorizated Name: Stephompany Name: Name: Stephompany Name: Name: Stephompany Name: N	must notify Reference Mon requested Inicipal Boar Intative Info Intative Info Interested	ty the Ontario Mur. Number(s) after the don this form is conducted. In the conducted of the conducted of the company and the company and the company are company and the company are company and the company a	nicipal Board of any change of address of the have been assigned. Illected under the provisions of the Planning O, c. O. 28 as amended After an appeal is plicable) Indicable: Last Name: Gibson Last Name: Alternate Telephone #: 519-6	or telephone number in writing. Please of the phone number in writing.
Personal information of the Ontario Munay become available art 4: Represe hereby authorizing Name: Stephompany Name: Name: Stephompany Name: Nam	must notify Reference Monte requested unicipal Boars able to the property of the name of t	ty the Ontario Mur. Number(s) after the don this form is conducted. In the conducted of the conducted of the company and the company and the company are company and the company are company and the company a	nicipal Board of any change of address of the have been assigned. Illected under the provisions of the Planning 0, c. O. 28 as amended After an appeal is olicable) Indicable and a represent me: Last Name: Gibson Tess you agree to receive communications from the Alternate Telephone #: 519-6 1800 Apt/Suite/Unit#	or telephone number in writing. Please of the phone number in writing. Please of the phone of th
Personal information the Ontario Munay become available art 4: Represe hereby authorizinst Name: Steph company Name: Nam	must notify Reference M Reference M In requested inicipal Boars able to the property of the name of th	ty the Ontario Mur. Number(s) after the don this form is conducted. In the conducted of the conducted of the company and the company and the company are company and the company are company and the company a	nicipal Board of any change of address of the have been assigned. Illected under the provisions of the Planning 0, c. O. 28 as amended After an appeal is solicable) Indicable Last Name: Gibson Last Name: Gibson Alternate Telephone #: 519-6	or telephone number in writing. Please of the phone number in writing. Please of the phone of th

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.

A1 Revised April 2010

Page 3 of 5

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 ha 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-la Number(s), Official Plan Number(s) or Subdivision Number(s):
Appeal of By-Law No. Z-1-142250 passed by Council of the Corporation of the City of London on December 3, 2013.
 Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reason (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.
 Zoning By-Law No. Z-1-142250 has a stated purpose of rezoning lands to permit development of a 17-unit residential subdivision involving single detached dwellings. The servicing strategy for the proposed subdivision contemplates, among other things, water supply by individual, on-site private wells. The Appellant contends that the servicing strategy for the proposed subdivision as contemplating individual, on-site private wells for the supply of water, is inconsistent with the Provincial Policy Statement (2005) in that:
 a. The proposed development contemplates more than five (5) lots. b. Site conditions within the proposed subdivision are not, or, alternatively, have not been demonstrated as suitable for the long-tern supply of water of acceptable quantity and quality. c. The proposed subdivision does not satisfy the pre-conditions for individual on-site water services for a new development of months five (5) lots or private residences.
iv) The Appellant contends that rezoning to accommodate the proposed subdivision is inconsistent with the Official Plan for the City of London in that:
 a. Rezoning and proposed subdivision contemplates and represents residential development beyond the urban growth boundary and outside of the urban growth area for the City of London. b. The rezoning and proposed subdivision contemplates and represents expansion of residential development within an inappropriate area based upon, among other things, the unavailability of municipal services and the undetermined supply of acceptable quantity and quality of water. c. As residential development within an apparent rural settlement designation, the rezoning and proposed subdivision fails to satisfy the policies applicable thereto, including:
 Residential use in rural area other than on an infill basis. Residential development on lots not suitably sized for proper siting and functioning of reliable on-site water supply. Failing to meet or exceed service requirements for the supply of water for fire protection. Failure to require the Applicant to demonstrate that the lands to be developed can provide a natural supply of water which meets or exceeds the Ontario Drinking Water Standards to the satisfaction of the Middlesex-London Medical Officer or Health without affecting the quality and quantity of water in active wells operating in the general vicinity.
The Appellant contends that, for the reasons indicated in items iii) and iv), the rezoning provided for in Zoning By-Law Z-1-142250 does not represent good planning and should not be approved.
THE FOLLOWING SECTIONS (a&b) APPLY <u>ONLY</u> TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE <i>PLANNING ACT</i> .
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.) 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.
1 Revised April 2010 Page 4 of 5

Y	Ten					
Part 7: Related Matters (if known)						
Are there other appeals not yet filed with the Municipality?	YES	Γ	NC			
Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application	YES	V	NC	, _		
If yes, please provide OMB Reference Number(s) and/or Municipal File I	Number((s) in the	e box be	low:		
Application for Approval of Plan of Subdivision awaiting decision of the subdivision awaiting decision await	f Approv	/al Auth	ority	philipp mg selaggyddynaelgefefe 6 feb fe 66644	gypsaan 6-villighetesseeser	y ye firenes adir dayay ada ayar yaya 1.366 ka 0.010 1.000 100.00
Part 8: Scheduling Information						
How many days do you estimate are needed for hearing this appeal?						
4 days 1 week More than 1 week – please specif	y numbe	er of da	ys:			
How many expert witnesses and other witnesses do you expect to have Four (4) witnesses in total including two (2) expert witnesses.	at the he	earing p	roviding	eviden	ice/testim	nony?
Describe expert witness(es)' area of expertise (For example: land use pland Use Planner/Engineer	anner, ai	rchitect,	engine	∍r, etc.)):	
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES	₩.	NO	Γ		
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES	厂	NO	V		
If yes, why?						
Part 9: Other Applicable Information **Attach a separate page if mo	re space	is req	uired.			
The parties currently await the decision of the Approval Authority in respect of Residential Subdivision submitted by the Applicant in respect of the Amendment under appeal herein relates. It is anticipated that the Appella approve the said proposed Plan of Subdivision or relevant conditions in relating to or allegedly accounting for the risk of negative impact on existing subdivision, including that of the Appellant.	ne lands ant hereu espect th	to whic under m ereof a	h the Zo nay appe nd in pa	ning B al any rticular	y-Law such dec any cond	cision to
Dant 40: Danisiand Foo						
Part 10: Required Fee						
Total Fee Submitted: \$ 125.00						
Payment Method: Certified cheque Money Order	F Sc	licitor's	general	or trus	st accoun	t cheque
The necessary the in Consider funds republis to the Mini	intar of	Cinon-	_			

