



BARRISTERS • SOLICITORS
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July 26, 2022

By Next Day Courier and E-Mail to RegionalClerk@halton.ca

Mr. Graham Milne
Regional Clerk
Regional Municipality of Halton
1151 Bronte Road
Oakville, ON
L6M 3L1

Dear Mr. Milne:

Re: Notice of Appeal
Subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P.13 (the “*Act*”) Glen Williams
Secondary Plan Update - Official Plan Amendment No. 44 (“OPA 44”)
00 Confederation Street, Halton Hills and legally described as Part of the West Half of Lot
23, Concession 10 (Esq.), in the Town of Halton Hills (the “Land”)

We are counsel to 1404649 Ontario Limited., the owner of the Land.

Existing Applications

In 1983, our client submitted a Zoning By-law Amendment and Draft Plan of Subdivision applications (the “**Applications**”) for the Land. The Municipal File Numbers are D12/Charleston Homes & 24T83008/H. A Plan of Subdivision was subsequently registered on *part* of our client’s lands. The Applications cover the remaining lands of our client.

OPA 44 Concerns

On June 14, 2021, our client, through its land use planning consultant (Wellings Planning Consultants Inc., “**Wellings**”) provided oral submissions at the Town of Halton Hills (the “**Town**”) public meeting regarding OPA 44. Additionally, on October 4, 2021, Wellings provided written comments to the Town identifying concerns related to OPA 44 (the “**Letter**”). Notably, the Letter

was filed prior to Town Council's adoption through By-law No. 2021-0046 of OPA 44. Regrettably, the concerns raised in the Letter were not addressed by the Town. On November 8, 2021, Wellings also wrote to you regarding OPA 44 to request notice of any decisions made by the Regional Municipality of Halton (the "**Region**") regarding OPA 44 and enclosing the Letter as an attachment to that communication.

Our client continues to have concerns with OPA 44, more specifically, its impact on the existing Applications which were previously filed and are currently before the Tribunal for adjudication. Notwithstanding these concerns we are of the view that the Applications nevertheless implement the vision, goals, and objectives of OPA 44. As a result, and out of an abundance of caution, our client appeals the Region's decision to approve OPA 44 in its entirety, as it applies to the Land, pursuant to ss. 17(36) of the *Act*.

Reasons for this Appeal

The reasons for this appeal include the following:

1. The Applications would permit a development on the Land which represents good land use planning, is appropriate and in the public interest. OPA 44 as adopted may undermine the advancement of same;
2. The Hamlet Buffer policies contained in OPA 44 are not justified or based on land use planning merit. The location, size and ownership of the buffers should be science based and determined through detailed analysis undertaken during the development approval stage *i.e.* the Applications;
3. The lack of transitional provisions contained in OPA 44 fail to recognize or acknowledge the Applications which were previously filed;
4. OPA 44, as adopted by the Region, will subvert the advancement of the Applications which:
 - a. Have regard for matters of Provincial interest as set out in section 2 of the *Act*; and,
 - b. Have regard for the *Provincial Policy Statement, 1997*
as required given the Applications were filed in 1983.
5. Such further and other reasons as counsel provides and the Tribunal permits.

Enclosed with the delivered copy of this Notice of Appeal are the following documents:

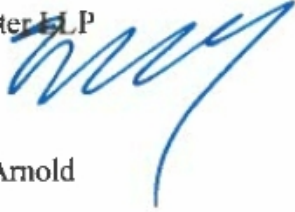
- One (1) completed Tribunal appeal form (A1) together with a Certificate of Status for our client; and

- Our firm cheque in the amount of \$1,100.00, payable to the Minister of Finance, representing the filing fee associated with the processing of this appeal.

Kindly confirm receipt of this Notice of Appeal.

Yours truly,

Arnold, Foster LLP



Herbert T. Arnold
HTA:ac
Encls.: As above

copy: Mr. Glenn Wellings, Wellings Planning Consultants Inc.
Client



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

Appeal Form (A1)

**Municipal/Approval Authority
Date Stamp**

**Receipt Number
(OLT Office Use Only)**

**Date Stamp – Appeal Received
by OLT**

**OLT Case Number
(OLT Office Use Only)**

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information				
Last Name:		First Name:		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) 1404649 Ontario Limited				
Email Address:				
Daytime Telephone Number:		Alternative Telephone Number:		
		ext.		
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
City/Town:		Province:	Country:	Postal Code

Representative Information

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

Last Name: **Arnold** First Name: **Herbert**

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation): **Arnold, Foster LLP**

Email Address: **HTAesq@aol.com**

Daytime Telephone Number: **905-873-0204** ext. Alternative Telephone Number: **647-223-3951**

Mailing Address

Unit Number: **201** Street Number: **232A** Street Name: **Guelph Street** P.O. Box:

City/Town: **Georgetown** Province: **Ontario** Country: **Canada** Postal Code: **L7G4B1**

Note: If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the *OLT Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.

