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File No.: OZ-8115
Planner: B. Debbert

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CLAYBAR DEVELOPMENTS INC. 2825 TOKALA TRAIL NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON JULY 23, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, dated April 2, 2013 and submitted by Stikeman Elliott on behalf of 1830145 Ontario Limited (York Developments) relating to Official Plan and Zoning By-law amendment application No. OZ-8115 concerning 2825 Tokala Trail, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

February 26, 2013 – Report to Planning and Environment Committee recommending approval of an Official Plan amendment and Zoning By-law amendment to permit the following:

On the north part of the property, the construction of multiple apartment buildings with a maximum height of eight storeys and provision for convenience commercial uses on the ground floor in one of the buildings facing either Dalmagarry Road or an internal service road between the residential development and the proposed commercial development.

On the south part of the property, the construction of one or more low-rise buildings to contain a range of retail, convenience and personal service uses, including a food store with a maximum floor area of 3,200 square metres and one other commercial space (not a restaurant) with a maximum floor area of 1,000 square metres.

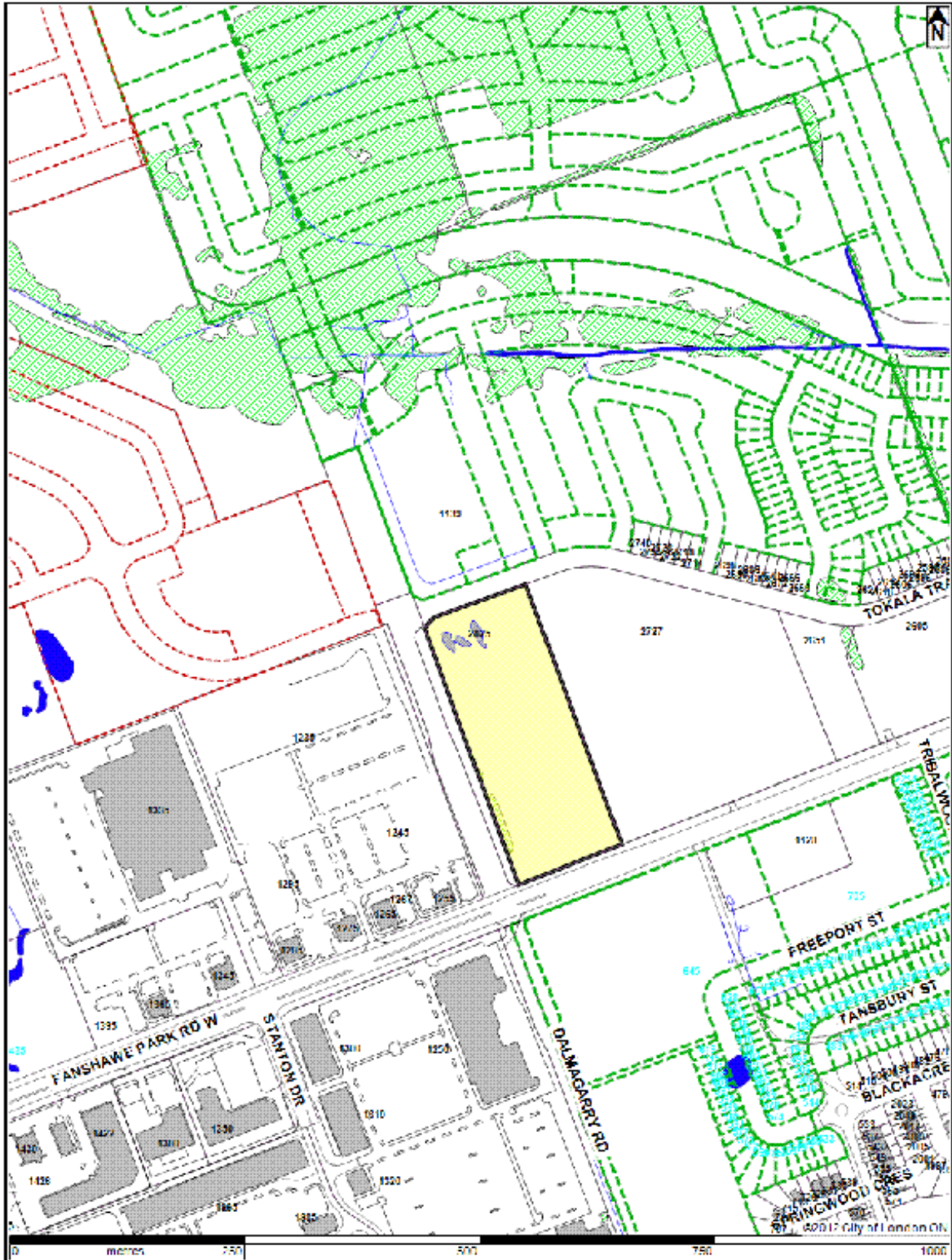
PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action would advise the Ontario Municipal Board that Municipal Council is in agreement with its previous decision of March 5, 2012 to:

- approve an Official Plan amendment to change the designation of the subject land from Low Density Residential and Multi-family, Medium Density Residential, to a Multi-family, High Density Residential and a Neighbourhood Commercial Node designation and to adopt special policies related to the north and south parts of the proposed development; and,
- approve a Zoning By-law amendment to change the zone on the property from an Urban Reserve (UR3) Zone to a Holding Residential R9 Special Provision/Holding Convenience Commercial Special Provision (h-120•R9-7(*)•H30/CC6(**)) Zone with special provisions pertaining to density, yard depths, the location of convenience commercial uses, and convenience commercial gross floor area, and to a Holding Neighbourhood Shopping Area Special Provision (h-120•NSA5(***)) Zone with special provisions pertaining to total and individual commercial gross floor areas, yard depths and location of parking.

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<p align="center">LOCATION MAP</p> <p>Subject Site: 2825 Tokala Trail Applicant: Claybar Developments Inc File Number: OZ-8115 Planner: Barb Debbert Created By: Barb Debbert Date: 2012-10-17 Scale: 1:5000</p>	<p align="center">LEGEND</p> <ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings 123 Address Numbers
<p>Corporation of the City of London Prepared By: Planning and Development</p>	

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BACKGROUND

On October 12, 2012, Claybar Developments Inc. submitted an application for Official Plan and Zoning By-law amendments requesting approvals which would facilitate the development of the front portion of the land for neighbourhood commercial uses, and the rear portion of the land for mid-to high rise development with a small amount of convenience commercial use.

Planning Staff recommended the approval of the Official Plan and Zoning By-law amendments, with minor refinements to ensure that specific urban design features of the proposed development were maintained through the development approval process, for the following reasons:

1. The recommended amendments are consistent with the Provincial Policy Statement, because they offer a range and mix of housing types and choice in housing, efficiently utilize land, can be serviced by existing or planned servicing infrastructure, and support alternative modes of transportation.
2. The recommended Official Plan amendments are consistent with the intent of the Official Plan.
3. The change in land use from Low Density and Multi-family, Medium Density Residential designations to a High Density Residential designation with a special policy to allow limited convenience commercial uses within an apartment building is appropriate because, among many reasons, the use, scale and form are compatible with surrounding land uses, it provides for a broader mix of residential choices in the area, is located close to a significant commercial node, has easy access to an arterial road, public transit service and public open space, is of a sufficient size and configuration to accommodate the use, and can be serviced with municipal services.
4. The change in land use from Multi-family, Medium Density Residential to a Neighbourhood Commercial Node is appropriate because, among many reasons, the use, scale and form are complementary to the existing adjacent New Format Regional Commercial Node and can provide a neighbourhood scale service and retail area that is not currently provided in the area, the additional commercial lands remain in a naturally limited nodal form, the development can be easily integrated and co-ordinated with the design, function and road characteristics of the existing commercial area, and can be serviced with municipal services.
5. The recommended Zoning By-law amendment to change from the Urban Reserve (UR3) Zone to a Residential R9 (R9-7•H30) Zone variation will allow for an appropriate residential land use, intensity and form on the site. Special provisions will ensure the appropriate location of the buildings on the site, and the limitation of the amount and the location of the permitted convenience commercial uses within an apartment building.
6. The recommended Zoning By-law amendment to change from the Urban Reserve (UR3) Zone to a Neighbourhood Shopping Area (NSA5) Zone variation will allow for an appropriate commercial land use, intensity and form on the site. Special provisions will ensure the appropriate location of the buildings and parking on the site.
7. The recommended holding provision will ensure that any required upgrades to the transportation infrastructure are identified prior to development on the site.