- 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 5



Environment and Lanu Tribunals Ontario

www.elto.gov.on.ca

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

SUBMIT COMPLETED FORM LITY/APPROVAL AUTHORITY

APPELLANT FORM (A1) PLANNING ACT

TO MUNICIPALITY/APPROV	A
Receipt Number (OMB Office Use Only)	

Date Stamp - Appeal Received by Municipality RECEIVED DEC 2 4 2013

Part 1: Appeal Type (Pl

Part 1: Appeal Type (Plea	se check only one box)	
SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	Appeal a decision	45(12)
Consent/Severance	Appeal a decision Appeal conditions imposed	53(19)
	Appeal changed conditions	53(27)
1,	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)
Official Plants	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

3804	South	Winds	Drive	London	Ontario

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

Municipality/Upper tier: Corporation of the City of London

A1 Revised April 2010

Page 2 of 5

First Name:	Last Name:	
Company Name or Association Name (Associate	tion must be incorporated – include copy of I	etter of incorporation)
Professional Title (if applicable):		
E-mail Address:	ddress you agree to receive communications from th	
By providing an e-mail a	ddress you agree to receive communications from th	e OMB by e-mail.
Daytime Telephone #:	Alternate Telephone #:	
Fax #:		
Mailing Address:		London
Street Address	Apt/Suite/Unit#	City/Town
Province	Country (if not Canada)	Postal Code
Signature of Appellant:	ired if the appeal is submitted by a law office	Date:
quote your OMB Reference Number(s) after to Personal information requested on this form is co and the Ontario Municipal Board Act, R.S.O. 199	hey have been assigned. ollected under the provisions of the Planning	
Personal information requested on this form is contained and the Ontario Municipal Board Act, R.S.O. 1999 may become available to the public. Part 4: Representative Information (if apprentice)	hey have been assigned. ollected under the provisions of the Planning 90, c. O. 28 as amended. After an appeal is	g Act, R.S.O. 1990, c. P. 13, as amende
Personal information requested on this form is contained and the Ontario Municipal Board Act, R.S.O. 1995 may become available to the public. Part 4: Representative Information (if application) authorize the named company at	hey have been assigned. offected under the provisions of the Planning 90, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me:	g Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appe
Personal information requested on this form is countries and the Ontario Municipal Board Act, R.S.O. 1999 may become available to the public. Part 4: Representative Information (if application) authorize the named company at First Name: Stephen	offected under the provisions of the Planning 30, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me: Last Name: Gibson	g Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appe
Personal information requested on this form is countries and the Ontario Municipal Board Act, R.S.O. 1999 may become available to the public. Part 4: Representative Information (if applicate of the public of the	offected under the provisions of the Planning 30, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me: Last Name: Gibson	g Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appe
Personal information requested on this form is cand the Ontario Municipal Board Act, R.S.O. 199 may become available to the public. Part 4: Representative Information (if applicate) hereby authorize the named company and First Name: Stephen Company Name: McKenzie Lake Lawyers LLP Professional Title: Lawyer	offected under the provisions of the Planning 30, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me: Last Name: Gibson	g Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appe
Personal information requested on this form is contained the Ontario Municipal Board Act, R.S.O. 1999 may become available to the public. Part 4: Representative Information (if applicate the named company at First Name: Stephen Company Name: McKenzie Lake Lawyers LLP Professional Title: Lawyer E-mail Address: gibson@mckenzielake.com	offected under the provisions of the Planning 30, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me: Last Name: Gibson	g Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appe
Personal information requested on this form is contained and the Ontario Municipal Board Act, R.S.O. 1999 may become available to the public. Part 4: Representative Information (if applicate the named company at First Name: Stephen Company Name: McKenzie Lake Lawyers LLP Professional Title: Lawyer E-mail Address: gibson@mckenzielake.com By providing an e-mail addresd	ollected under the provisions of the Planning O, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me: Last Name: Gibson	g Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appe
Personal information requested on this form is contained the Ontario Municipal Board Act, R.S.O. 1995 may become available to the public. Part 4: Representative Information (if applicate the named company at First Name: Stephen Company Name: McKenzie Lake Lawyers LLP Professional Title: Lawyer E-mail Address: gibson@mckenzielake.com By providing an e-mail addrest application of the public of the public.	ollected under the provisions of the Planning O, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me: Last Name: Gibson	g Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appe
Personal information requested on this form is contained the Ontario Municipal Board Act, R.S.O. 1995 may become available to the public. Part 4: Representative Information (if applicant Act) and the Professional Title: Lawyer E-mail Address: gibson@mckenzielake.com By providing an e-mail address: 519-672-5666 x 310 ax #: 519-672-2674 Italiang Address: 140 Fullarton Street	ollected under the provisions of the Planning 30, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me: Last Name: Gibson lress you agree to receive communications from the Alternate Telephone #: 519-6	g Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appe
Personal information requested on this form is contained the Ontario Municipal Board Act, R.S.O. 1999 may become available to the public. Part 4: Representative Information (if applicant Act) and the Ontario Municipal Board Act, R.S.O. 1999 may become available to the public. Part 4: Representative Information (if applicant Act) authorize the named company and First Name: Stephen Company Name: McKenzie Lake Lawyers LLP Professional Title: Lawyer E-mail Address: gibson@mckenzielake.com By providing an e-mail address: 519-672-5666 x 310	ollected under the provisions of the Planning Olected under the pr	g Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appe
Personal information requested on this form is contained the Ontario Municipal Board Act, R.S.O. 1995 may become available to the public. Part 4: Representative Information (if applicate the named company and the Professional Title: Lawyer E-mail Address: gibson@mckenzielake.com By providing an e-mail address: 519-672-5666 x 310 Fax #: 519-672-2674 Mailing Address: 140 Fullarton Street	ollected under the provisions of the Planning 30, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me: Last Name: Gibson lress you agree to receive communications from the Alternate Telephone #: 519-6 1800 Apt/Suite/Unit#	OMB by e-mail. Condon City/Town N6A 5P2
Personal information requested on this form is contained the Ontario Municipal Board Act, R.S.O. 1995 may become available to the public. Part 4: Representative Information (if applicate the named company and the Professional Title: Lawyer E-mail Address: gibson@mckenzielake.com By providing an e-mail address: 19-672-5666 x 310 Part 4: Representative Information (if applicate the named company and the public is seen to the public in the public is seen to the public in the public in the public in the public is seen to the public in the publ	ollected under the provisions of the Planning 30, c. O. 28 as amended. After an appeal is plicable) nd/or individual(s) to represent me: Last Name: Gibson lress you agree to receive communications from the Alternate Telephone #: 519-6	of Act, R.S.O. 1990, c. P. 13, as amende filed, all information relating to this appearance of the company of t

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.

