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W. Thomas Barlow Direct 416 868 3403 tbarlow@fasken.com

RECEIVED

MUNICIPAL SERVICES OFFICE

DEC 1 5 2011

CENTRAL REGION MINISTRY OF MUNICIPAL AFFAIRS

AND HOUSING

December 15, 2011 Our File No.: 204298.00152

### VIA PERSONAL DELIVERY

Ministry of Municipal Affairs and Housing Municipal Services Office – Central Ontario 777 Bay Street Toronto, Ontario M5G 2E5

Attention: Mr. Andrew Doersam

Dear Mr. Doersam:

## Re: Notice of Appeal of the Decision to Approve, with Modifications, Official Plan Amendment No. 38 to the Regional Municipality of Halton Official Plan, as adopted by By-law No. 162-09 File No. 24-OP-0027-038

We act on behalf of Memorial Gardens Canada Limited ("Memorial Gardens"), the owner of several cemeteries in the Region of Halton. Memorial Gardens owns and operates two existing cemeteries in the Region: Burlington Memorial Gardens located at 3353 Guelph Line in the City of Burlington and Glen Oaks Memorial Gardens located at 3164 Ninth Line in the Town of Oakville. In addition to its existing cemeteries, Memorial Gardens is exploring other locations in the Region in order to accommodate the growth that is being planned for the Region of Halton and meet the need for cemeteries and related infrastructure and services.

The lack of cemetery policies in the Regional Official Plan to guide and permit cemetery development does not represent good planning. Cemetery policy guidance is not only appropriate but required. Cemeteries are an integral component of the social network and a necessary and important land use. However, few municipalities plan for the burial and memorial needs of their citizens. Land use policy regarding cemeteries, if any, tends to

X

Toronto

Paris

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focus on recognizing existing cemeteries rather than developing new properties, irrespective of the capacity of the community's existing cemeteries. Few municipal planning policy documents provide policies to guide the development of new cemeteries, and fewer still identify new cemetery lands.

Cemeteries are a unique land use which by their characteristics typically serve a broad catchment area that transcends municipal boundaries. Land use planning for cemeteries, however, differs from traditional land use planning due to the character associated with the type of land use itself. Cemeteries represent one of the few "permanent" land uses in that once they are established the land is rarely, if ever, converted to another use.

The development horizon for modern cemeteries also differs from traditional land use planning in that typically a 100 year planning horizon is employed, representing the equivalent of four generations of a family. The Provincial Policy Statement (PPS) recognizes a planning horizon to meet projected needs for various land uses of up to 20 years, however the PPS is silent on the recognition of cemetery lands as a critical component of Ontario's land use system. It is important, therefore, that the Regional Plan address this matter to recognize the importance of the provision of suitable land for cemetery purposes, and provide policy direction respecting its implementation.

It has been consistently demonstrated that cemeteries represent a compatible development form with most other land uses, urban and rural. Park-like settings with the open and natural spaces that typically characterize cemeteries are complimentary to the areas that surround them. However, the Province is seeking to intensify existing urban settlements to control the expansion of urban areas. As a result, the competition for the more traditional land uses, such as residential, commercial and industrial or employment lands, is intense.

Modern cemeteries require from 20 to 40 hectares of land (50 to 100 acres), and they require little infrastructure to support them and provide for their implementation and maintenance. The location, therefore, of new cemeteries within urban areas is unlikely and does not represent the most efficient use of public infrastructure. Accordingly, the logical location for new cemeteries is in the rural areas of the Region.

Regions and municipalities alike use growth projections to determine the amount of land required to accommodate society's needs. Neither consider mortality rates to ascertain the spatial requirements for land to accommodate the deceased. This use represents a neglected yet vital land use that serves the public interest and is directly tied with the growth of the Region of Halton.

# FASKEN O

The Region of Halton needs to address this issue in its planning policies intended to guide future growth. It is not enough to leave this matter to local municipalities through their Official Plans or to future amendment applications.