On April 2, 2013, an appeal was submitted by Stikeman Elliott on behalf of 1830145 Ontario Limited (York Developments), in opposition to Municipal Council's decision to approve the requested amendments. The reasons for appeal were numerous and are contained in the cover letter to the Notice of Appeal, attached as Appendix A to this report.

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

Planning staff have reviewed the staff recommendation in view of the stated reasons for appeal. Regardless of the introduction of the Neighbourhood Commercial Node designation on the subject lands, the recommended OPA was evaluated as an expansion of the existing commercial node (designated New Format Regional Commercial Node) and is in conformity with the intent of the Official Plan. In addition, recent changes to the Foxhollow Community Plan to establish a secondary school site to the immediate east of the subject property were considered as part of the review of the application for neighbourhood based commercial uses. The Neighbourhood Shopping Area (NSA5) Zone was recommended to provide for a range of uses that would complement the uses permitted within the New Format Regional Shopping Node, providing more emphasis on the provision of services and community facilities in addition to retail uses. Planning Staff see no reason for Council to alter its decision relating to this matter.

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

July 4, 2013

BD/

Attach.

Y:\Shared\implemen\DEVELOPMENT APPS\2012 Applications 8003 to\8115OZ - 2825 Tokala Tr (BD)\OMB\8115OZ - OMB report to PEC.docx

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Appendix A – Notice of Appeal

STIKEMAN ELLIOTT

Stikeman Elliott LLP Barristers & Solicitors
5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9
Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

James Harbell
Direct: (416) 869-5690
E-mail: jharbell@stikeman.com

BY COURIER

April 2, 2013
File No.: 129002.1002

City of London
300 Dufferin Avenue
P.O. Box 5035
London, ON N6A 4L9

Attention: Catherine Saunders, City Clerk

Dear Ms. Saunders:

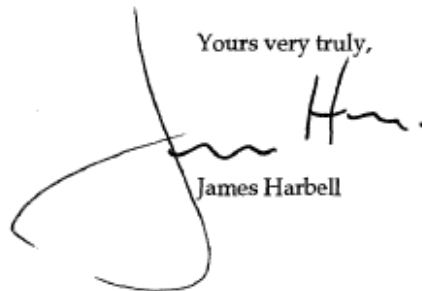
**Re: Notice of Appeal of Official Plan Amendment No. 548 and Zoning By-law No. Z.-1-132170
2825 Tokala Trail, City of London (the "Subject Site")**

We are counsel to 1830145 Ontario Limited (known as York Developments and referred to herein as the "Appellant"), the owner of the lands municipally known as 1761 Wonderland Road North, City of London. On April 1, 2013, we filed a notice of appeal of Official Plan Amendment No. ("OPA") 548 and Zoning By-law No. Z.-1-132170, along with a cheque in the amount of \$125 and one (1) completed OMB Appellant Form (A1) for both appeals.

We enclose a second cheque in the amount of \$125 along with two completed OMB Appellant Forms (one for the appeal of OPA 548 and one for the appeal of ZBL No. Z.-1-132170). You should now be in receipt of a filing fee and Appellant Form for each appeal. Also enclosed is a copy of the original cover letter for our appeals.

