

RUSSELL D. CHEESEMAN
~ Barrister & Solicitor ~

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

March 22, 2024

DELIVERED BY COURIER AND E-MAIL

Mr. Graham Milne
Regional Clerk
Regional Municipality of Halton
1151 Bronte Road
Oakville, Ontario
L6M 3L1

Dear Mr. Milne:

**Re: Notice of Appeal Pursuant to Section 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, by Sigma Group *
Amendment No. 50 to the Town of Halton Hills Official Plan,
Premier Gateway Employment Area Phase 2B Secondary Plan**

We are counsel for 2607503 Ontario Inc. the owner of the lands known as Lot 1, Concession 9, in the Town of Halton Hills (the "Subject Property").

Our client received Notice that you, as the Approval Authority, approved Official Plan Amendment 50 to the Town of Halton Hills Official Plan, being the Premier Gateway Employment Area Phase 2B Secondary Plan.

Our client participated in the public process in respect of the adoption of the Official Plan Amendment by the Corporation of the Town of Halton Hills, and its land-use planning consultants, Weston Consulting, made written submissions on its behalf.

This letter will serve as our client's Notice of Appeal of your Decision to approve Official Plan Amendment No. 50, with modifications, to the Ontario Land Tribunal pursuant to Section 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Please find enclosed our firm's cheque in the amount of \$1100.00, payable to the "Minister of Finance – Ontario", which we understand to be the required fee for this type of appeal. Please also find enclosed a set of completed Form "A1" of the Ontario Land Tribunal, for inclusion with the documentation you will forward to the Ontario Land Tribunal.

Royal Building
277 Lakeshore Road East, Suite 211
Oakville ON L6J 1H9



Toronto Meeting Rooms
Brookfield Place, 161 Bay Street, Suite 2700
Toronto ON M5J 2S1

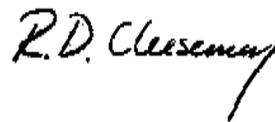
Our client is of the opinion that OPA 50 as submitted is not consistent with the Provincial Policy Statement 2020, issued under Section 3 of the *Planning Act*, specifically in respect of Section 1.1 of that Document. We also are of the opinion that the applications are not in conformity with the Growth Plan for the Greater Golden Horseshoe, which is the Provincial Plan in effect and applicable to these lands, specifically with respect to Section 2 of that Document.

Specifically, our client raised several concerns throughout this process with respect to the proposed east-west collector road that will traverse the Subject Property. It is our client's belief that the proposed location and alignment will have multiple adverse impacts on the employment development on the Subject Property and any adjacent lands. There were also additional concerns in respect to the proposed modifications to Policy H8.9.2.7 of OPA 50.

We trust that you will now prepare a record and forward the prescribed material to the Ontario Land Tribunal within fifteen days of the receipt of this notice, in compliance with Section 17(42) of the *Planning Act*.

Thank you for your cooperation in respect of this matter.

Yours very truly,

A handwritten signature in black ink that reads "R.D. Cheeseman". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Russell D. Cheeseman

cc. Mr. Anmol Kirpalani (via e-mail)
Mr. Ryan Guetter (via e-mail)



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

**Municipal/Approval Authority
Date Stamp**

**Receipt Number
(OLT Office Use Only)**

**OLT Case Number
(OLT Office Use Only)**

**Date Stamp – Appeal Received
by OLT**

Please complete this Appeal Form by following the instructions in the companion document titled “Appeal Form Instructions”. Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal’s [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objctor/Claimant Information				
Last Name:		First Name:		
Kirpalani		Anmol		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
2607503 Ontario Inc.				
Email Address:				
anmol@sigmagroup.ca				
Daytime Telephone Number:			Alternative Telephone Number:	
973-495-5700	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
Ste.	2910	South Sheridan Way		
City/Town:	Province:	Country:	Postal Code:	
Oakville	Ontario	Canada	L6J 7L9	

Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name:		First Name:	
Cheeseman		Russell	

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):
Barrister and Solicitor

Email Address:
rdcheese@aol.com

Daytime Telephone Number:		Alternative Telephone Number:	
416-955-9529	ext.	416-520-9854	

Mailing Address

Unit Number:	Street Number:	Street Name:	P.O. Box:
Ste 211	277	Lakeshore Road East	

City/Town:	Province:	Country:	Postal Code:
Oakville	Ontario	Canada	L6J 1H9

Note: If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the *OLT Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society’s by-laws to provide legal services. Please confirm this by checking the box below.

