

**Ministry of
Municipal Affairs
and Housing**

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**Ministère des
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December 1, 2010

Mr. Ali Arlani
Chief Executive Officer
Ontario Municipal Board
655 Bay Street, Suite 1500
Toronto ON M5G 1E5

Dear Mr. Arlani:

**Re: Region of Durham Official Plan Amendment 128
MMAH File No.: 18-OP-0012-128
OMB File: PL100386**

On behalf of the Ministry of Municipal Affairs and Housing, and pursuant to section 17(42) of the *Planning Act* ("the Act"), I hereby forward to you the Notices of Appeal, attached to this record, filed against this Ministry's decision to approve, modify and refuse parts of the Region of Durham Official Plan Amendment 128 (ROPA 128).

ROPA 128 is intended to update Durham's Regional Official Plan to be consistent with and in conformity with applicable provincial policies and plans. The purpose of ROPA 128 is to incorporate changes resulting from a review of the Durham Regional Official Plan that was initiated in accordance with section 26(1) of the *Planning Act* and which is intended to implement the Provincial Growth Plan for the Greater Golden Horseshoe, 2006. Any and all lands located in the Regional Municipality of Durham are subject to this amendment.

The ROPA 128 was adopted by By-law 32-2009 on June 3, 2009 and was submitted to the Ministry for approval, pursuant to subsection 17(31) of the Act. On October 27, 2010, the Minister of Municipal Affairs and Housing issued a decision to approve with modifications and refuse parts of the ROPA 128. The decision also identified certain matters for which a decision was withheld pending the receipt of further information from the Region of Durham. On October 27, 2010, a notice of decision was issued, pursuant to subsection 17(35) of the Act.

The last date for appeal was November 17, 2010.

The Ministry received fifty (50) Notices of Appeal within the 20-day appeal period.

Ministry staff have reviewed the appeals to understand the nature of the appeal as well as to determine whether the appellants had made either oral or written submissions prior to adoption of the Regional Official Plan Amendment. The appeals vary from site and/or policy specific to appeals of the whole Regional Official Plan Amendment and decision of the Ministry.

Some appeals are related to the areas of amendment where the Minister has yet made a decision, as such these appeals are pursuant to section 40 of the Planning Act, failure to make a decision within 180 days.

The majority of appellants had made either oral or written submissions prior to adoption. Based on the Ministry's review of the record provided by Durham Region, it appears that the following appellants have not provided either oral or written comments prior to adoption. We encourage the Board to contact the Region to confirm our analysis.

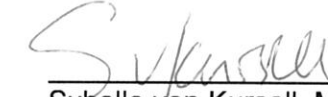
Appellant #	Appellant	Submission Status
1	Ridge Pine Park Inc.	No record of receipt
4	HDP Canada Industrial Fund I GP Inc.	No record of receipt
6	Whitby Taunton Holdings	No record of receipt
7	Catharine Lennox & 974735 Ontario Ltd.	No record of receipt
8	Murray, Leonard & Nelson Stroud	No record of receipt
9	Len Bitondo	No record of receipt
13	G8 Oshawa Investments	No record of receipt
17	Quadrant Dev. Ltd. & Estate of Dr. N. Nowalsky	No record of receipt
20	2068681 Ontario Inc. 1720046 Ontario Inc., 2081987 Ontario Inc., 1705399 Ontario Inc., and 1705398 Ontario Inc.	No record of receipt
21	1628755 Ontario Ltd.	No record of receipt
23	Paul G Lysyk and Ihor G. Lysyk	No record of receipt
24	Paul G. Lysyk, Ihor G. Lysyk, Antony G. Lysyk, Dr. George Lysyk and Dr. Alan Lysyk	Submission is only on behalf of G. Lysysk
26	Guglietti Brothers Investments Limited	No record of receipt

You will recall that in April 2010, the Ministry provided a full record to the OMB regarding this Regional Official Plan Amendment as a result of a site specific appeal for the Minister's failure to make a decision within 180 days. As such, the Ministry is only providing the following documentation and with this information, the Board will have the full record in accordance with subsection 17(42) of the Act.

Tab 1	All original copies of notices of appeal and reasons for appeal, with an indication of the date on which the notice was filed. The fee paid by Appellants and made payable to the Minister of Finance is affixed to the Notices of Appeal. A list of Appellants' names, addresses and telephone numbers is also attached.
Tab 2	A copy of the approval authority's notice of decision and decision. A copy of the consolidated Official Plan Amendment as modified by the approval authority.
Tab 3	A copy of the Ministry Staff Report.
Tab 4	A statement from an employee of the approval authority as to whether the decision of the council, planning board or approval authority, i. is consistent with the policy statements issued under subsection 3(1) of the <i>Act</i> ; and ii. conforms to or does not conflict with any applicable provincial plan or plans.
Tab 5	A sworn declaration made by an employee of the approval authority certifying that the requirements for giving notice of the decision under subsection 17(35) of the <i>Act</i> have been complied with.

I trust that you will find the enclosed satisfactory. Please feel free to contact me at (416) 585-6053 should you have any questions.

Sincerely,



Sybelle von Kursell, MCIP RPP
Team Lead, Senior Planner
Central Municipal Services Office

Enclosures

c.c.: Pat Madill, Clerk, Region of Durham, (letter only, enclosures on CD)
Alex Georgieff, Commissioner of Planning, Region of Durham (letter only)
Irvin Shachter, MAH Legal Services Branch (letter with enclosures and on CD)
Scott Morrison, MAH Senior OMB Coordinator (letter only)