Should you have any questions with respect to the matters discussed herein, kindly contact the undersigned.

Yours very truly,



James Harbell

JWH/mc
Enclosures

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MONTREAL
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CALGARY
VANCOUVER
NEW YORK
LONDON
SYDNEY

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STIKEMAN ELLIOTT

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9
Tel: (416) 869-5500 Fax: (416) 947-0886 www.stikeman.com

James Harbell
Direct: (416) 869-5690
E-mail: jharbell@stikeman.com

BY COURIER

April 1, 2013
File No.: 129002.1002

City of London
300 Dufferin Avenue
P.O. Box 5035
London, ON N6A 4L9

Attention: Catherine Saunders, City Clerk

Dear Ms. Saunders:

**Re: Notice of Appeal of Official Plan Amendment No. 548 and Zoning By-law No. Z.-1-132170
2825 Tokala Trail, City of London (the "Subject Site")**

We are counsel to 1830145 Ontario Limited (known as York Developments and referred to herein as the "Appellant"), the owner of the lands municipally known as 1761 Wonderland Road North, City of London. On behalf of the Appellants, we hereby appeal Official Plan Amendment No. ("OPA") 548 and Zoning By-law No. Z.-1-132170, as adopted by City Council on March 5, 2013.

We submitted a letter, dated February 25, 2013, advising the Planning & Environment Committee that approval of the applications for OPA 548 and By-law No. Z.-1-132170 was premature as there was an Ontario Municipal Board hearing (Case No. PL110251) with respect to the appeal of Zoning By-law No. Z.-111977 and OPA 546 to permit commercial uses (including a food store) on 1761 Wonderland Road North. At this time, the OMB has not issued a decision with respect to Case No. PL110251.

The Appellant continues to have concerns with OPA 548 and Zoning By-law No. Z.-1-132170, including the following:

- OPA 548, which introduces a new Neighbourhood Commercial Node into the Foxwood Community Planning Area, does not represent good land use planning and is not in conformity with the City of London's Official Plan.
- The proposal is a fundamental departure from the purpose and intent of the commercial node hierarchy implemented in conjunction with the City's five-

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year Official Plan review adopted as OPA 438. Pursuant to Policies 4.2 and 4.3 of the Official Plan, this nodal hierarchy was established to facilitate a framework of four commercial classifications based upon the size, market focus and functional characteristics. OPA 548 facilitates the provision of additional commercial development which is inconsistent with the nodal structure defined through OPA 438 and established in the North London community.

- The proposal does not promote the orderly distribution and development of commercial uses to meet shopping and service needs, as prescribed by the planning objective set out in Policy 4.2.1. i). Approval of this application would establish a neighbourhood-oriented commercial node immediately adjacent to an established New Format Regional Commercial Node. New Format Regional Commercial Nodes and Enclosed Regional Commercial Nodes are major activity centres which function as the highest order commercial areas in the nodal hierarchy. There is currently no instance in the City where a Neighbourhood Commercial Node has been established immediately adjacent to either of these higher order nodes.
- The proposal does not comply with Policy 4.3.10.1. i), which prescribes that new nodes shall comply with defined size, function and form criteria. The planned function of a Neighbourhood Commercial Node is to support the convenience shopping needs of nearby residents by providing convenience-oriented use that are unlikely to draw customers from beyond the local area. The proposal is inconsistent with this structure, as it introduces a scale of development comparable with retail uses in the adjacent New Format Regional Commercial Node and the Neighbourhood Commercial Node at Fanshawe Park Road/Wonderland Road North approximately 1.5 km east of the Subject Site. Most notably, the impact of this scale of food store on the existing and planned grocery stores has not been sufficiently analyzed. Accordingly, an additional food store in this commercial structure may impact upon the planned function of the existing commercial nodes and may preclude completion of other commercial nodes in North London contrary to the intention of the Official Plan.
- OPA 548 is not in keeping with the intent of Policy 4.3.10.1, which prescribes that Council should encourage infilling and consolidation of existing commercial nodes and limit new nodal development. There are four planned commercial nodes in the vicinity of the Subject Site: (1) New Format Regional Node at Fanshawe Park Road/Hyde Park; (2) Neighbourhood Commercial Node at Fanshawe Park Road/Wonderland Road North; (3) Enclosed Regional Commercial Node at Richmond Street/Fanshawe Park Road West; and (4) a future Community Commercial Node at Richmond Street/Sunningdale Road West, which is planned to service developing residential communities north of the Subject Lands. Given the planned functions of this nodal framework and the findings of recent retail market