I certify that I understand that my representative is not licensed under the *Law Society Act* and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society’s by-laws to provide legal services.

Location Information

Are you the current owner of the subject property? Yes No

Address and/or Legal Description of property subject to the appeal:

Secondary Plan Area

Municipality:
Town of Halton Hills

Upper Tier (Example: county, district, region):
Regional Municipality of Halton

Language Requirements

Do you require services in French? Yes No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	Official Plan Amendment 50	Planning Act	17(24)
2			
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter		
Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

N/A

Municipal Reference Number(s):

Official Plan Amendment 126 to the Town of Whitby Official Plan, Downtown Whitby Secondary Plan

List the reasons for your appeal:

Please see attached Letter dated March 22, 2024.

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:
A: A decision of a Council or Approval Authority is:
<input checked="" type="checkbox"/> Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the <i>Planning Act</i> <input checked="" type="checkbox"/> Fails to conform with or conflicts with a provincial plan <input checked="" type="checkbox"/> Fails to conform with an applicable Official Plan
And
B: For a non-decision or decision to refuse by council:
<input checked="" type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i> <input checked="" type="checkbox"/> Conformity with a provincial plan <input type="checkbox"/> Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan
If it is your intention to argue one or more of the above grounds, please explain your reasons:

Oral/Written submissions to council
Did you make your opinions regarding this matter known to council?
<input type="checkbox"/> Oral submissions at a public meeting of council <input checked="" type="checkbox"/> Written submissions to council <input type="checkbox"/> Not applicable

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <u>Section 3B Checklist(s)</u> located <u>here</u> and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

--

Outline the relief requested:

--

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

--

Address or legal description of the subject property:

--

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

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Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

--

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

--

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

ext.

Alternative Telephone Number:

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:

Province:

Country:

Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: \$ 1100.00

Payment Method

Certified Cheque

Money Order

x

Lawyer's general or trust account cheque

Credit Card

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).

Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Russell D. Cheeseman		2024/03/22

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

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 at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	<p>Municipality or the Approval Authority/School Board</p> <p>*If you are filing under the <i>Ontario Heritage Act</i>, including under s. 34.1(1), please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.</p>	
Section 3A & 3B or Section 4A or Section 4B or Section 6	<p>Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p> <p>Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca</p>	
Section 5	<p>For the Areas of: Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>File with: NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191</p>	<p>For the Areas of: Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with: NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009</p>

	Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca	Website: www.escarpment.org Email: necowensound@ontario.ca
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NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.



Maggie Bassani
Direct: 416.865.3401
E-mail: MBassani@airdberlis.com

March 22, 2024

Matter No: 317012

BY COURIER AND EMAIL: regionalclerk@halton.ca

Office of the Regional Clerk
Regional Municipality of Halton
1151 Bronte Road
Oakville ON L6M 3L1

Attention: Graham Milne, Regional Clerk

Dear Mr. Milne:

**Re: Notice of Appeal by First Gulf Halton Steeles Limited & Sun Life
Assurance Company of Canada
Halton Hills Official Plan Amendment 50
(Premier Gateway Employment Area Phase 2B Secondary Plan)**

Aird & Berlis LLP represents First Gulf Halton Steeles Limited, which together with Sun Life Assurance Company of Canada (collectively, “**First Gulf**”), are the registered owners of 103-acre parcel municipally known as 14829 Steeles Avenue (the “**Subject Property**”), in the Town of Halton Hills. The Subject Property is located at the northwest corner of Ninth Line and Steeles Avenue West. The vast majority of the Subject Property is located within the Premier Gateway Employment Area Phase 2B Secondary Plan area.

Background

At its meeting on October 10, 2023, Council for the Town of Halton Hills (the “**Town**”) adopted Official Plan Amendment 50 (“**OPA 50**”) which established a Secondary Plan for the Premier Gateway Phase 2B Employment Area (“**Secondary Plan**”) with land use designations and policies to facilitate the development of such lands for employment purposes. On March 5, 2024, the Regional Municipality of Halton approved, with modifications, OPA 50.