The lack of policies with regard to cemetery land uses is evident throughout the Regional Plan, and specifically in the sections that address Institutional, Agricultural and Rural uses and the Green Belt. Cemetery uses should not be prohibited, and should expressly contemplated, in the structure and policies of the Regional Plan. The failure to recognize cemetery uses in an Official Plan, such as the Regional Plan, represents poor planning, especially when the plan is being updated.

Submissions with respect to our client's position and concerns have previously been made at the public meeting with respect to the Regional Plan and in writing. Copies of correspondence in this regard from our client's representative, Larkin+ Planning Consultants Inc., dated May 26, 2009 and March 10, 2010, are enclosed.

On behalf of our client, Memorial Gardens, we hereby give notice of appeal of the decision to approve with modifications, Official Plan Amendment No. 38 to the Regional Municipality of Halton Official Plan, as adopted by By-law No. 162-09.

We enclose herewith the appeal fee in the amount of \$125 payable to the "Minister of Finance", together with the Ontario Municipal Board's "APPELLANT FORM (A1)" for appeal of Zoning By-law/Amendments.

If you require any additional information or material, please advise.

Yours truly,

## Fasken Martineau DuMoulin LLP

Original signed by

W. Thomas Barlow

encl.



May 26, 2009

**OUR FILE: 0206.5** 

Mr. Perry Vagnini, Senior Planner, Legislative and Planning Services Department Regional Municipality of Halton 1151 Bronte Road, Oakville, ON, L6M 3L1

Dear Sir;

#### Re: Halton Region Official Plan Amendment ROPA 37

We represent <u>Memorial Gardens Canada Limited</u> ("Memorial Gardens") in matters of land use planning with regards to their cemetery properties. Memorial Gardens owns and operates cemeteries across Canada and is actively involved in the development of new cemetery properties. In the Region of Halton, Memorial Gardens owns two established cemeteries: **Burlington Memorial Gardens** in Burlington and **Glen Oaks Memorial Gardens** in Oakville. In addition, Memorial Gardens is considering the development of a new cemetery on one of their properties located in Halton Hills.

Our client understands the intent of the <u>Halton Region Official Plan Amendment ROPA 37</u> ("ROPA 37") to be an update to the Region's Official Plan to bring it into conformity with current Provincial policy, and in particular, incorporate the basic requirements of the <u>Places to Grow Plan</u> (the "Growth Plan"). In support of this Amendment, the Region initiated a planning exercise, ultimately identified as "Sustainable Halton", which now provides the basis for ROPA 37. As noted in the Basis section of ROPA 37, "Sustainable Halton is focused on accommodating the 2031 population and employment forecasts assigned to the Region by the Growth Plan through intensification and Greenfield development." The principles of "sustainability", and "intensification", are fundamental considerations in the Growth Plan when contemplating how future growth will be accommodated. In this regard, the Growth Plan requires that to the extent possible future growth will be directed to established urban areas through the intensification of those same urban areas. Unfortunately, the articulation of land use planning policy through such "tags" overlooks a key and socially vital component of land use planning, that being the accommodation of the deceased through the provision of cemeteries.

Cemeteries, therefore, represent a "forgotten" and overlooked land use in the context of traditional land use planning. Few land use planning policy documents consider this form of development, or the need to provide sufficient opportunities for cemetery development. Where it exists at all, land use policy tends to focus on the recognition of existing cemeteries rather than developing new properties, irrespective of the capacity of those existing cemeteries. It has been our experience that planning policy documents typically fail to provide policies to guide the development of new cemeteries or identify new cemetery lands in the manner that residential, commercial, industrial, institutional and environmental land uses are typically identified. The Region of Halton is typical in this regard as it does not provide land use policy direction regarding the expansion or development of new cemeteries and associated facilities either.