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STIKEMAN ELLIOTT

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studies, provision of a new Neighbourhood Commercial Node is not warranted at this location.

- Application of a “commercial” designation on the southern portion of the Subject Site does not support the goals of the Fox Hollow Community Plan. This Community Plan was implemented following a comprehensive planning process which included a detailed analysis of future commercial land requirements. The Medium Density Residential designation was supported for the Subject Site based upon good planning principles. Considering the planned function of the adjacent commercial area and the mixture of residential and institutional uses existing and planned for surrounding lands, it is appropriate to retain the existing residential designation on the subject lands.
- The Retail Market Justification Report prepared by urbanMetrics inc., dated October 25, 2012, used to support the proposal is inadequate for the following reasons:
 - The report fails to demonstrate any need for the proposed food store, pursuant to the requirements for the creation of new commercial nodes set out in Policy 4.3.10.1 iv) of the Official Plan. Recent retail market studies demonstrate that sufficient land is available to accommodate future commercial space demands in the Foxwood Planning Area. Therefore, the proposal is not required to achieve the planning objective set out in Policy 4.2.1 iii), which supports the provision of adequate lands at appropriate locations to meet commercial demands (peer review details required).
 - The report uses incorrect methodology to justify market support for the proposal and to evaluate the potential impacts on the planned function of the existing and approved commercial nodes in North London.
 - The defined market areas for the selected commercial nodes were arbitrarily determined and are not based on empirical justification.
 - The arbitrary delineation of market areas assumes that there is no cross shopping between market areas. To account for cross shopping, a consumer survey should have been completed to provide empirical evidence of food-oriented retail expenditure flows and market shares.
 - The report does not consider how the market area of the Neighbourhood Commercial Node at Wonderland Road North/Fanshawe Park Road will be affected by the proposed additional of another food store.
- Zoning By-law Z.-1-132170 establishes a zoning regime that is not appropriate for the use of the land and does not promote a scale of

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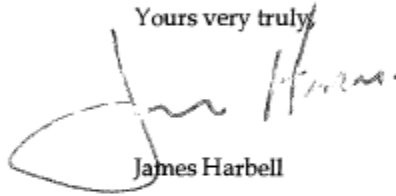
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development that achieves the objective of the application (i.e., to support the shopping and service needs of neighbourhood residents). The compound zoning developed for the commercial component of the proposal incorporates the "Neighbourhood Shopping Area (NSA5(6))" Zone which allows for large food stores with a maximum gross floor area of 3,200 square metres, which is substantially larger than the proposed food store.

In light of the foregoing, we are hereby appealing Official Plan Amendment No. 548 and Zoning By-law Z.-1-132170. As well, through this appeal, we expressly reserve the right to submit or raise such other concerns, objections or issues as may become apparent whether related to the above specific concerns or otherwise.

We enclose a cheque in the amount of \$125.00, payable to the Minister of Finance, which represents the required filing fee for this appeal and a completed Ontario Municipal Board Appellant Form (A1). Should you have any questions with respect to the matters discussed herein, kindly contact the undersigned.