First Gulf was actively involved in the consultation process leading to the Town’s adoption, and the Region’s subsequent approval, of OPA 50. First Gulf submitted a letter, dated May 29, 2023, to the Town which outlined its concerns with the draft OPA released in April 2023. First Gulf also filed a letter, dated March 4, 2024, to the Region reiterating its concerns with OPA 50. These letters are attached herein. In addition to our written submissions, First Gulf also had two meetings with the Town, on July 14, 2023 and March 1, 2024, to discuss this matter.

Pre-Consultation Meeting

In November 2023, First Gulf submitted a request for a Pre-Consultation meeting to the Town to discuss future Zoning By-law Amendment and Site Plan Amendment applications to facilitate the redevelopment of the Subject Property with two industrial warehouse facilities, including associated office space, totaling approximately 132,000 square metres gross floor area. The

proposed development of the Subject Property conforms with the uses permitted by the land use designations in Premier Gateway Phase 2B Employment Area Secondary Plan.

On January 18, 2024, Town staff held a Pre-Consultation Meeting with First Gulf and its consultant team to discuss the future Zoning By-law Amendment and Site Plan Amendment applications. On March 7, 2024, First Gulf received formal comments from the Pre-Consultation Meeting. It is anticipated that these applications will be filed in the coming months.

Reasons for Appeal

1. The proposed collector road would hinder the development of the Subject Property.

Our client's principal concern with the Secondary Plan is the future collector road, as identified on Schedule H8 and referenced in Section H8.9 (and more specifically, policies H8.9.2.1, H8.9.2.2, H8.9.2.4, H8.9.2.7, H8.9.2.8 and H8.9.2.9), that bisects the Subject Property.

In our opinion, the proposed collector is not required to facilitate the development of the Subject Property for prestige industrial uses and the broader Secondary Plan area west of Ninth Line. The technical studies do not adequately support the need for the proposed collector road. Overall, the proposed collector road would hinder the development of the Subject Property for prestige industrial uses.

More specifically, First Gulf is concerned with the proposed collector road for the following reasons:

Subdividing Lands

Part of the role of a collector road network in supporting development has to do with enabling larger properties to be subdivided and providing roadway access to enable the interior of the larger parcel to be developed. However, in the case of the Subject Property, this role is not necessary as First Gulf intends to develop the lands as a single large parcel with large format industrial buildings and direct access from Steeles Avenue or Ninth Line North.

Access and Circulation

The Subject Property can be better served with direct accesses from Steeles Avenue or Ninth Line North and an internal driveway / circulation network that will be designed in conjunction with the future buildings and other features (e.g., parking and loading areas, landscaping and servicing, etc.). A collector road bisecting the Subject Property leaves less flexibility to accommodate the space and circulation requirements of future tenants/building occupants.

Built Form

The construction of the collector road will cut through the heart of the Subject Property and undermine our client's ability to build large format industrial buildings that are desired by future prestige industrial users. The Subject Property will also be impacted with increased landscape buffers that would be required on either side of the collector road further, which would further reduce the overall gross floor area that can be accommodated.

Stormwater Management

The proposed collector road would impact the proposed location of the stormwater management (SWM) pond on the Subject Property, as depicted on our client's most recent concept plan, which would result in the need to relocate the SWM pond and reconfigure the site in a manner that is neither efficient nor desirable.

2. Outdoor storage should be permitted within the Prestige Industrial Area in certain circumstances.

Policy H8.7.1.4(b) of the Secondary Plan does not permit outdoor storage within the Prestige Industrial Area designation. Although we appreciate that outdoor storage may not be appropriate in all circumstances, the Secondary Plan should permit outdoor storage to be considered as part of any future zoning by-law amendment application and/or site plan approval process. Some flexibility on outdoor storage uses is imperative to better position the lands within the Secondary Plan to respond to the changing needs of the employment market.