Cemeteries are an integral component of the social network and therefore they are a necessary and important land use. The memorialisation of the deceased is a fundamental social requirement that needs to be appropriately

e-mail address mtlarkin@larkinassociates.com | Web site www.larkinassociates.com

## To: Perry Vagnini Re: <u>Halton Region Official Plan Amendment ROPA 37</u>

accommodated. Cemetery providers such as Memorial Gardens provide facilities and properties that are multidenominational, servicing many ethnic and cultural groups. Unlike other forms of development, cemeteries require little in the form of municipal infrastructure to sustain their existence. With the focus of current land use planning policy on the intensification of urban areas as expressed by the Growth Plan, it is logical to determine that there will be increased competition for land resources within these areas to provide the traditionally identified land uses. It therefore becomes uneconomical and impractical for cemetery operators to compete for sufficient land within the urban areas with all of the other land use forms. Furthermore, even if parcels of sufficient size could be obtained by cemetery operators for the development of a new cemetery, it is counter intuitive to do so when the cost to provide municipal services is considered to a development form that does not require such services. For this and other reasons, cemeteries historically were located outside of urban areas. It is somewhat paradoxical, therefore, that in many cases they were ultimately encompassed by the urban areas they were intended to serve as cities and towns grew. Nevertheless, when they were originally developed they did not compete with other development forms for costly and scarce physical municipal services. Therefore, the logical conclusion remains that new cemetery space should be located outside of established urban areas. As noted previously, this notion is actually reinforced by the Growth plan in that the Plan requires the intensification of development within established urban or settlement areas so that the use of infrastructure is maximized and not wasted.

Finally, regardless of the particulars of where new cemeteries could be located it should also be noted that such development represents an environmentally benign form of development that is equally compatible with urban and rural land uses. The very features and characteristics of cemeteries support their integration equally into urban or rural locations. With their park-like qualities and large open spaces they provide a socially necessary land use form. Recognizing that the need for cemetery space will only increase as the Region's population increases, it is vital that appropriate land use policy be established to provide guidance with respect to where such uses should occur. Unlike virtually all other forms of land use, cemeteries represent one of the few "permanent" land uses, with development horizons eclipsing traditional planning horizons. The typical planning horizon for modern cemeteries is in the order of 80 to 100 + years, in contrast to the traditionally accepted horizon of 25 years typical of land use planning. In terms of the amount of land needed to be not only financially viable but also of sufficient size to accommodate the population growth properties in the order of 20 to 40ha are necessary. Given such requirements, it is important that land use planning documents incorporate sufficient and appropriate policy to guide and provide for the development of new cemeteries.

In light of the foregoing, <u>Memorial Gardens is requesting that the Region of Halton correct this oversight by providing planning policy directed at addressing the provision and location of lands for future cemetery purposes</u>. To assist the Region in this regard, we would be pleased to provide additional information if required, along with a more detailed and comprehensive analysis of this land use planning issue. Council's consideration of this matter, therefore, would be most appreciated. Please accept this letter as Memorial Gardens' formal comments on ROPA 37 and please ensure that we are notified directly of any and all Regional meetings associated with this amendment, and ROPA 38 as it is being considered by Council.

Sincerely,

## Original signed by

Michael<sup>1</sup>. Larkin, MCIP, RPP Principal

cc Cosimo Casale, Cosmopolitan Associates W. Thomas Barlow, Fasken Martineau DuMoulin



#### LARKIN + Associates Planning Consultants Inc.

1168 Kingdale Road Newmarket, Ontario Canada L3Y 4W1

Phone: (905) 895-0554 Toll Free: (888) 854-0044 Fax: (905) 895-1817

March 10, 2010

Perry Vagnini, Senior Planner Legislative and Planning Services Planning Services Regional Municipality of Halton 1151 Bronte Road Oakville, ON L6M 3L1

Dear Mr. Vagnini;

#### Re: Regional Official Plan Update Written Submission for Proposed ROPA No. 38

We represent Memorial Gardens Canada Limited ("Memorial Gardens") regarding planning matters which may impact their cemetery properties. In this context we have been participating in the Region's Official Plan Update on behalf of our client. Our client's interests, as articulated through our previous submissions, is in regards to the incorporation of appropriate land use policies to guide the future development of new cemetery properties (in particular) as well as to guide the expansion of existing cemetery properties. We appreciate your and your colleagues' time in meeting with us on December 8<sup>th</sup>, 2009 to discuss this matter. At that time several comments were made which we feel warrants a more formal response to assist you in appreciating our client's concerns and position on this matter.

