

November 15, 2010

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

Attention: **Ms. Sybelle von Kursell**
Team Lead

Dear Ms. von Kursell:

Re: **Notice of Decision dated October 27, 2010**
Durham Regional Official Plan Amendment No. 128 ("ROPA 128")
1345 Winchester Road East, Oshawa
Notice of Appeal Pursuant to Subsection 17(36) of the Planning Act

We act for Paul G. Lysyk, Ihor G. Lysyk, Antony G. Lysyk, Dr. George Lysyk and Dr. Alan Lysyk ("the Lysyk Family") with regard to the lands comprising 31.206 hectares located at the southwest corner of Winchester Road East and Grandview Street North having municipal address 1345 Winchester Road East, in the City of Oshawa as shown on the attached plan ("Subject Lands").

The subject lands were partially designated Lands to be Re-designated from "Prime Agricultural Areas" to "Employment Areas" and partially designated Lands to be Re-designated from "Employment Areas" to "Living Areas" in ROPA 128. The Minister elected to refuse the portion of ROPA 128 that proposed the Employment Area urban expansion in the City of Oshawa including the Employment Area designation on the Subject Lands (Part C, Section 1).

Pursuant to Subsection 17(36) of the Planning Act, the Lysyk Family hereby appeals to the Ontario Municipal Board the Minister's decision on October 27, 2010 including the refusal noted above and all related Official Plan Policies and Schedules.



The reasons for this appeal include:

1. There is no good planning reason to refuse the urban expansion for the Employment Area in the City of Oshawa in ROPA 128 that included the Subject Lands and the refusal is contrary to the Provincial Policy Statement and the matters raised in Section 2 of the Planning Act.
2. With the advent of the Kedron Secondary Plan the Subject Lands are a logical extension of the existing urban boundary and should be partially designated Employment Areas and partially designated Living Areas under ROPA 128.
3. There are already existing residential uses located adjacent and to the north of the Subject Lands and the lands to the south are designated for residential uses in the Oshawa Official Plan.
4. Such further and other grounds and reasons as will be raised before the Board.

Please find enclosed a complete Appellant Form A1 and our firm's cheque in the amount of **One Hundred Twenty-five Dollars (\$125.00)** to cover the applicable appeal fee.

Should you require any further information respecting this appeal, please contact the undersigned.

Kindly acknowledge receipt of this appeal in writing.

Yours truly,



A. Milliken Heisey
AMH:mm

cc: Regional Municipality of Durham, Attn: Ms. P. Madill, Clerk
City of Oshawa
Paul G. Lysyk and Ihor G. Lysyk
Mr. Tom Hodgins, Commissioner of Development Services, City of Oshawa
Ms. Jacqueline Weber, Solicitor, Durham Region
Alex Georgieff, Commissioner of Planning, Durham Region
Mr. Anthony Biglieri, The Biglieri Group



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)
 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)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(11)
Zoning By-law or Zoning By-law Amendment	<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	
	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Interim Control By-law	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<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	
	<input type="checkbox"/> Appeal a decision	51(39)
Official Plan or Official Plan Amendment	<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)
	<input type="checkbox"/> Appeal a decision	
Plan of Subdivision	<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)
	<input type="checkbox"/> Appeal a decision	

Part 2: Location Information

1345 Winchester Road East, Oshawa
 Address and/or Legal Description of property subject to the appeal:
 Municipality/Upper tier: City of Oshawa, Region of Durham

Part 3: Appellant Information

First Name: PAUL G. & IHOR Last Name: LYSYK

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

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

Daytime Telephone #: 1-905-259-8259 Alternate Telephone #: _____

Fax #: _____

Mailing Address: 71 Southwood Street, Oshawa,
Street Address Apt/Suite/Unit# City/Town
Ontario Canada L1G 6L6
Province Country (if not Canada) Postal Code

Signature of Appellant: [Handwritten Signature] Date: Nov 15/10
(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: A. Milliken Last Name: Heisey, O.C.

Company Name: Papazian Heisey Myers

Professional Title: Partner

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

Daytime Telephone #: 416-601-2702 Alternate Telephone #: _____

Fax #: 416-601-1818

Mailing Address: 121 King St. W., Standard Life Ctne, Ste. 510 Toronto
Street Address Apt/Suite/Unit# City/Town
Ontario Canada M5H 3T9
Province Country (if not Canada) Postal Code

Signature of Appellant: [Handwritten Signature] Date: November 15, 2010

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), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)
MMAH File No. 18-OP-0012-128, Region of Durham Official Plan Amendment Decision of Minister, October 27, 2010.

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.

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)