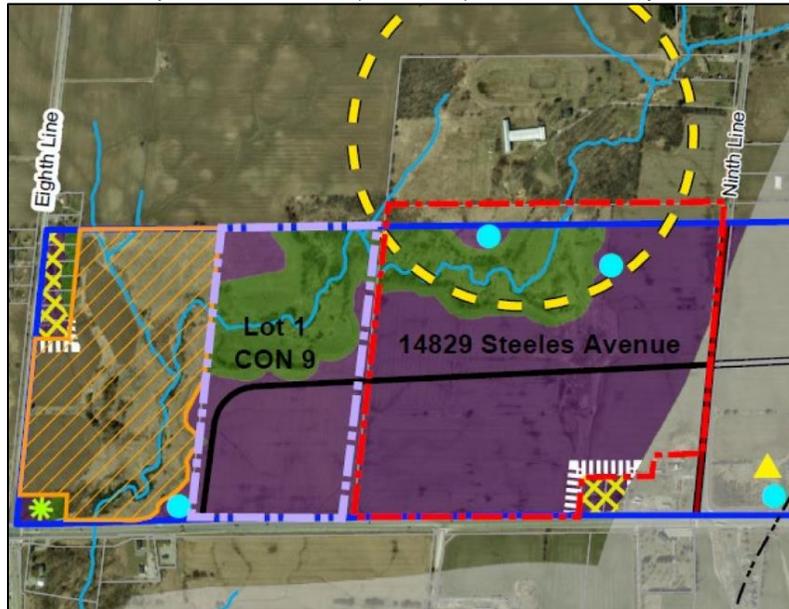
3. A portion of the Subject Property is omitted from the Secondary Plan area.

As illustrated in the diagram below, a small northerly portion of the Subject Property (the full extent of the Subject Property is outlined in red) is omitted from the Secondary Plan area (outlined in blue) on Schedule H8 (the "**Omitted Lands**"). The omission of such lands from the Secondary Plan would result in uncertainty in the full build out of the Subject Property going forward and additional planning applications for the Omitted Lands to amend its land use designation in a manner that is consistent with the land use designations given to the rest of the site through the Secondary Plan. Given that First Gulf solely owns the Subject Property, the Secondary Plan boundary should be adjusted to include all of these lands.

We acknowledge that Policy G13.2 of the Town's Official Plan states that "[t]he boundaries between land uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these cases, are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to this Plan." However, this policy does not specifically allow for the boundary of the Secondary Plan area to be adjusted, without an official plan amendment, in order to account for the entire Subject Property. This policy also does not automatically apply the Prestige Industrial Area land use designation and, where applicable and appropriate, the Natural Heritage System land use designation, to the Omitted Lands.

In order to conform to the ROP, as updated through ROPA 49, which designates the entire Subject Property as Employment Area, including the Omitted Lands, the Secondary Plan should be revised to apply the Prestige Industrial Area land use designation and, where applicable and appropriate, the Natural Heritage System land use designation, to the Omitted Lands. By doing so, the entirety of the Subject Property will be subject to the same policy framework, which will provide certainty and consistency in the future development of these lands.

Excerpt of Schedule H8 (Land Use) of the Secondary Plan



4. The Secondary Plan does not conform with Halton Region’s Official Plan.

The Secondary Plan does not conform with Halton Region’s Official Plan (“ROP”), including policies 83.2(3) and 168-170. In particular, given that the proposed collector road is not required to facilitate the development of the Subject Property, the Secondary Plan does not reflect a transportation network that is necessary, economic and efficient. Furthermore, by including a collector road, the City is eliminating the possibility of large-format industrial tenants to be located within the Secondary Plan area and in close proximity of the 400 series highways, including Highway 401, 407, and 413, which precludes the ability to diversify and strengthen the local and regional economy.

The Secondary Plan also does not conform with the ROP as the Omitted Lands have been inappropriately excluded from the Secondary Plan area and left with an Agricultural Area designation under the Town of Halton Official Plan, despite the Omitted Lands having an Employment Area designation under the ROP.

5. The Secondary Plan does not conform with the Town of Halton Hills Official Plan.

The Secondary Plan does not conform with the Town of Halton Hills Official Plan, including policies G3.1(a) and (f) and G4. More specifically, the boundary of the Secondary Plan is not appropriate given that the Omitted Lands have been excluded. Also, given that the proposed collector road is not required to facilitate the development of the Subject Property, the Secondary Plan does not reflect a transportation network that is necessary and supported by the proposed development pattern of the area.

