

November 12, 2010

Ministry of Municipal Affairs and Housing  
Municipal Services Office – Central Ontario  
777 Bay Street, 2<sup>nd</sup> 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")**  
**Lots 27 and 28 Municipality of Clarington**  
**Notice of Appeal Pursuant to Subsection 17 (36) and (40) of the Planning Act**

We act for Uxbridgegate Developments Inc. ("Uxbridgegate") with regard to the lands comprising Lots 27 and 28, Concession 2, former Township of Darlington, now in the Municipality of Clarington as shown on the attached plan ("Subject Lands").

Uxbridgegate has participated fully in the Region's multi-year growth management study process and supports the fundamental growth management structure and principles established in ROPA 128, as adopted by Regional Council. The subject lands were designated Living Area on Exhibit 5 (Land Use Schedule A-5) to ROPA 128. The Minister has elected to defer making a decision in respect of significant portions of ROPA 128 including the Living Area designation on the Subject Lands.

Pursuant to Subsection 17 (36 and/or (40) of the Planning Act, Uxbridgegate hereby appeals 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.

The reasons for this appeal include:

1. ROPA 128 as approved by the Region of Durham is 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 is in conformity with the Provincial Policy Statement.

3. The Minister in failing to approve ROPA 128 did not have regard to the matters of provincial interest outlined in section 2 of the Planning Act RSO 1990 P.13.
4. There is no good planning reason to defer a decision in respect of ROPA 128.
5. 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  
Uxbridgegate Developments Inc., Attn: Ms. L. Stocco  
Sernas Associates, Attn: Mr. B. Jordan

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](http://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  
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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(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)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	38(4)
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	17(24) or 17(36)
	<input checked="" type="checkbox"/> Appeal a decision	17(40)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Failed to make a decision on the plan within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	51(39)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	51(43) or 51(48)
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(34)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	

**Part 2: Location Information**

Lots 27 and 28, Concession 2, Township of Clarington  
 Address and/or Legal Description of property subject to the appeal:

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

**Part 3: Appellant Information**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

UXBRIDGEGATE 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: [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, Q.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. West, 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: [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)**

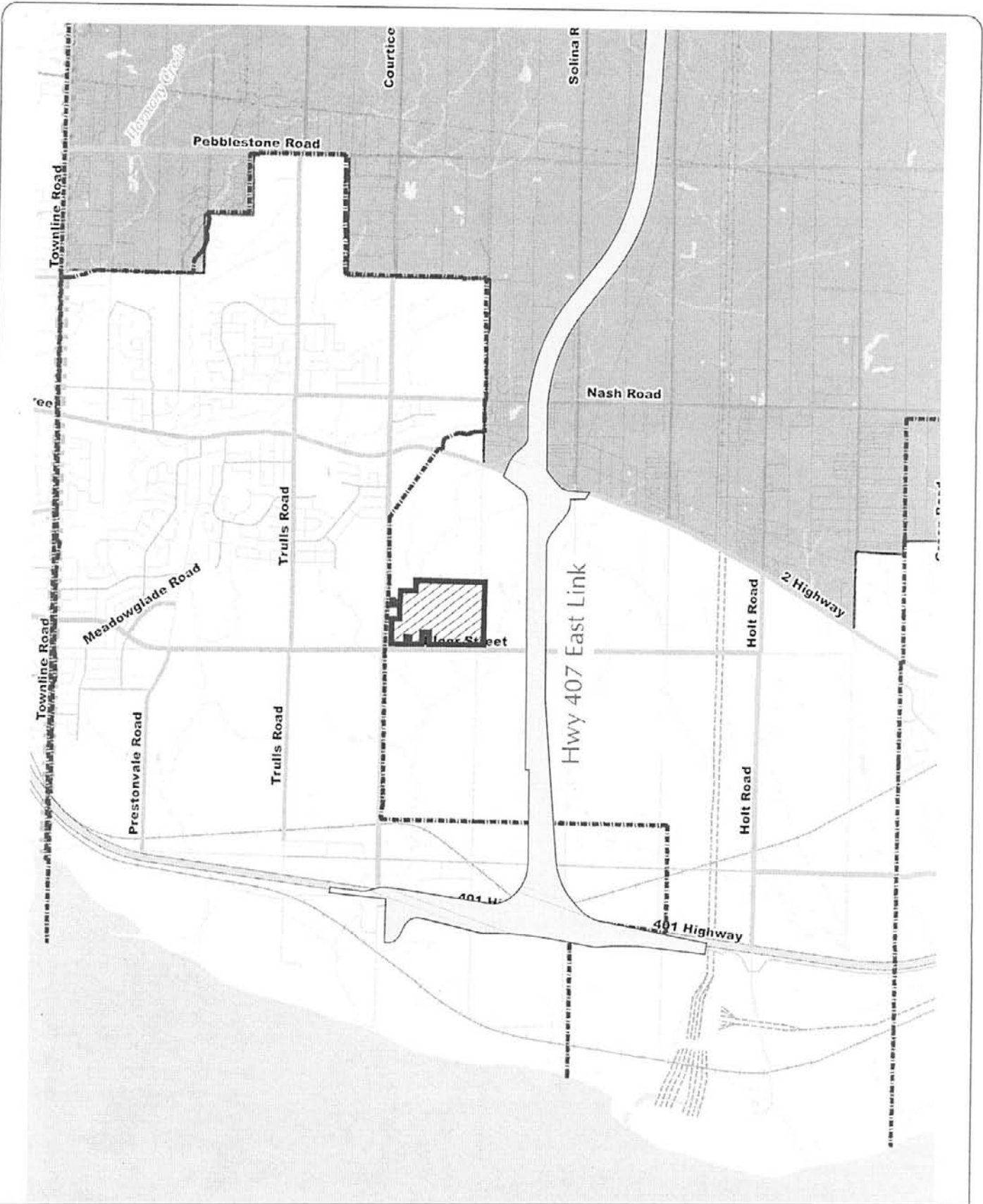
Are there other appeals not yet filed with the Municipality? YES  NO

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**

**UXBRIDGEGATE 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. 16945

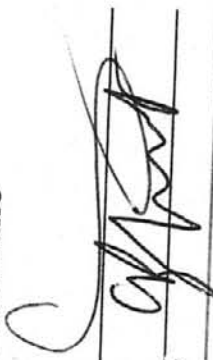
Nov 12/2010

Amount \$125.00

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

Pay  
To  
the  
Order  
of

Per:

Per:   
Paid for Ontario Municipal Board appeal/application \*

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