



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.elto.gov.on.ca

Appellant Form (A1)

DURHAM REGION PLANNING	
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FILE#	

Instructions for preparing and submitting the Appellant Form (A1)

- **Important: Do not send your appeal directly to the Ontario Municipal Board (OMB).**
 Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the municipality/approval authority will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the OMB.
- 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 at:
 Toll free: 1-866-448-2248; or
 TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the OMB. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee of \$300 is required for each type of appeal you are filing.
 Example: An appeal of an official plan and a zoning by-law would be \$300 + \$300 for a total fee of \$600.
- To view the Fee Schedule, visit the OMB's website [<http://elto.gov.on.ca/omb/fee-chart/>].
- 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.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the OMB if you retain a representative after the submission of this form.
- The *Planning Act, Development Charges Act, Education Act* and *Ontario Municipal Board Act* are available on the OMB's website [<http://elto.gov.on.ca/omb/legislation-and-regulations/>].
- Fields marked with an asterisk (*) are mandatory.



Ontario

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Appellant Form (A1)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

1. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Act Reference (Section)
Planning Act Matters		
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input checked="" type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	
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 Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	
	<input type="checkbox"/> Appeal conditions imposed	53(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

Subject of Appeal	Type of Appeal	Act Reference (Section)
Development Charges Act Matters		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
Aggregate Resources Act Matters		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
<input type="checkbox"/> Revocation of licence	20(4)	
Municipal Act Matters		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
Ontario Heritage Act Matters		
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Matters

Subject of Appeal Clarington Official Plan Amendment	Act/Legislation Name Clarington Official Plan Amendment No. 107	Section Number No. 107
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2. Location Information

Address and/or Legal Description of property subject to the appeal *
3202 Tooley Rd., Part Lot 33, Concession 3, Former Township Of Darlington and Pt Lot 33 Now RP 10R3801 Part 2
and 0 Tooley Rd. Con. 3 Pt Lot 33 Now RP 40R15810 Part 2.

Municipality *
Clarington

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name Zygocki	First Name Peter
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Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Michael Zygocki Limited and Boothia Developments Limited

Professional Title
President

Email Address
finefieldhomes@bellnet.ca

Daytime Telephone Number * 905-260-8042	ext.	Alternate Telephone Number	Fax Number
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Mailing Address

Unit Number	Street Number * 100	Street Name * Sato St.	PO Box
City/Town * Whitby	Province * ON	Country * Canada	Postal Code * L1R 1V8

4. Representative Information

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

Last Name Zygocki	First Name Peter
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Company Name
Michael Zygocki Limited and Boothia Developments Limited

Professional Title
President

Email Address
finefieldhomes@bellnet.ca

Daytime Telephone Number 905-260-8042	ext.	Alternate Telephone Number	Fax Number
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Mailing Address

Unit Number	Street Number 100	Street Name Sato St.	PO Box
City/Town Whitby	Province ON	Country Canada	Postal Code L1R 1V8

Note: If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB'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.

5. Appeal Specific Information

Municipal Reference Number(s)
PLN 31.5.6 and S-C-2917-0002

Outline the nature of your appeal and the reasons for your appeal *

1. Section 2.2.3 OPA 107 gives Protected Natural Heritage designations precedence over all other considerations within the urban boundary of Clarington. This contravenes good planning practice.
2. Map A2-EP (Environmental Protection) Land Designations to and around the properties owned by Michael Zygocki Limited and Boothia Developments Limited that were added by OPA 107. The EP Land Designations have been made without background studies on lands located within the built boundary and is improper reliance upon an assumption that an area of potential environmental concern is to be designated EP without evidence based planning and a site specific study.
3. Table 3.1 sets out arbitrary vegetation protection zone distances adjacent to EP designations within the built boundary and urban areas. This is not good planning and should be subject to a site specific study prior to change that negatively impacts lands and landowners within the built urban boundary.
4. Section 3.4.14 - 3.4.16 inclusive , which refers to and gives effect to Table 3-1, such that the Table applies to land within the built urban Boundary.
5. Section 23.10.7. This requires dedication of lands identified as EP to the Municipality, without any payment by the Municipality , which is effectively expropriation without compensation and in the case of the lands, prevents development of the lands in accordance to current residential zoning designation and the existing Official Plan.

The Sections of Clarington OPA 107 related to environmental protection, particularly within the urban areas are arbitrary as they are not science based and do not represent good planning. The OPA 107 amendments noted above unnecessarily sterilize existing land within the built boundary which should be used for intensification in accordance with the 2014 Provincial Policy Statements 1.1.1-1.1.3 inclusive. In effect, the policies of the Amendment down-zone currently zoned living areas and do not represent good planning and ae effectively expropriation without compensation by the Municipality.

For the reasons noted, Michael Zygocki Limited and Boothia Developments Limited hereby appeals Clarington Official Plan Amendment No. 107 with respect to Sections 2.2.3, Map A2, Table 3.1, Sections 3.4.14 - 3.4.16 inclusive, and Section 23.10.7

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting Written submissions to council

Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

1 day 2 days 3 days 4 days 1 week
 More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
Unknown at this time.

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
Unknown at this time.

Do you believe this matter would benefit from mediation?

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes No

8. Required Fee

Total Fee Submitted * \$ 300

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

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative

Peter Zygocki

Signature of Appellant/Representative

Date (yyyy/mm/dd)

2017 07 06

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.