Additionally, the Town of Halton Hills Official Plan expressly prohibits any zoning by-law to be passed that does not conform with it. As such, First Gulf will not be able to obtain a zoning by-law amendment that includes the Omitted Lands to facilitate its proposed industrial development, unless a separate official plan amendment application is filed to redesignate the Omitted Lands to Employment Area. The submission of an official plan amendment application for the Omitted

Lands only is duplicative and unnecessary given the ongoing Secondary Plan exercise that should incorporate such lands in the first place. This also results in the Omitted Lands being subject to a different policy framework than the rest of the Subject Property, which causes uncertainty for future development. To achieve the economic objectives of the Secondary Plan, it is imperative that the entirety of the Subject Property be subject to the same policy framework (i.e. the Secondary Plan) in order to have certainty and consistency for future development.

6. The Secondary Plan does not conform with the Growth Plan.

The Secondary Plan does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoes (2020) (“**Growth Plan**”). The Growth Plan designates the entire Subject Property as a Provincially Significant Employment Zone (“**PSEZ**”). PSEZs are areas identified for the purposes of long-term planning for job creation and economic development, as these are areas strategically located to provide stable, reliable employment uses. By excluding the Omitted Lands from the Secondary Plan, the future development of the Subject Property is compromised, which in turn adversely impacts the economic development objectives of the PSEZ.

7. The Secondary Plan is not consistent with the Provincial Policy Statement.

The Secondary Plan is not consistent with the Provincial Policy Statement (2020) (“**PPS**”), including policies 1.1.1(a), (b) and (e), 1.1.3.2(a) and (b), 1.3.1(b) and (e), 1.3.2.1, 1.6.1, 1.6.3, 1.6.7.1, 1.6.7.2, 1.6.8.1, 1.7.1(a) and (c).

Generally, the PPS promotes land use and development patterns that are efficient and cost-effective while still meeting the longer term needs of the employment market (including industrial and commercial). With an unnecessary proposed collector road that bisects the Subject Property, the Secondary Plan does not encourage efficient patterns development and would result in the uneconomical expansion of infrastructure.

The proposed collector road eliminates the possibility of accommodating large-format industrial users on the Subject Property. It is increasingly difficult for large-format industrial users to find suitable parcels of land and, as such, it is important to maintain the Subject Property as a one development block to meet the long-term needs of the industrial market and create a diversified economic base for the municipality.

Additionally, in response to the transportation policies of the PPS, the existing road network, with any necessary modifications, is adequate to support the development of the Subject Property. The proposed collector road is not necessary.

Notice of Appeal

Pursuant to subsection 17(36) of the *Planning Act*, we are filing this appeal with respect to the Region of Halton’s approval of OPA 50 based on the foregoing reasons. Our Client reserves the right to augment its reasons for appeal upon further review of OPA 50 and input on OPA 50 from any other appeals which may be filed.

March 22 2024

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Enclosed is a completed Ontario Land Tribunal Appeal Form (A1) and a cheque in the amount of \$1,100 payable to the Minister of Finance representing the filing fee for the appeal.

Notwithstanding this appeal, our client is prepared to work with Town and Region staff to collaboratively resolve the above issues.

Thank you for your consideration of the matter. If you have any questions, please contact the undersigned or Natalie Hickey, a land use planner in our office, at nhickey@airdberlis.com.

Yours truly,

AIRD & BERLIS LLP



Maggie Bassani

MB/nh
Attach.

56385980.4

FIRST GULF

May 29, 2023

Town of Halton Hills
Planning and Development
1 Halton Hills Dr, Georgetown,
ON L7G 5G2

**Re: Development Scenarios for 14829 Steeles Avenue, Halton Hills ON
Comments Regarding the Draft Premier Gateway Phase 2B Secondary Plan (April 2023)**

First Gulf Halton Steeles Limited and Sun Life Assurance Company (“First Gulf”) are the registered owners of the 103-acre parcel municipally recognized as 14829 Steeles Avenue (the “Subject Property”), Halton Hills ON. First Gulf are delighted to hear that the Town of Halton Hills is close to finalizing the Premier Gateway Phase 2B Secondary Plan in which the Subject Property falls within. We firmly believe that this plan will play a significant role in shaping the future of Halton Hills, and we appreciate the time and effort that the Town has put into it. Please accept this letter as a response to the release of the draft policies for the Premier Gateway Employment Area Phase 2B Secondary Plan dated April 2023.