1. Cemeteries as an "urban" use.

There was a suggestion during our meeting that cemeteries are really an urban use and perhaps not appropriate in the rural area. With respect, this is not the case. Early burial grounds were located away from settlement areas for health and perception reasons. As the settlements grew, however, the burial grounds became part of the community and became more formalized in terms of their organization. To this end, early cemeteries were often associated with local churches, typically located within the church yard itself. As the settlement areas expanded, however, larger properties were needed to accommodate the burial needs of the settlement residents. New cemeteries, therefore, were by necessity located on the outskirts of communities as this was generally the only place properties of sufficient size could be secured. As an example, we noted that Mount Pleasant Cemetery in midtown Toronto was established in 1876 in what was known as Deer Park (www.mountpleasantgroup.com) which was originally considered to be "far north of the city". Woodlawn Cemetery in London, Ontario is another example and is described as being established in 1879 "two or three miles west of the city" (www.woodlandcemetery.on.ca).

2. Compatibility of cemeteries with rural uses. Historically, cemeteries have been located within the rural area and have existed harmoniously with the surrounding rural uses. Park-like settings with the open and natural spaces that typically characterize cemeteries are complimentary to the areas that surround them. The location of cemeteries in the rural area will continue as provincial planning policies encourage the intensification of urban uses. The Region must consider the recent planning policy initiatives by the Province as articulated through such plans as "Places to Grow" and the "Greenbelt Plan". The Province is seeking to intensify existing urban settlements to control the expansion of urban areas and to use infrastructure efficiently (sec. 1.2.2 Guiding Principles "optimize the use of existing and new infrastructure to support growth in a compact, efficient form" in The

www.larkinassociates.com





Perry Vagnini, Senior Planner ROPA 38: Submission to follow up Delegation

Growth Plan). As a result, the competition for the more traditional land uses, residential, commercial and industrial or employment lands for example, is intense. Whereas the more common land use characterizations are considered to be "residential", "commercial", "industrial", "institutional" and "recreational", with a focus on the infrastructure requirements of their provision, cemeteries require little infrastructure for their implementation and maintenance.

P.2

Modern cemeteries require from 20 to 40 hectares of land (50 to 100 acres), however they require little infrastructure to support them. The location, therefore, of new cemeteries within urban areas does not represent the most efficient use of public infrastructure. Given these facts, the logical location for new cemeteries is in the rural areas of the Region.

3. Need for policies to address cemetery development. At the meeting, staff stated that policies for the guidance of all possible types of development could not be included in this Official Plan. Although we agree that many other land uses such as racetracks might be considered a discretionary land use, cemeteries, and the memorialisation of departed relatives need to be addressed at a regional level for several reasons. Firstly, 50-90% of a cemetery's clientele are from the immediate area surrounding the cemetery (urbanMetrics inc., 2008) as most people wish to be buried close to where they reside. Secondly, although most of the cemetery patrons are from the local area, a cemetery has a catchment area which typically extends beyond municipal boundaries. Considering most cemeteries located in the City of Toronto are nearing their capacity, it is necessary to acknowledge a larger area to meet the burial and memorialisation needs of GTA residents. Thirdly, modern cemeteries require from 20 to 40 hectares of land (50 to 100 acres) to be financially viable. Due to the large size of modern cemeteries, their large catchment area and the need to plan for future cemetery needs, planning for such facilities must occur at a regional level. Finally, other Regions in the GTA acknowledge the necessity of planning for cemeteries at the regional level and have included cemetery policies within their Official Plans.

It is not enough to leave this matter to local municipalities through their official plans. Cemeteries are an integral component of the social network and a necessary and important land use and part of a 'complete community' (Basis for ROPA 38, p. 2). Other regional municipalities, such as the Region of York, have recognized the importance of planning for cemeteries at a regional scale and have included cemetery policies in their official plans. In this regard, we have attached policies found in other official plans in upper-tier and a lower-tier municipalities as examples for consideration of inclusion of these or similar policies in ROPA 38.