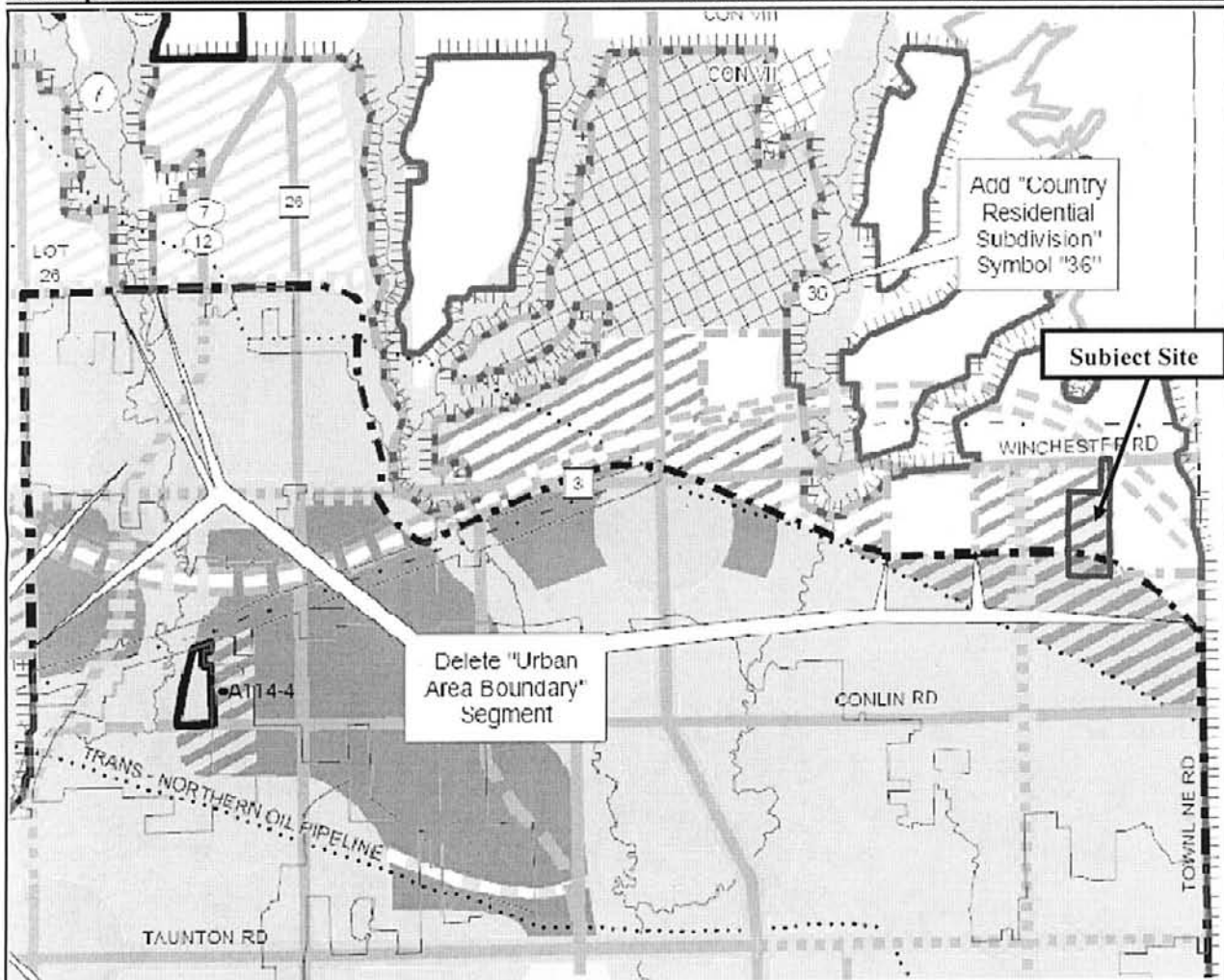
Are there other appeals not yet filed with the Municipality? YES NO

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)

Excerpt from Durham Regional Official Plan Amendment – Schedule ‘A’, Map ‘A4’ - June 3, 2009



URBAN SYSTEM

- URBAN AREA BOUNDARY
- REGIONAL CENTRE
- Living Areas
- Areas developable on full/partial municipal services
- Areas developable on private wells & municipal sewer systems
- MUNICIPAL SERVICE
- URBAN AREA BOUNDARY DEFERRED
- REGIONAL CORRIDOR
- EMPLOYMENT AREAS
- Areas developable on municipal water systems & private waste disposal systems
- Areas developable on private wells & private waste disposal systems

- Lands to be re-designated from 'Prime Agricultural Areas' to 'Living Areas'
- Lands to be re-designated from 'Prime Agricultural Areas' to 'Employment Areas'
- Lands to be re-designated from 'Employment Areas' to 'Prime Agricultural Areas'
- Lands to be re-designated from 'Employment Areas' to 'Living Areas'
- Lands to be re-designated from 'Major Open Space Areas' to 'Employment Areas'
- Lands to be re-designated from 'Major Open Space Areas' to 'Living Areas'
- Lands to be designated 'Employment Areas'
- Lands to be designated 'Living Areas'
- Lands to be designated 'Major Open Space Areas'
- Lands to be designated 'Prime Agricultural Areas'

GREENLANDS SYSTEM

- MAJOR OPEN SPACE AREAS
- WATERFRONT AREAS
- OAK RIDGES MORaine BOUNDARY
- RECREATIONAL TOURIST ACTIVITY NODE
- OPEN SPACE LINKAGE
- OAK RIDGES MORaine AREAS
- GREENBELT BOUNDARY
- WATERFRONT PLACE
- WATERFRONT LINKS

- ADD 'REGIONAL CORRIDOR' DESIGNATION
- ADD URBAN AREA BOUNDARY
- REPLACE FUTURE FREEWAY SYMBOL
- ADD 'BUILT BOUNDARY'

TRANSPORTATION SYSTEM

SEE SCHEDULE C FOR DESIGNATIONS

THE FOLLOWING IS SHOWN SELECTIVELY, FOR EASE OF INTERPRETATION OF OTHER DESIGNATIONS ONLY.

- | EXISTING | | FUTURE |
|---------------|--|------------|
| Arterial Road | | Freeway |
| Freeway | | Go Rail |
| Go Rail | | Go Station |
| Go Station | | |