First Gulf has been at the forefront in creating high-end industrial and commercial retail products in Ontario for well over three decades. This includes First Gulf (and partners) developments at Steeles Avenue and Fifth Line N/S, in which the Town played a key role in the success of these developments. We understand that Secondary Plans are vital to fostering the future vision of Towns and Cities. However, we would like to call attention to the impact of the future “collector road” as identified on Schedule H8 of the April 2023 Draft Phase 2B Secondary Plan (*Figure 1*, below), that bisects the Subject Property creating a considerable concern. First Gulf understands that there is a need for infrastructure and transportation in this area, but we also recognize that this potential collector road significantly impacts our ability to bring lead tenants to the Subject Property as functionally, such tenants require larger industrial spaces. The collector road will create a significant barrier between the Subject Property and future tenants making it less desirable as it will have a negative impact on the size of the future buildings including limitations with future loading/shipping court(s) which is viable for industrial users.

The collector road also creates challenges in terms of timing and site servicing. We understand that the road will be used to connect West-East industrial properties to relieve traffic along Steeles Avenue. However, with the planned future ‘Highway 413’, the collector road continuing East of the Subject Property will most likely not be able to provide the necessary relief the Secondary Plan is calling for as shown and discussed in the section below.

p 416.491.7778
e info@firstgulf.com

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Figure 1: Schedule H8 of the Draft Phase 2B Secondary Plan (April 2023)

Impact of Collector Road

Subdividing Lands

Part of the role of a collector road network in supporting development has to do with enabling larger properties to be subdivided and acquired by various landowner(s). In that case, roadway access is important to enable the interior of the larger parcel to be developed, both in terms of providing property access and providing a route to/from the surrounding arterial network. However, in the case of the Subject Property, this role is not necessary because First Gulf intends to develop the lands as a single large parcel with large format buildings and therefore, public roadways are not necessary to reach the interior of the parcel as immediate access is granted from Steeles Avenue or Ninth Line North.

Access and Circulation

First Gulf believes that the Subject Property can be better served by private accesses and an internal driveway / circulation network that will be designed in conjunction with the future buildings and other features (e.g., parking and loading areas, landscaping and servicing, etc.). A collector road bisecting the Subject Property leaves less flexibility to accommodate the space and circulation requirements of future tenants / building occupants. *Figure 2* (below) shows conceptually the type and scale of development that is envisioned for the Subject Property, and the impact that the proposed collector road would have.

Built Form

The construction of the collector road will cut through the heart of the Subject Property creating a significant obstacle that will undermine our ability to build the gross floor area that is desired by future prestige industrial users. With respect to the road, the Subject Property will also be impacted with increased landscape buffers that are anticipated on either side of the collector road further reducing the overall GFA. These factors will be reduced or can be addressed more readily with the Subject Property served by an internal driveway network instead of a municipal collector road. It should be noted that under the Potential Access Alternatives as described in the section below, the appropriate landscape buffers will be accounted for.

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In addition to above, there are concerns with the relationship to the proposed SWM Pond; should the collector road be constructed per Schedule H8 (*Figure 1*, above), the need to relocate the SWM pond can affect the design and land use planning of the Subject Property resulting in a reconfiguration that is not desirable. In addition, the proposed SWM pond can provide for a connection and buffer to the Natural Heritage System from the proposed development.

