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November 16, 2010

B. S. Onyschuk, Q.C.
Direct (416) 369-4574
Assistant (416) 369-6666
bob.onyschuk@gowlings.com

The Honourable James J. Bradley
Minister of Municipal Affairs and Housing
Government of Ontario
17th Floor, 777 Bay Street,
Toronto, Ontario
M5G 2E5

Mr. Robert Taylor
Assistant Deputy Minister and Housing
Ministry of Municipal Affairs
Government of Ontario
2nd Floor, 777 Bay Street,
Toronto, Ontario
M5G 2E5

Received by MSD

NOV 16 2010

ADM'S office

Dear Sirs:

Re: MMAH File No. 18-OP-0012-128
Regional Official Plan Amendment No. 128

We act for Quadrant Developments Limited, and the Estate of Dr. N. Kowalsky, the owners of 200 acres in the northeast quadrant of the Columbus Urban Area. The property is bounded by Columbus Road on the south, Thickson Road on the east, Dowson Road on the west, and the Greenbelt on the north (the 'subject lands').

The Ministry of Municipal Affairs and Housing has failed to make a decision in respect of parts of the Regional Official Plan Amendment No. 128 (ROPA 128), which includes the subject lands within 180 days after the date the Plan was received by the Approval Authority. Accordingly, we therefore appeal the failure of the approval authority in making a decision to the Ontario Municipal Board for a hearing, under *Section 17(40) of The Planning Act*.

On behalf of our clients, we further appeal the Minister's proposed Decision in respect of ROPA 128 made on October 27, 2010 to the Ontario Municipal Board for a hearing under *Section 17(36) of The Planning Act*.

Grounds for the two Appeal:

Our clients' property forms part of the Urban Area designated under Amendment No. 128 to the Durham Regional Official Plan as passed by the Region of Durham on June 3rd, 2009.

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Gowling Lafleur Henderson LLP · Lawyers · Patent and Trade-mark Agents

1 First Canadian Place · 100 King Street West · Suite 1600 · Toronto · Ontario · M5X 1G5 · Canada T 416-862-7525 F 416-862-7661 gowlings.com

The Columbus Urban Area has had the planning status of an urban community going back as far as 1973, when it was designated as a satellite community in the Toronto-Centered Region Plan. It has had the status of a “Deferred Urban Area” consistently since the 1993-4 Regional Official Plan.

As a “Deferred Urban Area” in the existing Regional Official Plan, the Columbus Urban Area was the first piece of additional land considered by the Region’s planning consultants in the preparation of the new Regional Official Plan exercise (now ROPA 128) undertaken to bring the Durham Regional Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe. The Columbus Urban Area was included and shown as an Urban Area under all three growth options considered by the Region’s consultants.

The Columbus Urban Area was the first area for expansion envisaged by the Regional Planning Department and by the Region of Durham’s consultants beyond the existing approved Urban Area boundaries found in the current Region’s Official Plan.

The ROPA 128 was approved by Regional Council on June 3rd, 2009, after extensive and comprehensive study, community and stakeholder meetings. It was forwarded to the Minister of Municipal Affairs for approval shortly thereafter.

On March 12th, 2010, Ministry of Municipal Affairs and Housing staff wrote to the Region of Durham after their review of ROPA 128, with their proposed Draft Decision as Attachment 1. In Section 67 of the Draft Decision, Ministry of Municipal Affairs and Housing staff indicated where modifications to various proposed Urban Area Boundary expansions were warranted. None of the proposed deletions or modifications affected the Columbus Urban Area, or our clients’ lands.

On October 27th, 2010, the Ministry of Municipal Affairs and Housing issued a new proposed Notice of Decision, under which it withholds any Ministerial Decision in respect of a number of urban expansions in north Whitby, north Oshawa and Clarington, including the “Columbus (deferred area)”. This Decision was arrived at by Ministry staff without, to our knowledge, any consultation with the stakeholders, or landowners, with the possible exception of the Region of Durham staff.

The Ministry of Municipal Affairs and Housing has proposed a Decision in respect to other parts of ROPA 128. However, in doing so, in our submission, it has:

- (a) improperly calculated population, household and employment forecasts and related urban land needs for the Region of Durham over the 2031 planning horizon;
- (b) allocated too much population and employment densities to the lands proposed to be designated as Living Area and Employment Area respectively;
- (c) withheld approval of the distribution of population and employment targets to the individual urban municipalities, which makes the proposed designation of Urban Area and Employment Area lands in the Plan impossible to determine, or at least, inaccurate and incomplete;

- (d) The Minister's Decision of refusing to approve substantive elements of ROPA 128 is contrary to the Growth Plan and the Government's vision of building complete communities that offer locational choice to housing and jobs, in the interest of promoting economic prosperity.

We therefore appeal the Minister's proposed Decision in its totality to the Ontario Municipal Board for a hearing under *Section 17(36) of the Planning Act*.