A1 Revised April 2010

Page 3 of 5

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):
Appeal of By-Law No. Z-1-142250 passed by Council of the Corporation of the City of London on December 3, 2013.
 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.
 Zoning By-Law No. Z-1-142250 has a stated purpose of rezoning lands to permit development of a 17-unit residential subdivision involving single detached dwellings. The servicing strategy for the proposed subdivision contemplates, among other things, water supply by individual, on-site private wells. The Appellant contends that the servicing strategy for the proposed subdivision as contemplating individual, on-site private wells for the supply of water, is inconsistent with the Provincial Policy Statement (2005) in that:
 a. The proposed development contemplates more than five (5) lots. b. Site conditions within the proposed subdivision are not, or, alternatively, have not been demonstrated as suitable for the long-term supply of water of acceptable quantity and quality. c. The proposed subdivision does not satisfy the pre-conditions for individual on-site water services for a new development of more than five (5) lots or private residences.
iv) The Appellant contends that rezoning to accommodate the proposed subdivision is inconsistent with the Official Plan for the City of London in that:
 Rezoning and proposed subdivision contemplates and represents residential development beyond the urban growth boundary and outside of the urban growth area for the City of London. The rezoning and proposed subdivision contemplates and represents expansion of residential development within an inappropriate area based upon, among other things, the unavailability of municipal services and the undetermined supply of acceptable quantity and quality of water. As residential development within an apparent rural settlement designation, the rezoning and proposed subdivision fails to satisfy the policies applicable thereto, including:
 Residential use in rural area other than on an infill basis. Residential development on lots not suitably sized for proper siting and functioning of reliable on-site water supply Failing to meet or exceed service requirements for the supply of water for fire protection. Failure to require the Applicant to demonstrate that the lands to be developed can provide a natural supply of water which meets or exceeds the Ontario Drinking Water Standards to the satisfaction of the Middlesex-London Medical Officer of Health without affecting the quality and quantity of water in active wells operating in the general vicinity.
v) The Appellant contends that, for the reasons indicated in items iii) and iv), the rezoning provided for in Zoning By-Law Z-1-142250 does not represent good planning and should not be approved.
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.
A1 Revised April 2010 Page 4 of 5

Part 7: Related Matters (if known)				
Are there other appeals not yet filed with the Municipality?	YES T	NO	▽	
Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)	YES F	NC) [[]	
If yes, please provide OMB Reference Number(s) and/or Municipal File Nu	mber(s) in	the box be	elow:	
Application for Approval of Plan of Subdivision awaiting decision of A	pproval A	uthority		
Part 8: Scheduling Information	X 12 (F. C. Y.)	E177.575		
Tartor consciunt members				
How many days do you estimate are needed for hearing this appeal?	alf day	T 1 day	₽ 2 days	- 3 days
4 days 1 week More than 1 week – please specify n	number of	days:		
How many expert witnesses and other witnesses do you expect to have at t Four (4) witnesses in total including two (2) expert witnesses.	he hearin	g providing	evidence/testi	mony?
Describe expert witness(es)' area of expertise (For example: land use plann Land Use Planner/Engineer	ner, archite	ect, engine	er, etc.):	
Do you believe this matter would benefit from mediation? Y (Mediation is generally scheduled only when all parties agree to participate)	'ES P	NO	Γ	
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	ES T	NO	I	
If yes, why?				
Part 9: Other Applicable Information **Attach a separate page if more s	space is r	equired.		
The parties currently await the decision of the Approval Authority in respect of Plan of Residential Subdivision submitted by the Applicant in respect of the late Amendment under appeal herein relates. It is anticipated that the Appellant lapprove the said proposed Plan of Subdivision or relevant conditions in respered to or allegedly accounting for the risk of negative impact on existing of subdivision, including that of the Appellant.	ands to wi hereunder ect thereo	hich the Zo r may appe if and in pai	ning By-Law al any such de	cision to
Part 10: Required Fee				
otal Fee Submitted: \$ 125.00				
Payment Method: Certified cheque Money Order	Solicito	r's general	or trust accoun	t cheque
The payment must be in Canadian funds, payable to the Ministe	r of Finar	ice.		

- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.

A1 Revised April 2010

Page 5 of 5



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

Date Stamp - Appeal Received by Municipality

RECEIVED FEB 1 0 2014

APPELLANT FORM (A1) PLANNING ACT

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

Receipt Number (OMB	Office Use Only)	
•		

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	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			
3804 SouthWinds Drive	2		
Address and/or Legal Description of property subject to the appeal:			Vi /
Municipality/Upper tier: London		 (88)	- 50
A1 Revised April 2010			Page 2 of 5

raitor rippene	ant Information		
First Name:		Last Name:	
Company Name o	or Association Name (Association	n must be incorporated – include copy of le	etter of incorporation)
Professional Title	(if applicable):		71.
E-mail Address:	By roviding an e-mail addr	ress you agree to receive communications from the	e OMB by e-mail.
Daytime Telephor	ne #:	Alternate Telephone #:	
Fax #:			
Mailing Address:	Street Address	Apt/Suite/Unit#	City/Town
	Province	Country (if not Canada)	Postal Code
Signature of Appe	llant:(Signature not require	of if the appeal is submitted by a law office	Date:
		cipal Board of any change of address o	
	lunicipal Board Act, R.S.O. 1990	lected under the provisions of the <i>Planning</i> , c. O. 28 as amended. After an appeal is t	
		10 Tu a .	
5 / 4 5			
Part 4: Repres	entative Information (if appl	licable)	
	ize the named company an	d/or individual(s) to represent me:	
I hereby author	ize the named company and	d/or individual(s) to represent me:	Cry
I hereby author	ize the named company and	d/or individual(s) to represent me:	~~
I hereby author	ize the named company and Valerie M	d/or individual(s) to represent me:	Try
I hereby author First Name: Company Name: _	valerie M' Valerie M' Valerie M' Valerie M' Valerie M' Valerie M'	d/or individual(s) to represent me:	
I hereby author First Name: Company Name: _ Professional Title:	Valerie A cit	d/or individual(s) to represent me: Last Name: M/Ga.(Gascy Law Office y law, ca	
I hereby author First Name: Company Name: _ Professional Title: E-mail Address:	Valerie A cit	d/or individual(s) to represent me: Last Name: M'GGG GGG / Law Office Y law (Ca. ess you agree to receive communications from the	
I hereby author First Name: Company Name: _ Professional Title: E-mail Address:	Valerie A cit	Last Name: MGGGGGGGGGGGGGGGGGGGGGGGGGGGGGGGGGGGG	
I hereby author First Name: Company Name: _ Professional Title: E-mail Address: _ Daytime Telephon Fax #:	Valerie M' Valerie M' Valerie M' Valerie M' Valerie Q cit By providing arre-mail addre e#: 519-652-53 -652-9773 371 Mill Mano	d/or individual(s) to represent me: Last Name: M/Ga. Gas y Law Office Y law ca ess you agree to receive communications from the 29 Alternate Telephone #: 519	
I hereby author First Name: Company Name: _ Professional Title: E-mail Address: _ Daytime Telephon Fax #:	ize the named company and Valerie M' Valerie M' Valerie M' Valerie M' By providing ame-mall address = #: 519 - 652 - 53 Mill Mano Street Address Onlario Province	d/or individual(s) to represent me: Last Name: M'Go. Gas y Law Office Y law Ca ess you agree to receive communications from the Alternate Telephone #: 519 Apt/Suite/Unit#	OMB by e-mail. 9-878-7044 (cell) O Delawore City/Town NOL 1EO
I hereby author First Name: Company Name: _ Professional Title: E-mail Address: _ Daytime Telephon Fax #: S C _ Mailing Address: _ Signature of Appel Please note: If yo	ize the named company and Vales ie Vales ie Vales ie Vales ie By providing an e-mail addre e#: 519-652-53 -652-9773 Street Address Province lant: Calculate the appellar	Apt/Suite/Unit# Country (if not Canada) Carry Law Canada) Country (if not Canada)	OMB by e-mail. 9-878-7044 (rell) O Delawore City/Town NOL IE() Postal Code

