

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")
Lot 26, Concession 1, Township of Darlington/Municipality of Clarington
Notice of Appeal Pursuant to Subsection 17(36) of the Planning Act**

We act for Holloway Developments Inc. ("Holloway") with regard to the lands comprising Lot 26, Concession 1, former Township of Darlington, now in the Municipality of Clarington as shown on the attached plan ("Subject Lands").

The subject lands were designated Employment Area on Exhibit 5 (Land Use Schedule A-5) to ROPA 128 by Durham Region Council with the full support of Clarington Council. They are part of the "Courtice Employment Lands" which were designated due to their strategic location adjacent to the future 401/407 East Durham Link. The Minister has elected to refuse this Employment area expansion in his decision dated October 27, 2010.

Pursuant to Subsection 17(36) of the Planning Act, Holloway hereby appeals to the Ontario Municipal Board the Minister's decision on ROPA 128 in respect of his refusal noted above and in respect of all related Official Plan policies and schedules.

The reasons for this appeal include:

1. ROPA 128 as it affects the Subject Lands and the extension of the Courtice Employment Areas as supported by the Municipality of Clarington is of strategic importance due to the lands being adjacent to the future 401/407 East Durham Link.
2. There is no good planning reason not to approve the extension of the Courtice Employment Lands to include the subject lands.
3. Such further and other grounds as will be raised before the Board.

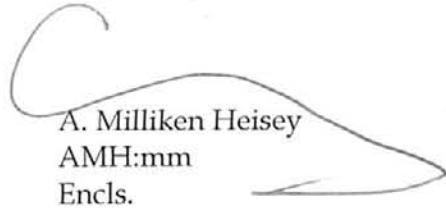


Please find enclosed a complete Appellant Form A1 and our firm's cheque in the amount of **One Hundred Twenty-five Dollars (\$125.00)** to cover the applicable appeal fee.

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
Encls.

cc: Regional Municipality of Durham, Attn: Ms. P. Madill, Clerk
Holloway Developments Inc., Attn: Ms. L. Stocco
Municipality of Clarington

**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
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Sans Frais: 1-866-448-2248
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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 must 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.



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**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(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
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 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	
Official Plan or Official Plan Amendment	<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)
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

Lot 26, Concession 1, Township of Darlington
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Municipality of Clarington, Region of Durham

Part 3: Appellant Information

First Name: _____ Last Name: _____

Holloway Developments Inc.
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): c/o Lucy Stocco

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

Daytime Telephone #: 416-464-4051 Alternate Telephone #: 905-839-3560

Fax #: _____

Mailing Address: 1815 Ironstone Manor, Unit 1, Pickering
Street Address Apt/Suite/Unit# City/Town
Ontario L1W 3W9
Province Country (if not Canada) Postal Code

Signature of Appellant: [Handwritten Signature] Date: November 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

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 Street West, Standard Life Centre, Suite 510 Toronto
Street Address Apt/Suite/Unit# City/Town
Ontario 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.

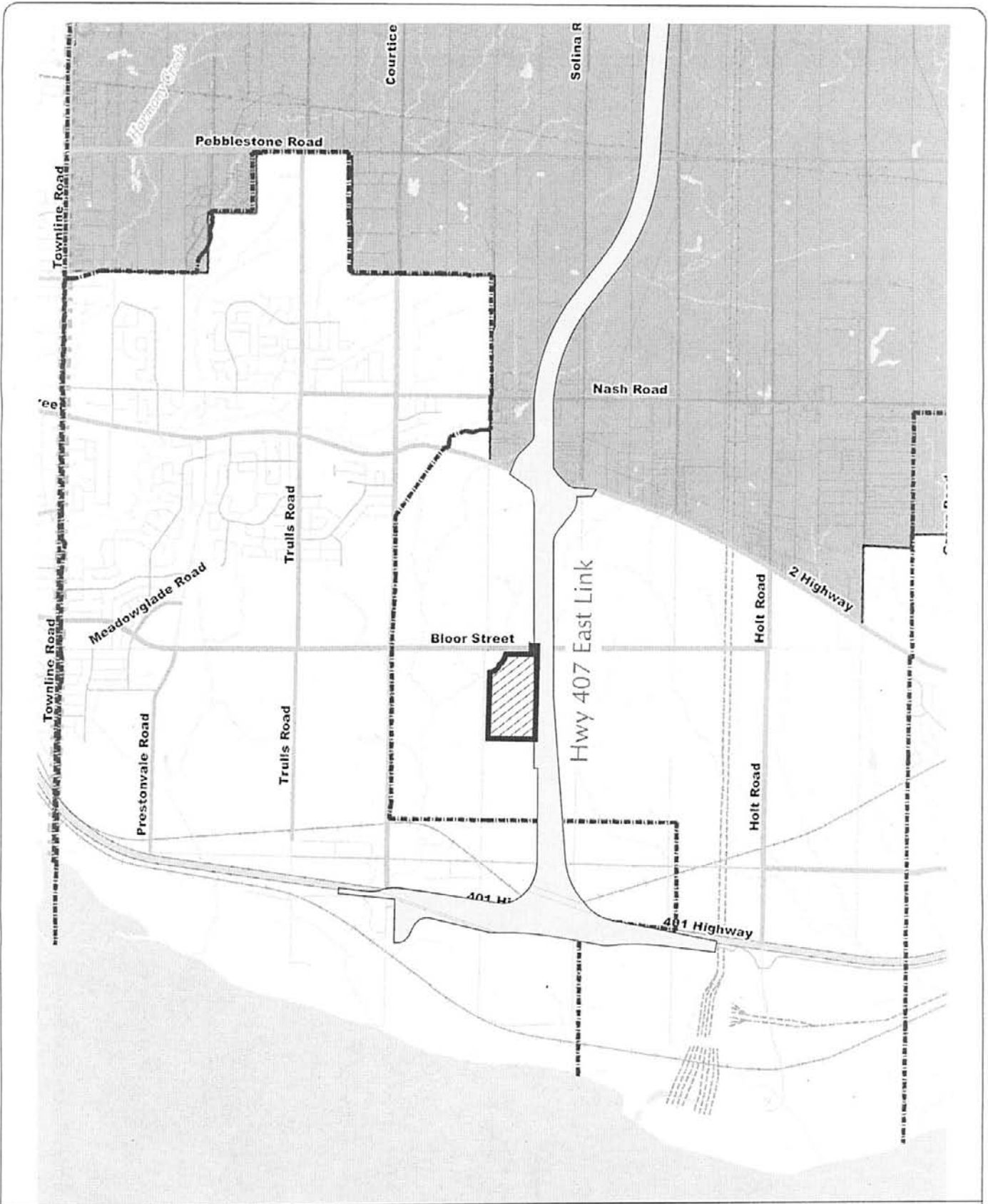
Part 7: Related Matters (if known)

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)



LEGEND

- Current Urban Area Boundaries
- Greenbelt
- ▨ Subject Lands

LOCATION SKETCH
HOLLOWAY DEVELOPMENTS INC.
COURTICE



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. 16944

Nov 12/2010

Amount \$125.00

One Hundred Twenty Five ***** General Account 00/100

Pay To the Order of
Minister of Finance

Per: 

Paid for Ontario Municipal Board appeal/application *

⑈16944⑈ ⑈34272⑈002⑈ 00223⑈14⑈