Please find enclosed two completed Appellant Forms both for our clients' Section 17(36) appeal and their Section 17(40) appeal including the requisite appeal fees of \$500.00

Yours very truly,



B.S. Orszuk

cc: Mr. Larry Clay
Mr. Irvin Shachter
Sybelle von Kursell



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

**APPELLANT FORM (A1 pre-Bill 51)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

*****THIS FORM IS ONLY TO BE USED FOR APPEALS UNDER SUBSECTIONS 17(40), 22(7) AND 51(34) OF THE PLANNING ACT FOR APPLICATIONS THAT WERE SUBMITTED TO THE MUNICIPALITY BEFORE JANUARY 1, 2007. IF YOUR APPLICATION WAS SUBMITTED ON OR AFTER JANUARY 1, 2007 PLEASE USE THE A1 FORM.**

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> 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: ROPA 128 LANDS
 Municipality/Upper Tier: REGION OF DURHAM

Part 3: Appellant Information

First Name: _____ Last Name: _____
QUADRANT DEVELOPMENTS LIMITED AND ESTATE OF N. KOWALSKY
 Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
 Professional Title (if applicable): _____
 E-mail Address: _____
 By providing an e-mail address you agree to receive communications from the OMB by e-mail.
 Daytime Telephone #: C/O AGENT Alternate Telephone #: _____
 Fax #: _____
 Mailing Address: _____
 Street Address Apt/Suite/Unit# City/Town
 Province Country (if not Canada) Postal Code (continued...)

Signature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

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.

Part 4: Representative Information (if applicable)

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

First Name: BOB Last Name: ONYSCHUK
Company Name: Gowlings
Professional Title: Solicitor
E-mail Address: bob.onyschuk@gowlings.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.
Daytime Telephone #: 369-4574 Alternate Telephone #: _____
Fax #: _____

Mailing Address: SUITE 1600 1 FIRST CON. PLACE - 106 KING ST. W.
Street Address Apt/Suite/Unit# City/Town
TORONTO ONTARIO
Province Country (if not Canada) Postal Code

Signature of Appellant: (Bob Onyschuk) per [Signature] Date: Nov 16/10

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: 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

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)
OPA # 128 18-OP-0012-128

2. 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

3. DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
 (If application received on or after January 1, 2007 please use the A1 form.)

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

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

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

(Please print)

[Empty box for OMB Reference Number(s) and/or Municipal File Number(s)]

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

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

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

NOT KNOWN YET

Do you believe this matter would benefit from mediation? YES NO
 (Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO

If yes, why? _____



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 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
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 By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> 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: OPA 128 LANDS AS PER 18-OP-0012-128

Municipality/Upper tier: REGIONAL OF DURHAM

Part 3: Appellant Information

First Name: _____ Last Name: _____

Company Name or Association Name (Association must be incorporated - include copy of letter of incorporation)
QUADRANT DEVELOPMENTS LIMITED AND ESTATE OF N. KOWALSKY

Professional Title (if applicable): _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town

Province _____ Country (if not Canada) _____ Postal Code _____

Signature of Appellant: c/o SOLICITOR/AGENT Date: _____
(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

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.

Part 4: Representative Information (if applicable)

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

First Name: BOB Last Name: ONYSCHUK

Company Name: GOWLINGS

Professional Title: SOLICITOR

E-mail Address: bob.onyschuk@gowlings.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 369-4574 Alternate Telephone #: _____

Fax #: _____

Mailing Address: SUITE 1600 / FIRST CAN. PLACE - 100 KING ST. WEST
Street Address Apt/Suite/Unit# City/Town

Province ONTARIO Country (if not Canada) _____ Postal Code M5X 1G5

Signature of Appellant: c/o Bob Onyschuk Date: Nov. 16/10

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: English French

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Part 6: Appeal Specific Information

1. 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)

SEE ATTACHED LETTER

2. 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)

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

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

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

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

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

(Please print)

[Empty box for OMB Reference Number(s) and/or Municipal File Number(s)]

3851311

210238102
Firm Account

11-16-2010
DATE MM DD YYYY

Canadian Imperial Bank of Commerce
Commerce Court Main Branch
Toronto, Ontario M5L 1G9

gowlings

Gowling Lafleur Henderson LLP
Barristers & Solicitors - Patent & Trade Mark Agents
Suite 1600, 1 First Canadian Place, 100 King Street West
Toronto, Ontario M5X 1G5
NOV 16 2010

PAY ** One hundred twenty-five and 00/100 dollars CDN FUNDS

***125.00

TO TORONTO, ONTARIO

THE ORDER OF

Minister of Finance

PER Smully Ja Kander,

PER

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Firm Account

11-16-2010
DATE MM DD YYYY

Canadian Imperial Bank of Commerce
Commerce Court Main Branch
Toronto, Ontario M5L 1G9

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Barristers & Solicitors - Patent & Trade Mark Agents
Suite 1600, 1 First Canadian Place, 100 King Street West
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NOV 16 2010

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THE ORDER OF

Minister of Finance

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PER

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Barristers & Solicitors - Patent & Trade Mark Agents
Suite 1600, 1 First Canadian Place, 100 King Street West
Toronto, Ontario M5X 1G5

Canadian Imperial Bank of Commerce
Commerce Court Main Branch
Toronto, Ontario M5L 1G9

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DATE MM DD YYYY

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***125.00

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TO
THE
ORDER
OF

Minister of Finance

PER

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Gowling Lafleur Henderson LLP
Barristers & Solicitors - Patent & Trade Mark Agents
Suite 1600, 1 First Canadian Place, 100 King Street West
Toronto, Ontario M5X 1G5

Canadian Imperial Bank of Commerce
Commerce Court Main Branch
Toronto, Ontario M5L 1G9

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DATE MM DD YYYY

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