Page 3 of 5

A1 Revised April 2010

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) Notice of Decision re Dreft Plan of Subdivision, dated Jan 21, 2014 City of London File # 39 T 09503
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) The appeal is with respect to both The decision Diself
(Please print). The appeal is with respect to both The decision Uself- and the conditions imposed. Please see attached letters, one dated becember 23,2013, and one dated Feb 13,2014, dealing with
dated December 23,2013, and one dated Feb 10, 2014, dealing with
The grounds for the appeals and some comments on process.
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?
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) Appeal of OP Arneadment #562 of The City of London, and oppeals of ZBL # 7-1-142250 (ZBL amendment) - City of London Flanny file #62-7698, already submitted and Now comprising Al Revised April 2010 OMB file # PL 14004B and PL 140044
A1 Revised April 2010 CMB dile # PL 14004B and PL 140044 Page 4 of 5
rage 4 of 5

Part 8: Scheduling Information			
How many days do you estimate are needed for hearing this appeal? How many days do you estimate are needed for hearing this appeal? More than 1 week – please specifications.		•	3 days
How many expert witnesses and other witnesses do you expect to have	at the hearing pr	8 SA1	ny?
Describe expert witness(es)' area of expertise (For example: land use pla	anner, architect,	engineer, etc.):	
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES K	NO F	*
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES F	NO Lundena	ムアー
If yes, why?			19
Part 9: Other Applicable Information **Attach a separate page if mo	re space is requ	ıired.	
See affected correspondence			
			=
	80	u (8	
	ř.		
	51	¥);	
		06	
			9
Part 10: Required Fee			
Total Fee Submitted: \$ 1,25.00			
Payment Method: Certified cheque Money Order	Solicitor's	general or trust account c	heque
 The payment must be in Canadian funds, payable to the Min Do not send cash. 	ister of Finance		21



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

LWV.	(41	0)	20-	JJ
www	elto	aov	.on	са

Date Stamp - Appeal Received by Municipality

PLANNING ACT

APPELLANT FORM (A1)

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

Receipt Number (OMB C	Office Use Only)	

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
	Г	
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	
nterim Control By-law	Appeal the passing of an Interim Control By-law	38(4)
	Appeal a decision	17(24) or 17(36)
Official Plan or	Failed to make a decision on the plan within 180 days	17(40)
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	22(//
	Appeal a decision	51(39)
lan 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

