

# CM PLANNING INC.

DEVELOPMENT CONSULTING

July 7, 2017

DURHAM REGION PLANNING	
<b>RECEIVED</b>	
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FILE#	

Mr. B.E. Bridgeman, MCIP, RPP  
Commissioner of Planning and Economic Development  
Regional Municipality of Durham  
Planning and Economic Development Department  
Planning Division  
605 Rossland Road East  
P.O. Box 623  
Whitby, Ontario L1N 6A3

Dear Mr. Bridgeman

**Re: OMB Appeal of Amendment No. 107 to the Municipality of Clarington Official Plan  
2408406 Ontario Inc., 2408426 Ontario Inc. and 2408428 Ontario Inc.  
Block 32 on Draft Plan of Subdivision 18T-87083  
Part of Lot 8, Concession 1, Hamlet of Newtonville, Municipality of Clarington**

CM Planning Inc. has been instructed by 2408406 Ontario Inc., 2408426 Ontario Inc. and 2408428 Ontario Inc. (Fourteen Estates Limited) (the "Appellant") to file an appeal against Amendment No. 107 to the Municipality of Clarington Official Plan ("OPA 107"). The appeal is relative to Fourteen Estates development interests for their lands east of Newtonville Road, north of Hwy 401, known as Block 32 on Draft Plan of Subdivision 18T-87083, in the Hamlet of Newtonville (the "Property").

On May 12, 2015 and August 25, 2016 we submitted letters to the Municipality of Clarington documenting a number of the Appellants concerns with proposed OPA 107 and its impact on the Property. The letters represent written submissions made on behalf of the Appellant to the Municipality before OPA 107 was adopted.

Through the consideration of the submissions, the Municipality responded with changes to the draft OPA 107 addressing some of the concerns, however there are a few outstanding concerns that were not accommodated for in the final adopted OPA 107. These outstanding concerns represent reasons in support of this Appeal and consist specifically of the following parts of OPA 107:

- The designation on the land use schedules showing the extent of the Environmental Protection designation
- The designation on the land use schedules showing the proposed hamlet expansion of Newtonville.
- Rural Settlement Area Policy for Newtonville – policy 12.4.6 (or as renumbered)
- Implementation – policy 23.13.2 (or as renumbered)
- Any other policy continuing to have an impact on the property as covered in the previously submitted letters.

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We remain open to continued discussions with Durham and Clarington staff for a resolution of these matters ahead of any OMB hearing.

In support of this appeal, please find enclosed the following:

- A completed and signed Appellant A1 Form
- A certified cheque in the amount of \$300.00 payable to the Ministry of Finance

Yours truly  
CM PLANNING INC.



Carolyn Molinari

cc Rick Rondeau, Fourteen Estates  
Shawn Rondeau, Fourteen Estates



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](http://www.elto.gov.on.ca)

## 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.



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](http://www.elto.gov.on.ca)

**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)
<b>Planning Act Matters</b>		
<b>Official Plan or Official Plan Amendment</b>	<input 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	
<b>Zoning By-law or Zoning By-law Amendment</b>	<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	
<b>Interim Control Zoning By-law</b>	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
<b>Minor Variance</b>	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
<b>Consent/Severance</b>	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	
<b>Plan of Subdivision</b>	<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 <b>approved</b> a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did <b>not approve</b> a plan of subdivision	
	<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)
<b>Development Charges Act Matters</b>		
<b>Development Charge By-law</b>	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
<b>Development Charge Complaint</b>	<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)
<b>Front-ending Agreement</b>	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
<b>Education Act Matters</b>		
<b>Education Development Charge By-law</b>	<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)
<b>Education Development Charge Complaint</b>	<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)
<b>Aggregate Resources Act Matters</b>		
<b>Aggregate Removal Licence</b>	<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)	
<b>Municipal Act Matters</b>		
<b>Ward Boundary By-law</b>	<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	
<b>Ontario Heritage Act Matters</b>		
<b>Heritage Conservation District</b>	<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	Act/Legislation Name	Section Number
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**2. Location Information**

Address and/or Legal Description of property subject to the appeal \*  
Part of Lot 8, Concession 1, in the former Township of Clarke

Municipality \*  
Municipality of Clarington

Upper Tier (Example: county, district, region)  
Regional Municipality of Durham

**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 | First Name

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) \*  
2408406 Ontario Inc. and 2408426 Ontario Inc. and 2408428 Ontario Inc.

Professional Title

Email Address  
shawn@fourteenestates.com

Daytime Telephone Number \* | Alternate Telephone Number | Fax Number  
905-427-0390 ext. | | 905-427-0265

**Mailing Address**

Unit Number 4	Street Number * 513	Street Name * Westney Road South	PO Box
City/Town * Ajax	Province * Ontario	Country * Canada	Postal Code * L1S 6W8

**4. Representative Information**

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

Last Name | First Name  
Molinari | Carolyn

Company Name  
CM Planning Inc.

Professional Title  
Urban Planner

Email Address  
cmplanning@bell.net

Daytime Telephone Number | Alternate Telephone Number | Fax Number  
905-391-3697 ext. | |

**Mailing Address**

Unit Number	Street Number 3042	Street Name Ebony Street	PO Box
City/Town Ajax	Province Ontario	Country Canada	Postal Code L1S 1B9

**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)

OPA 107

Outline the nature of your appeal and the reasons for your appeal \*  
As outlined in the attached letter dated July 7, 2017 and below:

- The designation on the land use schedules showing the extent of the Environmental Protection designation
- The designation on the land use schedules showing the proposed hamlet expansion of Newtonville.
- Rural Settlement Area Policy for Newtonville – policy 12.4.6 (or as renumbered)
- Implementation – policy 23.13.2 (or as renumbered)
- Any other policy continuing to have an impact on the property as covered in the previously submitted letters.

### 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?

3

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

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	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Shawn Rondeau, 2408406 Ontario Inc. and 2408426 Ontario Inc. and 2408428 Ontario Inc		2017/07/07

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.