We trust that the Region will consider these points through this Official Plan Amendment process. Should you have any questions regarding these matters, please do not hesitate to contact the undersigned at (905) 895-0554.

Sincerely, LARKIN+

Original signed by

Michael T. Larkin, MCIP, RPP Principal cc. Cosimo Casale, Cosmopolitan Associates Inc.

www.larkinassociates.com



Perry Vagnini, Senior Planner ROPA 38: Submission to follow up Delegation

#### Excerpt from the York Region Official Plan, December 2009, Rural Areas Section 6.4 8.

8. That notwithstanding policy 6.4.5, new *cemeteries* and accessory uses such as mausolea, columbaria, small scale chapels, expansions of existing *cemeteries*, but not freestanding places of worship, may be permitted in the Rural Area of the Greenbelt Plan subject to an amendment to this Plan and the local official plan and zoning by-law, where the following provisions are met to the satisfaction of the Region and local municipality:

- a. the area and capacity of the *cemetery* and the accessory uses are appropriate for the Rural Area and intended to serve the Region's population, as demonstrated by a demand analysis based on the 2031 planning horizon;
- b. the proposal demonstrates opportunities for alternative internment or burial practices meeting the needs of a diverse cultures and efficient use of the land area;
- lands are not available for *cemetery* uses in the existing Urban Area, Towns and Villages or Hamlets in the Regional market area;
- d. the *cemetery* and accessory uses will not create the need to develop other uses, such as a freestanding place of worship on the site in the future;
- appropriate hydrological and hydrogeological studies have been completed, which indicate that the use will not have adverse impacts on the quality and quantity of ground and surface water on or nearby the site or a Wellhead Protection Area;
- f. the proposal has no adverse traffic, parking or visual impacts on the surrounding land uses or residents and maintains the rural character of the area;
- g. there is an enhancement plan that demonstrates the use of existing site characteristics, such as topography and vegetation, identifies natural native vegetation enhancement and sequential plantings, including opportunities for memorial groves and the establishment of arboreta, improvements to connectivity between key natural heritage features and key hydrologic features, provides for the development of a forest canopy; and,
- h. the use conforms with the policies in Chapter 2 (A Sustainable Natural Environment) of this Plan.

## Excerpt from the Town of Markham Official Plan, Office Consolidation July 2005, Section 3.6.4 Cemeteries.

The following policies shall apply to cemeteries:

- i) the need for the proposed use and the appropriateness and suitability of the proposed location;
- the type and character of uses on surrounding properties and the possible impacts of the proposal on these uses;
- iii) accessibility, and points of access to the subject lands, and the impact of traffic generated by the proposed use on other uses in the surrounding area;
- iv) adequate off-street parking and internal traffic circulation;
- iv) landscaping including planting, grading, and screening as appropriate, to complement the proposed and adjacent uses; and,
- v) the geophysical and environmental conditions ain the general area including soil and sub-soil conditions.

Proponents of cemeteries may be required to furnish studies or similar information, prepared by qualified professionals in respect of matters such as those noted above.

## 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

## 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 Télécopieur: (416) 326-5370 Site Web: www.elto.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 <u>must</u> 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.



Environment and Land Tribunals Ontario Ontario Municipal Board 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248 FAX: (416) 326-5370 www.elto.gov.on.ca

### Date Stamp - Appeal Received by Municipality

### APPELLANT FORM (A1) PLANNING ACT

## SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

Receipt Number (OMB Office Use Only)