3804 South Winds Drive, London, Ontario

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

A1 Revised April 2010 Client_1120860.1

Page 1 of 3

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) Professional Title (if applicable): By providing an e-mail address you agree to receive communications from the OMB by e-mail. Alternate Telephone #: Alternate Telephone #: Province Street Address Street Address Apt/Suite/Unit# City/Town Province Country (if not Canada) Postal Code Date: (Signature of Appellant: (Signature of Appellant: (Signature fipe-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. Plante your OMB Reference Number(s) after they have been assigned. Cart 4: Representative Information (if applicable) hereby authorize the named company and/or individual(s) to represent me: last Name: Ste hen Chart Address: gibson@mckenzielake.com By providing an e-mail address you agree to receive communications from the OMB by e-mail. Alternate Telephone #: 519-636-8276 Sytime Telephone #: 519-672-5666 x 310 Alternate Telephone #: 519-636-8276 Street Address: 140 Fullarion Street Street Address Apt/Suitle/Unit# City/Town Ontario Province Country (if not Canada) Pale: Natura 7 2015	First Name:	Last Name:	
Professional Title (if applicable): By providing an e-mail address you agree to receive communications from the OMB by e-mail. Alternate Telephone #: Alternate Telephone #: Province Country (if not Canada) Postal Code Date: (Signature for Appellant: (Signature for Appellant: (Signature for Appellant: (Signature for Municipal Board of any change of address or telephone number in writing. Province your OMB Reference Number(s) after they have been assigned. Part 4: Representative Information (if applicable) hereby authorize the named company and/or individual(s) to represent me: Irst Name: Ste hen Last Name: Gibson Description of the OMB by e-mail. By providing an e-mail address you agree to receive communications from the OMB by e-mail. By providing an e-mail address you agree to receive communications from the OMB by e-mail. Alternate Telephone #: 519-672-5666 x 310 Alternate Telephone #: 519-636-8276 X #: 519-672-2674 Description of the OMB Date of the Condon of the OMB Date of the City/Town Ontario Province Country (if not Canada) Postal Code Replace of Application of the OMB Date of the City/Town New 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2			
E-mail Address: By providing an e-mail address you agree to receive communications from the OMB by e-mail. Alternate Telephone #: Mailing Address: Street Address Apt/Suite/Unit# City/Town Province Country (if not Canada) Postal Code Date: (Signature of Appellant: (Si	Company Name or Association Name (Association m	ust be incorporated – include copy of	f letter of incorporation)
Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone Alternate Telephone number in writing. Purpose your OMB Reference Number(s) after they have been assigned. Alternate Telephone #: Alternate Telephone number in writing. Purpose your OMB Reference Number(s) after they have been assigned. Alternate Telephone #: Alternate Telephone number in writing. Purpose your OMB Reference Number(s) after they have been assigned. Alternate Telephone me: Alternate Telephone number in writing. Purpose your of alternate Telephone #: Alternate Te	Professional Title (if applicable):		
Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone #: Alternate Telephone Alternate Telephone number in writing. Purpose your OMB Reference Number(s) after they have been assigned. Alternate Telephone #: Alternate Telephone number in writing. Purpose your OMB Reference Number(s) after they have been assigned. Alternate Telephone #: Alternate Telephone number in writing. Purpose your OMB Reference Number(s) after they have been assigned. Alternate Telephone me: Alternate Telephone number in writing. Purpose your of alternate Telephone #: Alternate Te	E-mail Address:		
Street Address Street Address Street Address Apt/Suite/Unit# City/Town Province Country (if not Canada) Postal Code Date: Date: (Signature of Appellant: (Signature of Appellant: (Signature of Appellant: (Signature of Appellant: (Signature of Municipal Board of any change of address or telephone number in writing. Province Province Country (if not Canada) Postal Code Date: Date: D	By providing an e-mail address	you agree to receive communications from	the OMB by e-mail.
Street Address Street Address Street Address Apt/Suite/Unit# City/Town Province Country (if not Canada) Postal Code Date: Date: (Signature of Appellant: (Signature of Appellant: (Signature of Appellant: (Signature of Appellant: (Signature of Municipal Board of any change of address or telephone number in writing. Province Province Country (if not Canada) Postal Code Date: Date: D	Paytime Telephone #	Alternate Telephone #	
Street Address: Street Address Apt/Suite/Unit# City/Town Province Country (if not Canada) Postal Code Date: (Signature of Appellant: (Signature of Appellant: (Signature of Appellant: (Signature of Municipal Board of any change of address or telephone number in writing. Province Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Province (Signature of Appellant: (Signature			
Street Address Apt/Suiter/Unit# City/Town Province Country (if not Canada) Postal Code Date: (Signature of Appellant: (Signature of Appellant	-ax #:		
Province Country (if not Canada) Postal Code		Ant/Crita/Link#	01.7
Signature of Appellant: (Signature of Appel	Street Address	AprSuite/Onit#	City/Town
Cignature of Appellant: (Signature note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Provider your OMB Reference Number(s) after they have been assigned. Art 4: Representative Information (if applicable) The series of Appellant: The series of Appellant: Date: (Signature note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Provided the Application of Appellant: Description of Appellant: Date: (Signature note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Provided the Application of Appellant: Description of Appellant: Date: (Signature of Appellant: Date: (Signature of Appellant: Date: (Signature of Appellant: Date: (Signature of Appellant: Date: Dat	Province	Country (if not Canada)	Postal Code
(Signature note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Provide your OMB Reference Number(s) after they have been assigned. art 4: Representative Information (if applicable) mereby authorize the named company and/or individual(s) to represent me: rst Name: Ste hen Last Name: Gibson propany Name: McKenzie Lake La ers LLP ofessional Title: La er mail Address: gibson@mckenzielake.com By providing an e-mall address you agree to receive communications from the OMB by e-mail. ytime Telephone #: 519-672-5666 x 310 Alternate Telephone #: 519-636-8276 x #: 519-672-2674 liling Address: 140 Fullarton Street Street Address Apt/Suite/Unit# City/Town Ontario Province Country (if not Canada) Postal Code	Signature of Appellant:	, , , , , , , , , , , , , , , , , , , ,	
art 4: Representative Information (if applicable) nereby authorize the named company and/or individual(s) to represent me: rst Name: Ste hen	(Signature not required if	the appeal is submitted by a law office	ce.)
propany Name: McKenzie Lake La ers LLP Difessional Title: La er The mail Address: gibson@mckenzielake.com By providing an e-mail address you agree to receive communications from the OMB by e-mail. Alternate Telephone #: 519-636-8276 Alternate Telephone #: 519-636-8276 Alternate Telephone #: 519-636-8276 Alternate Telephone #: 519-636-8276 Apt/Suite/Unit# City/Town Ontario Province Country (if not Canada) Postal Code The unit of Appellant: Apt/Aut at 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2,			
mail Address: gibson@mckenzielake.com By providing an e-mail address you agree to receive communications from the OMB by e-mail. ytime Telephone #: 519-672-5666 x 310 Alternate Telephone #: 519-636-8276 x #: 519-672-2674 illing Address: 140 Fullarton Street 1800 London Street Address Apt/Suite/Unit# City/Town Ontario Province Country (if not Canada) Postal Code	art 4: Representative Information (if applicat	ole)	
mail Address: gibson@mckenzielake.com By providing an e-mail address you agree to receive communications from the OMB by e-mail. Alternate Telephone #: 519-636-8276 City/Town Ontario Province Country (if not Canada) Alternate Telephone #: 519-636-8276 City/Town N6A 5P2 Postal Code Alternate Telephone #: 519-636-8276 Country (if not Canada) Alternate Telephone #: 519-636-8276 City/Town N6A 5P2 Postal Code	art 4: Representative Information (if application are application) are also are	ole) individual(s) to represent me:	
By providing an e-mail address you agree to receive communications from the OMB by e-mail. ytime Telephone #: 519-672-5666 x 310 Alternate Telephone #: 519-636-8276 x #: 519-672-2674 illing Address: 140 Fullarton Street	art 4: Representative Information (if application are application) and are are and are	ole) individual(s) to represent me:	
Alternate Telephone #: 519-636-8276 London Street Address: 40 Fullarton Street	art 4: Representative Information (if application are application) The second	ole) individual(s) to represent me:	
## Street Address: 140 Fullarton Street 1800 London Street Address Apt/Suite/Unit# City/Town Ontario Province Country (if not Canada) Postal Code	art 4: Representative Information (if application and the second a	ole) individual(s) to represent me: Last Name: Gibson	
Street Address: 140 Fullarton Street 1800 London Street Address Apt/Suite/Unit# City/Town Ontario Province Country (if not Canada) Postal Code Apt/Suite (In the Canada) Postal Code	art 4: Representative Information (if application and the second a	individual(s) to represent me: Last Name: Gibson u agree to receive communications from the	
Street Address Apt/Suite/Unit# City/Town Ontario N6A 5P2 Province Country (if not Canada) Postal Code Pature of Appellant:	art 4: Representative Information (if application and the second a	individual(s) to represent me: Last Name: Gibson u agree to receive communications from the	
Ontario Province Country (if not Canada) Ontario Postal Code Ontario Postal Code Ontario Ontario Province Ontario O	art 4: Representative Information (if application and the second a	individual(s) to represent me: Last Name: Gibson u agree to receive communications from the	
Province Country (if not Canada) Postal Code Pature of Appellant:	art 4: Representative Information (if application art 4: Representative Information (if application are 4: Representative Information (if application are 4: Stephen are 4: Stephen are 4: Stephen are 5: Stephen are 6:	individual(s) to represent me: Last Name: Gibson u agree to receive communications from the Alternate Telephone #: 519-6	336-8276
nature of Appellant:	art 4: Representative Information (if application and application art 4: Steephone	individual(s) to represent me: Last Name: Gibson u agree to receive communications from the Alternate Telephone #: 519-6	536-8276 London
Date: Pulman 4 70/	art 4: Representative Information (if application and application are set of the number of the set of t	individual(s) to represent me: Last Name: Gibson u agree to receive communications from the Alternate Telephone #: 519-6	London City/Town N6A 5P2
	art 4: Representative Information (if application and application art 4: Representative Information (if application and application art 4: Representative Information (if application and application art 4: Representative Information (if application art 4: Representative Information (if application and art 4: Representative Information (if application and art 4: Representative Information (if application and art 4: Representative Information (if application art 4: Representation art 4: Representation (if application art 4: Representation art 4: Representation (if application art 4: Representation art 4: Representation (if application art 4: Representation	individual(s) to represent me: Last Name: Gibson u agree to receive communications from the Alternate Telephone #: 519-6	London City/Town N6A 5P2
Date: / Value / F. / A	art 4: Representative Information (if application are stated and stated are s	individual(s) to represent me: Last Name: Gibson u agree to receive communications from the	
ase note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization	art 4: Representative Information (if application and the company and the company and the company and the company Name: Stein her company Name: McKenzie Lake Lailer error erstination and the company Name: McKenzie Lake Lailer error erstination and the company Name: McKenzie Lake Lailer error erstination and the company Name: McKenzie Lake Lailer ers LLP erstination and the company Name: McKenzie Lake Lailer ers LLP erstination and the company	individual(s) to represent me: Last Name: Gibson u agree to receive communications from the Alternate Telephone #: 519-6 1800 Apt/Suite/Unit# Country (if not Canada)	London City/Town N6A 5P2 Postal Code Date: February 7, 2019