I certify that I understand that my representative is not licensed under the *Law Society Act* and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.

Location Information

Are you the current owner of the subject property? Yes No

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

00 Confederation St., Halton Hills, Ontario Part of Lot 23, Concession 10 (Esq.) Halton Hills

Municipality: **Town of Halton Hills**

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

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal	Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example: Minor Variance	<i>Planning Act</i>	45(12)
1 Official Plan Amendment	<i>Planning Act</i>	17(36)
2		
3		
4		
5		

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A

<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed: **36 lots for single family dwellings**

Municipal Reference Number(s):

Official Plan Amendment No. 44 – Glen Williams Secondary Plan Update

List the reasons for your appeal:

See attached covering letter

Has a public meeting been held by the municipality? Yes

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

see covering letter

Oral/Written submissions to council

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

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

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

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

D12/Charleston Homes & 24T83008/H – application for zoning bylaw amendment and application for approval of plan of subdivision - neither yet appealed

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known:

Date municipality deemed the application complete if known

Please briefly explain the proposal and describe the lands under appeal:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 3B Checklist\(s\)](#) located [here](#) and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

ext.

Alternative Telephone Number:

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee
 Please see the attached link to view the [OLT Fee Chart](#).
 Total Fee Submitted: \$ 1,100.00


Payment Method	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> Lawyer's general or trust account cheque
	<input type="checkbox"/> Credit Card		

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).
 Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration
 I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.
 By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Herbert T. Arnold		2022/07/26

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

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 at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation
 You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:
Section 3A	Municipality or the Approval Authority/School Board

	<p>*If you are filing under the <i>Ontario Heritage Act</i>, including under s. 34.1(1), please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.</p>	
<p>Section 3A & 3B or Section 4A or Section 4B or Section 6</p>	<p>Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p>	<p>Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca</p>
<p>Section 5</p>	<p>For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p>For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with: NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>

NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.



Ministry of Government and
Consumer Services
Ministère des Services gouvernementaux et
des Services aux consommateurs

Certificate of Status

Business Corporations Act

This is to certify that

Attestation du statut juridique

Loi sur les sociétés par actions

La présente vise à attester que

1404649 ONTARIO LIMITED

Corporation Name / Dénomination sociale

1404649

Ontario Corporation Number / Numéro de société de l'Ontario

is a corporation incorporated, amalgamated or continued under the laws of the Province of Ontario according to the electronic records maintained by the Ministry of Government and Consumer Services.

est une société constituée en personne morale, fusionnée ou maintenue conformément aux lois de la province de l'Ontario, selon les dossiers électroniques tenus par le ministère des Services gouvernementaux et des Services aux consommateurs.

The corporation came into existence on March 01, 2000 and has not been dissolved.

La société a vu le jour le 01 mars 2000 et n'a pas été dissoute.

V. Quintanilla W.

Director / Directeur

Business Corporations Act / Loi sur les sociétés par actions

Certified a true copy of the record of the
Ministry of Government and Consumer Services.

V. Quintanilla W.

Director/Registrar



Copie certifiée conforme du dossier du
ministère des Services gouvernementaux et des
Services aux consommateurs.

V. Quintanilla W.

Directeur ou registrateur

ARNOLD FOSTER LLP
BARRISTERS & SOLICITORS

047318

CHE # : 047318
AMOUNT : \$1,100.00
ACCOUNT : TRUST - 1
PAID TO: Minister of Finance

Appeal Fee - 1404649 Ontario Limited

CLIENT: 2027 - 1404649 Ontario Limited
MATTER: 22-0436

ARNOLD FOSTER LLP
BARRISTERS & SOLICITORS
222A GUELPH ST., SUITE 201
GEORGETOWN, ON L7G 4B1
Tel: (905) 873-0204

TD CANADA TRUST
231 GUELPH ST.
GEORGETOWN, ONTARIO L7G 4A8

047318

One Thousand One Hundred ***** 00/100

Minister of Finance

JUL/26/2022 \$1,100.00

PAY
TO THE
ORDER OF

Appeal Fee - 1404649 Ontario Limited

PER  TRUST ACCOUNT

⑈047318⑈ ⑆24722⑈004⑆ 0471⑈5205067⑈