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

| SUBJECT OF APPEAL                           | SUBJECT OF APPEAL TYPE OF APPEAL  |                  |  |  |
|---|---|------------------|--|--|
| Minor Variance                              | ☐ Appeal a decision   | 45(12)           |  |  |
| Consent/Severance                           | F Appeal a decision   |                  |  |  |
|   | Appeal conditions imposed   | 53(19)           |  |  |
|   | Appeal changed conditions   | 53(27)           |  |  |
|   | Failed to make a decision on the application within 90 days   | 53(14)           |  |  |
| Zoning By-law or<br>Zoning By-law Amendment | Appeal the passing of a Zoning By-law   | 34(19)           |  |  |
|   | Application for an amendment to the Zoning By-law – failed to<br>make a decision on the application within 120 days | 34(11)           |  |  |
|   | Application for an amendment to the Zoning By-law – refused by the municipality                                     | 24451704112399   |  |  |
| Interim Control By-law                      | Appeal the passing of an Interim Control By-law   | 38(4)            |  |  |
| Official Plan or<br>Official Plan Amendment | Appeal a decision   | 17(24) or 17(36) |  |  |
|   | Failed to make a decision on the plan within 180 days   | 17(40)           |  |  |
|   | Application for an amendment to the Official Plan – failed to make a<br>decision on the application within 180 days | 22(7)            |  |  |
|   | Application for an amendment to the Official Plan – refused by the municipality                                     |                  |  |  |
|   | Appeal a decision   | 51(39)           |  |  |
| Plan of Subdivision                         | Appeal conditions imposed   | 51(43) or 51(48) |  |  |
|   | Failed to make a decision on the application within 180 days  | 51(34)           |  |  |

## Part 2: Location Information

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

Regional Municipality of Halton

A1 Revised April 2010

Municipality/Upper tier:\_

#### Part 3: Appellant Information

| First Name:  |  | Last Name:  |  |
|--|--|---|--|
|  | Me   | morial Gardens Canada Limite  | ed   |
| Company Name or Ass  | ociation Name (Association   | must be incorporated - include co   | py of letter of incorporation)   |
| Professional Title (if ap  | plicable):   |   |  |
| E-mail Address:  |  |   |  |
|  | By providing an e-mail addres  | ss you agree to receive communications  | from the OMB by e-mail.  |
| Daytime Telephone #:   |  | Alternate Telephone #   | t  |
| Fax #:   |  |   |  |
| Mailing Address:   |  | 2 Jane Street, Suite 211  | Toronto  |
| Mailing Address: Stree   |  | Apt/Suite/Unit#   | City/Town  |
|  | ON M6S 4   | and the second  |  |
| Prov   |  | Country (if not Canada  |  |
| Signature of Appellant:  | <i>(</i> <b>0</b> )  | l if the appeal is submitted by a law   | Date:Dec. 14, 2011   |
| Personal information re<br>and the Ontario Municip   | al Board Act, R.S.O. 1990, o   | cted under the provisions of the P  |  |
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| Personal information re<br>and the Ontario Municip<br>may become available to<br>Part 4: Representat<br>I hereby authorize the<br>First Name:<br>Company Name:<br>Professional Title:<br>E-mail Address:   | quested on this form is collect<br>oal Board Act, R.S.O. 1990, of<br>to the public.<br>tive Information (if applic<br>the named company and/<br>W. Thomas  | cted under the provisions of the P<br>c. O. 28 as amended. After an app<br>cable)<br>/or individual(s) to represent<br>Last Name:<br>Fasken Martineau DuMou<br>Partner<br>tbarlow@fasken.com<br>s you agree to receive communications f   | me:<br>Barlow<br>ulin LLP<br>m   |
| Personal information re<br>and the Ontario Municip<br>may become available to<br>Part 4: Representato<br>I hereby authorize the<br>First Name:<br>Company Name:<br>Professional Title:<br>E-mail Address:<br>Daytime Telephone #: _  | guested on this form is collect<br>bal Board Act, R.S.O. 1990, of<br>to the public.<br><b>tive Information (if applic</b><br><b>the named company and/</b><br>W. Thomas<br>By providing an e-mail address<br>(416) 868-3403<br>(416) 364-7813  | cted under the provisions of the P<br>c. O. 28 as amended. After an app<br>cable)<br>/or individual(s) to represent<br>Last Name:<br>Fasken Martineau DuMou<br>Partner<br>tbarlow@fasken.com<br>s you agree to receive communications f   | me:<br>Barlow<br>ulin LLP<br>m<br>from the OMB by e-mail.  |
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| Personal information re<br>and the Ontario Municip<br>may become available to<br>Part 4: Representat<br>I hereby authorize th<br>First Name:<br>Company Name:<br>Company Name:<br>Professional Title:<br>E-mail Address:<br>Daytime Telephone #:<br>Fax #:<br>Mailing Address: | quested on this form is collect<br>bal Board Act, R.S.O. 1990, of<br>to the public.<br>ive Information (if applic<br>the named company and/<br>W. Thomas<br>W. Thomas<br>By providing an e-mail address<br>(416) 868-3403<br>(416) 364-7813<br>333 Bay Street<br>t Address<br>ON M5H 2T6 | cted under the provisions of the P<br>c. O. 28 as amended. After an app<br>cable)<br>/or individual(s) to represent<br>Last Name:<br>Fasken Martineau DuMou<br>Partner<br>tbarlow@fasken.com<br>s you agree to receive communications f<br>Alternate Telephone #:<br>Alternate Telephone #:<br>Alternate Telephone #:<br>Alternate Telephone #:   | me:<br>Barlow<br>ulin LLP<br>m<br>from the OMB by e-mail.<br>Centre, Box 20 Toronto<br>City/Town |
| Personal information re<br>and the Ontario Municip<br>may become available to<br>Part 4: Representat<br>I hereby authorize th<br>First Name:<br>Company Name:<br>Professional Title:<br>E-mail Address:<br>Daytime Telephone #:<br>Fax #:<br>Mailing Address:                  | quested on this form is collect<br>bal Board Act, R.S.O. 1990, of<br>to the public.<br>ive Information (if applic<br>the named company and/<br>W. Thomas<br>W. Thomas<br>By providing an e-mail address<br>(416) 868-3403<br>(416) 364-7813<br>333 Bay Street<br>t Address<br>ON M5H 2T6 | cted under the provisions of the P<br>c. O. 28 as amended. After an app<br>cable)<br>for individual(s) to represent<br>Last Name:<br>Fasken Martineau DuMou<br>Partner<br>tbarlow@fasken.col<br>s you agree to receive communications f<br>Alternate Telephone #:<br>et, Suite 2400; Bay Adelaide O<br>Apt/Suite/Unit#<br>Country (if not Canada) | me:<br>Barlow<br>ulin LLP<br>m<br>from the OMB by e-mail.<br>Centre, Box 20 Toronto<br>City/Town |