Page 2 of 3

A1 Revised April 2010 Client_I 120860. I behalf and I understand that I may be asked to produce this authorization at any time.

Dort I	E . I	วกลแวล	o and	Accor	sibility
raili	J. L	anyuay	e allu	HUUGS	SIDILLY

Please choose preferred language: English French

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

Part 6: Appeal Specific Information

- 1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):
- Appeal of Approval of Draft Plan of Subdivision, Subdivision File No. 39T-09503, dated January 21, 2014.
- Appeal of Conditions of Approval of Draft Plan of Subdivision, Subdivision File No. 39T-09503, dated January 21, 2014, and in particular conditions 12, 32, 33, 34, and 35.
- 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.

The Appellant contends that:

- (a) The Applicant Landowner/Developer has failed to fully and adequately conduct hydrogeological investigations and studies as to available water supply to service the proposed subdivision lots by private wells.
- (b) The Applicant Landowner/Developer has failed to fully and adequately conduct hydrogeological investigations and studies as to potential negative impact of private wells servicing proposed subdivision lots upon the available water supply.
- (c) The Applicant Landowner/Developer has failed to fully and adequately conduct hydrogeological investigations and studies as to potential negative impact, including sustainability, of private wells servicing proposed subdivision lots upon existing private wells servicing residences in the vicinity of but not included within Subdivision Lands.
- (d) The Respondent Approving Authority granted approval for Draft Plan of Subdivision based upon incomplete and inadequate hydrogeological investigations and studies as prepared and submitted on behalf of the Applicant Landowner/Developer, particularly in respect of any potential negative effect of private water wells servicing subdivision lots upon available water supply and the concurrent risk of such new water wells to existing water wells servicing residences in the vicinity of but outside of the Subdivision Lands.
- (e) The Respondent Approving Authority granted approval for Draft Plan of Subdivision without requiring and accounting for historical information from landowners as to the negative impacts of new water wells upon available water supply and existing water wells, including but not limited to sustainability.
- (f) Although the Respondent Approving Authority has imposed conditions addressing water supply and well construction/installation issues, including water quality monitoring, the conditions so imposed are deficient and do not account for or provide protection of or relief to surrounding landowners whose existing water wells are at risk, including as to sustainability, as a result of the construction/installation of private water wells servicing subdivision lots.

More specifically in respect of conditions relating to water supply and private water wells as imposed by the Respondent Approving Authority, the Appellant notes and/or complains that:

- (i) Water quality monitoring is limited to the periods of site alteration, dwelling construction, and assumption by the Municipality (Condition 12).
- (ii) Required remedial works are to be completed only to the satisfaction of the Municipality and at no cost to the Municipality (Condition 12).
- (iii) The Applicant Landowner/Developer is required to provide copies of water quality monitoring reports only to the City Engineer (for the Municipality) (Condition 12).
- (iv) Location and/or depth of any water well to service a subdivision lot is not adequately specified, including by reference to Ontario Regulation 903 (Condition 32).

A1 Revised April 2010 Client_1120860.1

Page 3 of 3

- (v) The condition and/or depth of any water well to service a subdivision lot is made in reference to a servicing plan or strategy which is based upon incomplete and/or inadequate hydrogeological investigations and studies (Condition 32).
- (vi) Written confirmation of responsibility of the Applicant Landowner/Developer for coordination of construction and monitoring of any water well system on each subdivision lot with the owner of such lot so as to avoid servicing conflicts is provided only to the Municipality (Condition 34).
- (vii) Details as to actual location and/or construction of private water wells servicing any subdivision lot and in accordance with the servicing plan submitted by the Applicant Landowner/Developer is provided only to the Municipality prior to issuance of any Certificate of Approval with respect to such subdivision lot.

