

July 10, 2017

delivered

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file # 8156-2592

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
Whitby, ON L1N 6A3

Dear Mr. Bridgeman:

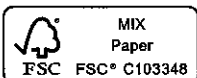
Re: Appeal of Amendment No. 107 to the Municipality of Clarington Official Plan

We are the solicitors for Canadian Tire Real Estate Limited. On behalf of our client, pursuant to s. 17 (36) of the *Planning Act*, we hereby appeal the Region of Durham's decision to approve Official Plan Amendment No. 107 to the Municipality of Clarington Official Plan ("OPA 107"). Our client's planning consultant previously provided the Municipality with written comments and objections regarding OPA 107 prior to its adoption.

Our client objects to OPA 107 for the following, among other, reasons:

1. The height requirement policies for commercial development within Urban and Village Centres, Regional and Local Corridors and Waterfront Places in Section 10.3.5 of OPA 107 will impose inappropriate and unnecessary restrictions on future development or expansion of existing commercial properties.
2. The refuse and recycling design policies for development in Centres, Corridors and Priority Intensification Areas in Section 5.4.3 i) of OPA 107 will impose inappropriate and unnecessary restrictions on future commercial operations of commercial developments.

These policies will place an onerous burden on commercial development and operations, thereby discouraging commercial development in key areas where such development is encouraged, thereby failing to adhere to good planning. Accordingly, the foregoing policies of OPA 107 are: 1. Inconsistent with the objectives of the Long-Term Prosperity policies of the Provincial Policy Statement 2014 as they do not support long-





term economic development opportunities, optimize the long-term use of land or promote well designed built-form; 2. Fail to conform to the objectives of the Managing Growth policies of the Growth Plan for the Greater Golden Horseshoe 2017 as they do not support the achievement of complete communities, which includes an appropriate mix of retail uses; and 3. Fail to conform to the objectives of the Economic Development and Urban System policies of the Durham Regional Official Plan, including the development of healthy and complete sustainable communities, and policies respecting the development of Centres, Corridors and Waterfront Places, which recognize Regional Centres as focal points of urban development and are planned to include a concentration of uses, including commercial uses, with appropriate urban design.

As a result of the foregoing, we hereby appeal ss. 10.3.5 and 5.4.3 i) of OPA 107.

Enclosed is a cheque for \$300 payable to the Minister of Finance representing the required fee for the appeal together with a completed OMB appeal form.

Yours truly,
Cassels Brock & Blackwell LLP

Signe Leisk

Enclosures



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.elfto.gov.on.ca

Appellant Form (A1)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality
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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 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	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<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	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve 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)
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	Act/Legislation Name	Section Number
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2. Location Information

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

2000 Green Road and 2405 Durham Regional Highway 2

Municipality * Clarington

Upper Tier (Example: county, district, region) Durham

3. Appellant/Objctor 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 * Miceli First Name * Melissa

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) *
Canadian Tire Real Estate Limited

Professional Title Development Coordinator

Email Address melissa.miceli@cantire.com

Daytime Telephone Number * 416.480.3895 ext. Alternate Telephone Number Fax Number

Mailing Address
Unit Number Street Number * 2180 Street Name * Yonge Street PO Box
City/Town * Toronto Province * ON Country * CAN Postal Code * M4P 2V8

4. Representative Information

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

Last Name Leisk First Name Signe

Company Name Cassels Brock and Blackwell LLP

Professional Title Lawyer

Email Address sleisk@casselsbrock.com

Daytime Telephone Number 416.869.5411 ext. Alternate Telephone Number Fax Number 416.640.3218

Mailing Address
Unit Number 2100 Street Number 40 Street Name King Street West PO Box
City/Town Toronto Province ON Country CAN Postal Code M5H 3C2

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)

Amendment No. 107 to the Municipality of Clarington Official Plan

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

Please see cover letter

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

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? 2

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

Land Use Planner, Urban Designer

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 * \$

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

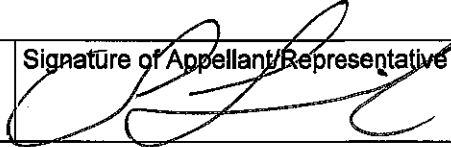
9. Declaration

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

Signe Leisk Cassels Brock and Blackwell LLP

Signature of Appellant/Representative



Date (yyyy/mm/dd)

2017/07/10

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.