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.

#### Part 5: Language and Accessibility

Please choose preferred language: V 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

 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 38

 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)

See attached letter.

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

- 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
 V

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

 (For example: A consent application connected to a variance application)
 YES
 NO
 V

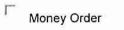
If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

| Part 8: Scheduling Information   |  |            |             |         |          |            |        |
|--|--|------------|-------------|---------|----------|------------|--------|
| How many days do you estimate are<br>└──4 days   ✓ _1 week   └─                    |  |            |             |         | Γ;       | 2 days     | 3 days |
| 4 days 1 week  | More than I week - please specif   | y number   | UT uay      | /5      |          |            |        |
| How many expert witnesses and othe   | r witnesses do you expect to have a<br>Two or Three                          | at the hea | ring pr     | oviding | evide    | nce/testin | nony?  |
| Describe expert witness(es)' area of e   | expertise (For example: land use pla<br>Land use planner(s); market          |            |             | enginee | er, etc. | ):         |        |
| Do you believe this matter would bene<br>(Mediation is generally scheduled only wh |  | YES        | 7           | NO      | Г        |            |        |
| Do you believe this matter would bene<br>(Prehearing conferences are generally not | efit from a prehearing conference?<br>t scheduled for variances or consents) | YES        | ✓           | NO      | Г        |            |        |
| If yes, why?   | Narrow the scope of  | of appea   | I           |         |          |            |        |
| Part 9: Other Applicable Information   | n **Attach a separate page if mor  | e space i  | is requ     | uired.  |          |            |        |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
|  | See Attached Letter.   |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            | 17     |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
|  |  |            |             |         |          |            |        |
| Part 10: Required Fee  |  |            | deales (and |         |          | 開始推行之      |        |
| Total Fee Submitted: \$  | 125.00   |            |             |         |          |            |        |

Payment Method:

Certified cheque



 $\checkmark$  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. .