Yours very truly,



James Harbell

JWH/mc

cc:
Ali Soufan, York Developments
C. Wiebe, MHBC

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**Environment and Land Tribunals
Ontario**
Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.ello.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**
Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télocopieur: (416) 326-5370
Site Web: www.ello.gov.on.ca



Instructions for preparing and submitting the Appellant Form (A1)

- Complete one form for each type of appeal you are filing.
- Please print clearly.
- 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.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable.
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.

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**APPELLANT FORM (A1)
PLANNING ACT**

**SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

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

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

Part 2: Location Information

2825 Tokala Trail, City of London
Address and/or Legal Description of property subject to the appeal:

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Municipality/Upper tier: City of London, County of Middlesex

Part 3: Appellant Information

First Name: Ali Last Name: Soufan

1830145 Ontario Limited (York Developments)
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): President

E-mail Address: ali.soufan@yorkdev.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: (519) 433-7587 x 231 Alternate Telephone #: (519) 640-8968

Fax #: (510) 433-4469

Mailing Address: 233 Horton Street London
Street Address Apt/Suite/Unit# City/Town
Ontario N6B 1L1
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office.)

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

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

Part 4: Representative Information (if applicable)

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

First Name: James Last Name: Harbell

Company Name: Stikeman Elliott LLP

Professional Title: Partner

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

Daytime Telephone #: (416) 869-5690 Alternate Telephone #: _____

Fax #: (416) 947-0866

Mailing Address: 199 Bay Street, 5300 Commerce Court West Toronto
Street Address Apt/Suite/Unit# City/Town
Ontario M5L 1B9
Province Country (if not Canada) Postal Code

Signature of Appellant:  Date: APRIL 2, 2013

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

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

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Part 5: Language and Accessibility

Please choose preferred language: English French

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

Part 6: Appeal Specific Information

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

(Please print)

Official Plan Amendment No. 548

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

(Please print)

Please see attached cover letter.

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

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

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

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO

(For example: A consent application connected to a variance application)

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

(Please print)

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Part 8: Scheduling Information

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

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

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

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

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

If yes, why? To scope issues

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

Please see attached cover letter.

Part 10: Required Fee

Total Fee Submitted: \$ 125

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

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

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l'aménagement du territoire Ontario**
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de l'Ontario

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**APPELLANT FORM (A1)
PLANNING ACT**

**SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (DMB Office Use Only)

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

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

Part 2: Location Information

2825 Tokala Trail, City of London
Address and/or Legal Description of property subject to the appeal:

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File No.: OZ-8115
Planner: B. Debbert

Municipality/Upper tier: City of London, County of Middlesex

Part 3: Appellant Information

First Name: Ali Last Name: Soufan

1830145 Ontario Limited (York Developments)
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): President

E-mail Address: ali.soufan@yorkdev.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: (519) 433-7587 x 231 Alternate Telephone #: (519) 640-8968

Fax #: (510) 433-4469

Mailing Address: 233 Horton Street London
Street Address Apt/Suite/Unit# City/Town

Ontario N6B 1L1
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office.)

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

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

Part 4: Representative Information (if applicable)

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

First Name: James Last Name: Harbell

Company Name: Stikeman Elliott LLP

Professional Title: Partner

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

Daytime Telephone #: (416) 869-5690 Alternate Telephone #: _____

Fax #: (416) 947-0866

Mailing Address: 199 Bay Street, 5300 Commerce Court West Toronto
Street Address Apt/Suite/Unit# City/Town

Ontario M5L 1B9
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: APRIL 2, 2013

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

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

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File No.: OZ-8115
Planner: B. Debbert

Part 5: Language and Accessibility

Please choose preferred language: English French

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

Part 6: Appeal Specific Information

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

(Please print)

Zoning By-law No. Z.-1-132170.

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

(Please print)

Please see attached cover letter.

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

- a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)
- b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

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

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

(Please print)

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Planner: B. Debbert

Part 8: Scheduling Information

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

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

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

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

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

If yes, why? To scope issues

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

Please see attached cover letter.

Part 10: Required Fee

Total Fee Submitted: \$ 125

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

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