The Appellant contends that, if Approval of Draft Plan of Subdivision is to be granted, the conditions thereto should provide, in part, that:

- (i) At least twice yearly water quality monitoring shall be undertaken, at the expense of the Applicant Landowner/Developer, for a period of at least ten (10) years following assumption of subdivision services and facilities by the Municipality.
- (ii) Water quality monitoring reports should be available to any surrounding landowner servicing his or her residence by private water well and confirmed as drawing water from the same aquifer as servicing the proposed subdivision.
- (iii) In the event of demonstrated adverse effect upon operation and/or sustainability of an existing water well following construction/installation of the first water well upon any subdivision lot and for the period of at least ten (10) years following assumption of subdivision services and facilities by the Municipality, any required remedial works, including, if necessary, drilling of a new well, for such existing well shall be arranged, completed, and paid for by the Applicant Landowner/Developer and to the satisfaction of the owner of the lands serviced by such existing well, without monetary contribution by such owner.
- The actual location and details of construction/installation of any private water well upon any subdivision lot shall be available to any surrounding landowner servicing his or her residence by private water well and confirmed as drawing water from the same aquifer as servicing the proposed subdivision.

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 'pr b) Provide a brief explanatory note regarding the proposal, which included category, the purpose of the desired zoning by-law change, and a desired zoning by-law change, and a desired zoning by-law change.	es the e	existina z	oning ca	itegory, desired zoning
**If more space is required, please continue in Part 9 or attach a separate 7: Related Matters (if known)	arate pa	ige.	ands und	лег арреат:
Are there other appeals not yet filed with the Municipality?	YES		NO	
Are there other planning matters related to this appeal? (For example: A consent application connected to a variance application)	YES	V	NO	
If yes, please provide OMB Reference Number(s) and/or Municipal File N	lumber(s) in the	box belo	ow:
 Application for Approval of Plan of Subdivision awaiting decision of 	Approv	val Autho	rity	
	, (pp.0)	ai / tatilo	ity	
Part 8: Scheduling Information				

A1 Revised April 2010 Client_1120860.1

How many days do you estimate are needed for hearing this appeal? A days 1 week More than 1 week – please specified.					2 days	3 days
How many expert witnesses and other witnesses do you expect to have Four (4) witnesses in total including two (2) expert witnesses.	at the he	aring p	roviding	evide	nce/testime	ony?
Describe expert witness(es)' area of expertise (For example: land use pland Use Planner; Engineer/Hydrologist	anner, ar	chitect,	enginee	∍r, 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		NO	V		
If yes, why?						
Part 9: Other Applicable Information **Attach a separate page if mo	re space	is req	uired.			
The estimate of hearing set forth above relates to this Appeal only. In conthe Applicant herein, the extended time for hearing of both related Appear	mbinatior Is is up to	n with the four (4	ne Zonin 4) days.	ıg By-	Law Appea	il filed by
Part 10: Required Fee					-1 1	
Total Fee Submitted: \$ 125.00						
Payment Method: Certified cheque Money Order	☑ So	licitor's	general	or tru	ıst account	cheque
The payment must be in Canadian funds, payable to the Min	ister of F	inance	э.			
Do not send cash.						
 PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDI 	ER TO TI	HE FRO	ONT OF	THIS	FORM.	

A1 Revised April 2010 Client_1120860.1



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

Date Stamp - Appeal Received by Municipality

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

APPELLANT FORM (A1)

PLANNING ÀCT

Receipt Number (OMB Office Use Only)						

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)	
Minor Variance	Appeal a decision	45(12)	
Consent/Severance	Appeal a decision 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 Zoning By-law Amendment	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)	
	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)	
Official Plan or	Failed to make a decision on the plan within 180 days	17(40)	
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	
3804 South Winds Drive London Ontario	

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

Municipality/Upper tier: Corporation of the City of London

A1 Revised April 2010

Page 1

	Last Name:	
Company Name or Association Name (Association	on must be incorporated – include copy of	of letter of incorporation)
Professional Title (if applicable):		
E mail Address		
By providing an e-mail add	dress you agree to receive communications from	the OMB by e-mail.
Daytime Telephone #:	Altomato Talanhone #	
Fax #:		
Mailing Address: Street Address	Ant/C: (\$4.71 1-124	0: 6
Cacci, idaless	Apt/Suite/Unit#	City/Town
Province	(if not Canada)	Postal Code
Signature of Appellant:	(ii not canada)	9 9000000 000 000 000 000 000 000 000 0
(Signature not require	ed if the appeal is submitted by a law office	ce.)
Part 4: Representative Information (if applicant 4: Representative	l/or individual(s) to represent me:	
irst Name: <u>Stephen</u>	Last Name: Gibson	
ompany Name: McKenzie Lake Lawyers LLP		
rofessional Title: Lawyer		
mail Address: gibson@mckenzielake.com		
-mail Address: <u>gibson@mckenzielake.com</u> Ву providing an e-mail addres	s you agree to receive communications from the	omb by e-mail.
-mail Address: <u>gibson@mckenzielake.com</u> Ву providing an e-mail addres	s you agree to receive communications from theAlternate Telephone #: 519-6	
-mail Address: gibson@mckenzielake.com		
-mail Address: <u>gibson@mckenzielake.com</u> By providing an e-mail addres aytime Telephone #: <u>519-672-5666 x 310</u> ax #: <u>519-672-2674</u> ailing Address: <u>140 Fullarton Street</u>		336_8276
-mail Address: <u>gibson@mckenzielake.com</u> By providing an e-mail addres aytime Telephone #: <u>519-672-5666 x 310</u> ax #: <u>519-672-2674</u>	Alternate Telephone #: <u>519-6</u>	
-mail Address: gibson@mckenzielake.com By providing an e-mail addres aytime Telephone #: 519-672-5666 x 310 ax #: 519-672-2674 ailing Address: 140 Fullarton Street Street Address Ontario	Alternate Telephone #: <u>519-6</u> 1800 Apt/Suite/Unit#	London City/Town
-mail Address: gibson@mckenzielake.com By providing an e-mail addres aytime Telephone #: 519-672-5666 x 310 ax #: 519-672-2674 ailing Address: 140 Fullarton Street Street Address Ontario Province	Alternate Telephone #: <u>519-6</u>	536-8276 London
mail Address: gibson@mckenzielake.com By providing an e-mail addres saytime Telephone #: 519-672-5666 x 310 ex #: 519-672-2674 siling Address: 140 Fullarton Street Street Address Ontario Province	Alternate Telephone #: <u>519-6</u> 1800 Apt/Suite/Unit#	London City/Town N6A 5P2
-mail Address: gibson@mckenzielake.com By providing an e-mail addres aytime Telephone #: 519-672-5666 x 310 ax #: 519-672-2674 ailing Address: 140 Fullarton Street Street Address Ontario	Alternate Telephone #: 519-6 1800 Apt/Suite/Unit# Country (if not Canada)	London City/Town N6A 5P2 Postal Code Date: Kebruan 7, 200
-mail Address: gibson@mckenzielake.com By providing an e-mail addres aytime Telephone #: 519-672-5666 x 310 ax #: 519-672-2674 ailing Address: 140 Fullarton Street Street Address Ontario Province gnature of Appellant:	Alternate Telephone #: 519-6 1800 Apt/Suite/Unit# Country (if not Canada) and are NOT a solicitor, please confirmedure, to act on behalf of the appellant.	London City/Town N6A 5P2 Postal Code Date: February 7, 2a of that you have written authorization, Please confirm this by checking the best confirm the second confirmation conf

