

November 12, 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

RECEIVED
MUNICIPAL SERVICES OFFICE
NOV 16 2010
CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Dear Ms. von Kursell:

Re: **Notice of Decision dated October 27, 2010**
Durham Regional Official Plan Amendment No. 128 ("ROPA 128")
2830 Ritson Road, City of Oshawa
Notice of Appeal Pursuant to Subsection 17(40) of the Planning Act

We act for Paul G. Lysyk and Ihor G. Lysyk ("the Lysyks") with regard to the lands having municipal address 2830 Ritson Road North, in the City of Oshawa as shown on the attached plan ("Subject Lands").

The subject lands were designated partially Major Open Space Areas Designation and partially Employment Area in ROPA 128. The Minister has elected to defer making a decision in respect of significant portions of ROPA 128 including the designation on the Subject Lands (Part D, Section 1).

Pursuant to Subsections 17(36) and/or 17(40) of the *Planning Act*, the Lysyks hereby appeal to the Ontario Municipal Board the Minister's failure to give notice of a decision on ROPA 128 in respect of the designation of the Subject Lands approving an Employment Area designation for the lands identified as such in ROPA 128 as well as an Employment Area designation for the portion of the Subject Lands designated Major Open Space.

The reasons for this appeal include:

1. ROPA 128 as approved by the Region of Durham insofar as it designated a portion of the subject lands Open Space is not in conformity with the *Places to Grow Act* and the decision to defer a decision approving ROPA 128 is not in conformity with the Act.
2. ROPA 128 insofar as it designates part of the Subject Lands Open Space is not in conformity with the Provincial Policy Statement.

Standard Life Centre, Suite 510, 121 King St. W., P.O. Box 105, Toronto, ON M5H 3T9

T: 416 601 1800
F: 416 601 1818

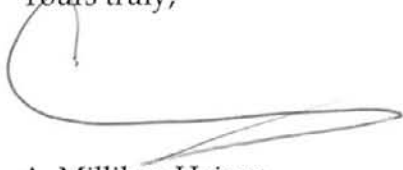
3. There is no good planning reason to defer a decision in respect of ROPA 128.
4. Such further and other reasons as will be raised before the Board.

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, 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)
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 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	
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

2830 Ritson Road North, 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 15/2010
(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 Ctre, 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

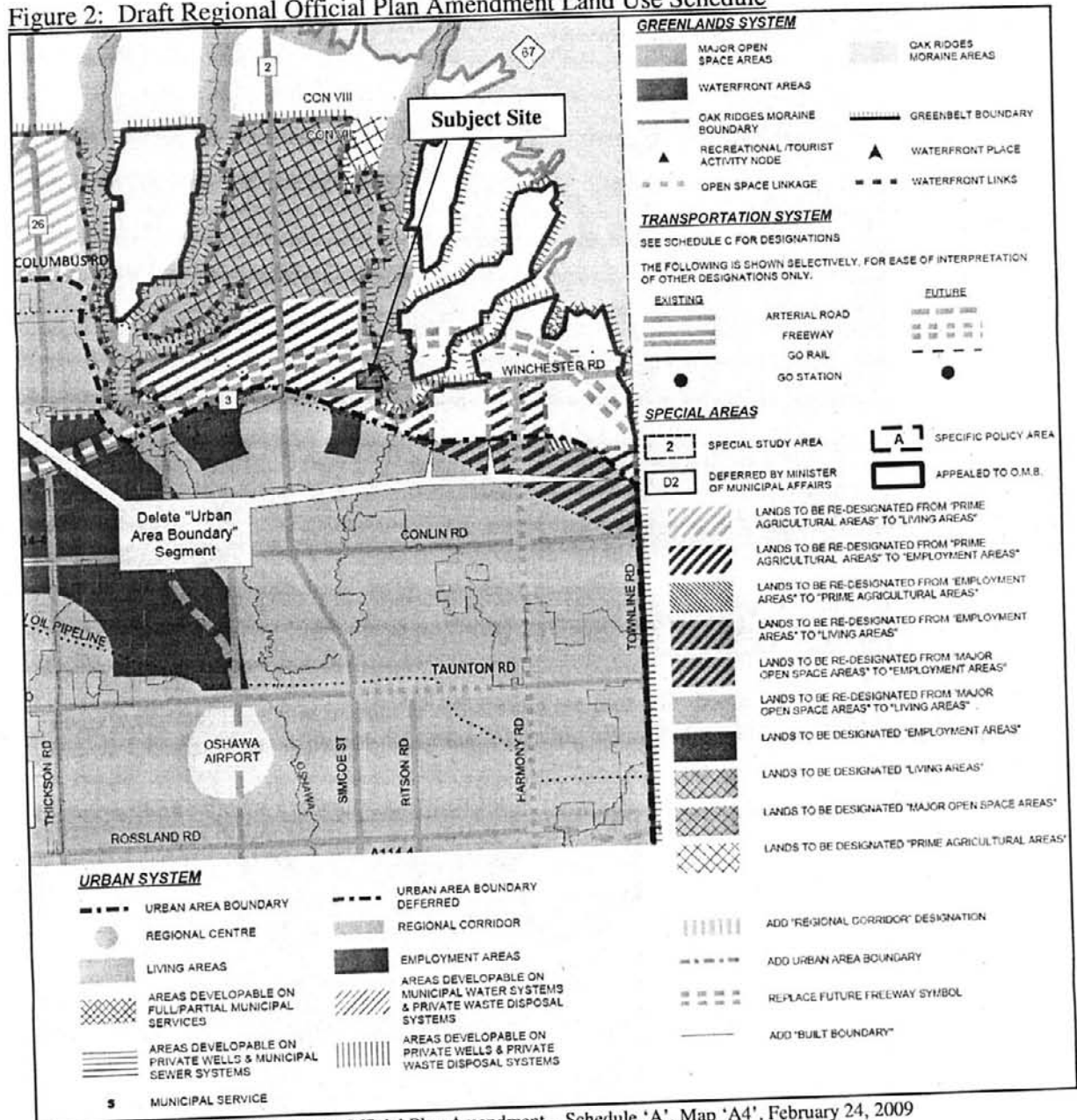
Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

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

(Please print)

SCHEDULE "A"

Figure 2: Draft Regional Official Plan Amendment Land Use Schedule



Source: Excerpt from Draft Regional Official Plan Amendment – Schedule 'A', Map 'A4', February 24, 2009

Papazian Heisey Myers - General
Standard Life Centre, Suite 510
121 King St. W., P.O. Box 105
Toronto Ontario M5H 3T9

The Bank of Nova Scotia
145 King Street West
Toronto, ON M5H 1J8

No. 16946

Nov 12/2010

Amount \$125.00

Pay One Hundred Twenty Five ***** 00/100
To Minister of Finance General Account

Per: 
Per: _____
Application *

Paid for Ontario Municipal Board appeal/application *

⑈ 16946⑈ 134272⑈002⑈ 00223⑈14⑈