Part 5: Language and Accessibility

Please choose preferred language:

English

French

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

Part 6: Appeal Specific Information

- 1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):
- Appeal of Approval of Draft Plan of Subdivision, Subdivision File No. 39T-09503, dated January 21, 2014.
- Appeal of Conditions of Approval of Draft Plan of Subdivision, Subdivision File No. 39T-09503, dated January 21, 2014, and in particular conditions 12, 32, 33, 34, and 35.
- 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.

The Appellant contends that:

- (a) The Applicant Landowner/Developer has failed to fully and adequately conduct hydrogeological investigations and studies as to available water supply to service the proposed subdivision lots by private wells.
- (b) The Applicant Landowner/Developer has failed to fully and adequately conduct hydrogeological investigations and studies as to potential negative impact of private wells servicing proposed subdivision lots upon the available water supply.
- (c) The Applicant Landowner/Developer has failed to fully and adequately conduct hydrogeological investigations and studies as to potential negative impact, including sustainability, of private wells servicing proposed subdivision lots upon existing private wells servicing residences in the vicinity of but not included within Subdivision Lands.
- (d) The Respondent Approving Authority granted approval for Draft Plan of Subdivision based upon incomplete and inadequate hydrogeological investigations and studies as prepared and submitted on behalf of the Applicant Landowner/Developer, particularly in respect of any potential negative effect of private water wells servicing subdivision lots upon available water supply and the concurrent risk of such new water wells to existing water wells servicing residences in the vicinity of but outside of the Subdivision Lands.
- (e) The Respondent Approving Authority granted approval for Draft Plan of Subdivision without requiring and accounting for historical information from landowners as to the negative impacts of new water wells upon available water supply and existing water wells, including but not limited to sustainability.
- (f) Although the Respondent Approving Authority has imposed conditions addressing water supply and well construction/installation issues, including water quality monitoring, the conditions so imposed are deficient and do not account for or provide protection of or relief to surrounding landowners whose existing water wells are at risk, including as to sustainability, as a result of the construction/installation of private water wells servicing subdivision lots.

More specifically in respect of conditions relating to water supply and private water wells as imposed by the Respondent Approving Authority, the Appellant notes and/or complains that:

- (i) Water quality monitoring is limited to the periods of site alteration, dwelling construction, and assumption by the Municipality (Condition 12).
- (ii) Required remedial works are to be completed only to the satisfaction of the Municipality and at no cost to the Municipality (Condition 12).
- (iii) The Applicant Landowner/Developer is required to provide copies of water quality monitoring reports only to the City Engineer (for the Municipality) (Condition 12).
- (iv) Location and/or depth of any water well to service a subdivision lot is not adequately specified, including by reference to Ontario Regulation 903 (Condition 32).
- (v) The condition and/or depth of any water well to service a subdivision lot is made in reference to a servicing plan or strategy which is based upon incomplete and/or inadequate hydrogeological investigations and studies (Condition 32).

- (vi) Written confirmation of responsibility of the Applicant Landowner/Developer for coordination of construction and monitoring of any water well system on each subdivision lot with the owner of such lot so as to avoid servicing conflicts is provided only to the Municipality (Condition 34).
- (vii) Details as to actual location and/or construction of private water wells servicing any subdivision lot and in accordance with the servicing plan submitted by the Applicant Landowner/Developer is provided only to the Municipality prior to issuance of any Certificate of Approval with respect to such subdivision lot.

The Appellant contends that, if Approval of Draft Plan of Subdivision is to be granted, the conditions thereto should provide, in part, that:

- (i) At least twice yearly water quality monitoring shall be undertaken, at the expense of the Applicant Landowner/Developer, for a period of at least ten (10) years following assumption of subdivision services and facilities by the Municipality.
- (ii) Water quality monitoring reports should be available to any surrounding landowner servicing his or her residence by private water well and confirmed as drawing water from the same aquifer as servicing the proposed subdivision.
- (iii) In the event of demonstrated adverse effect upon operation and/or sustainability of an existing water well following construction/installation of the first water well upon any subdivision lot and for the period of at least ten (10) years following assumption of subdivision services and facilities by the Municipality, any required remedial works, including, if necessary, drilling of a new well, for such existing well shall be arranged, completed, and paid for by the Applicant Landowner/Developer and to the satisfaction of the owner of the lands serviced by such existing well, without monetary contribution by such owner.
- (iv) The actual location and details of construction/installation of any private water well upon any subdivision lot shall be available to any surrounding landowner servicing his or her residence by private water well and confirmed as drawing water from the same aquifer as servicing the proposed subdivision.

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, desire 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. 	ed zoning					
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:						
 Zoning By-Law Appeals – Case No. PL140043 – File Nos. PL140043/PL140044 						
Part 8: Scheduling Information						
How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 4 days 1 week More than 1 week – please specify number of days:	3 days					
A1 Revised April 2010	Page 4					

	esses and other witnesse total including two (2) expe		at the h	earing pro	viding	evidend	ce/testimony	/?
Describe expert witnes	ss(es)' area of expertise (I	For example: land use pla	anner, a	architect, e	nginee	er, etc.):		
Do you believe this ma	atter would benefit from m		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	1	NO	V		
If yes, why?								
Part 9: Other Applica	able Information **Attacl	n a separate page if mor	re spac	e is requi	red.			
	g set forth above relates t ne extended time for heari					g By-La	aw Appeal fi	led by
	=							
Part 10: Required Fe	e							
Total Fee Submitted:	\$ 125.00							
Payment Method:	Certified cheque	Money Order	▼ s	olicitor's g	eneral	or trust	account ch	eque
• The norma	nt must be in Canadian fu	ndo noveble to the Mini		Elmana -				

- 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.