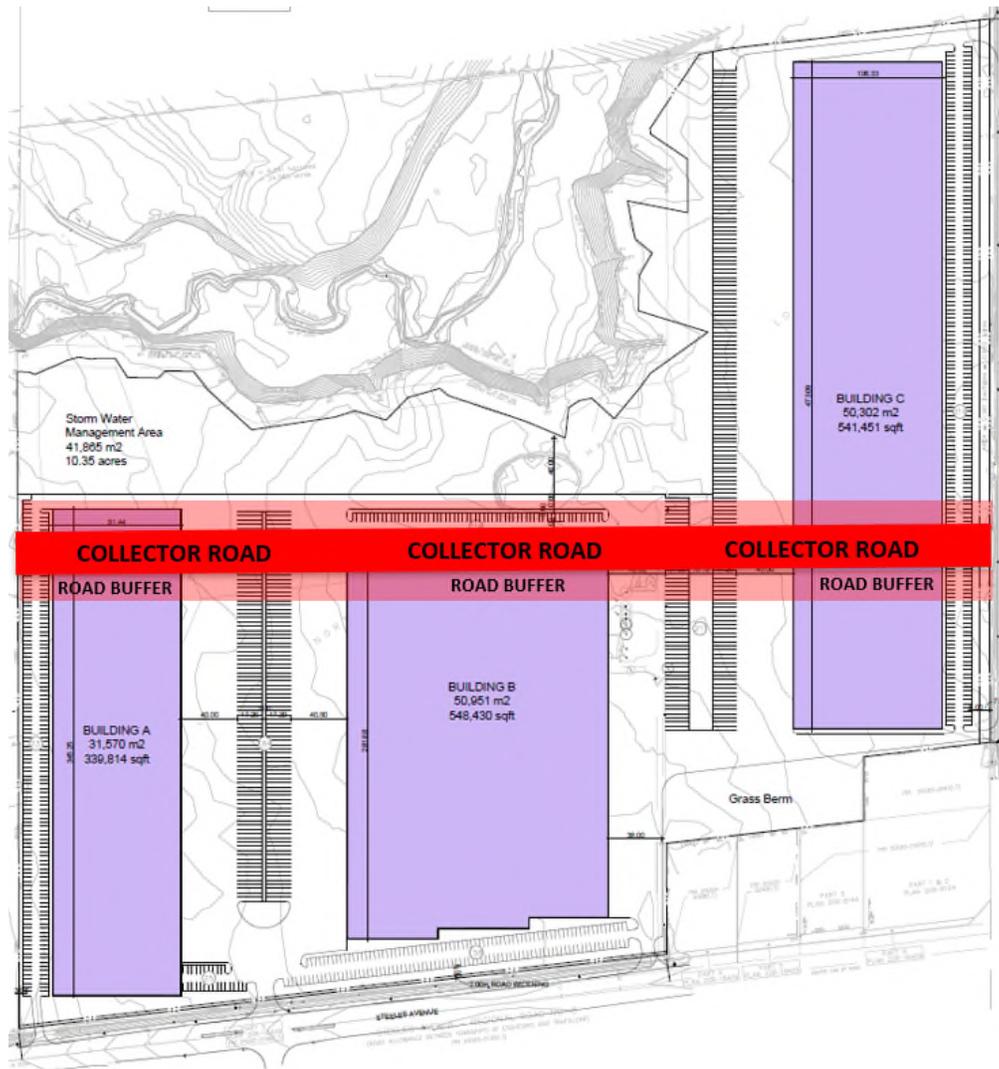


Figure 2: Impact of the Collector Road

Potential Access Alternatives

We believe that removing the collector road still provides an adequate opportunity to access the Subject Property (and does not preclude access to other adjacent lands). A driveway directly onto Steeles Avenue opposite Eighth Line South would be in a central location for the Subject Property and as shown in *Figure 3* (below), the said entrance is critical for the function of the loading/shipping courts. In addition, this would provide better flexibility for us to design a site that can meet the needs of our future prestige industrial tenants. This intersection already exists and has been designed to be able to

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accommodate traffic signals and a new north leg. A secondary access to Ninth Line North on the east side of the Subject Property would provide alternate access at the rear of our site. Depending on our ultimate site layout, a right-in/right-out access to Steeles Avenue and/or Ninth Line North may also be feasible and still adhere to Halton Region's access spacing standards. This potential alternative is shown schematically below as *Figure 3* (below).



Figure 3: Potential Access Alternatives

Based on *Figure 3* (above), this configuration would still provide flexibility for our neighbours to the West and South to develop their lands; the western outlet of the proposed collector road (in the draft Secondary Plan) is 500 metres west of Eighth Line South and 375 metres east of Eighth Line North, which is adequate spacing for traffic signals if required, and provides flexibility for that access to be shifted easterly or supplemented by a mid-block right-in/right-out driveway. Furthermore, the configuration also benefits the Town, in that it eliminates the need (and cost) for the Town to design, construct, maintain the road allowance, including associated municipal services and, it will reduce the Town's liability in not having to protect for the future collector road.

Considering the analysis above and in consultation with our retained traffic (and planning) consultant, Dillon Consulting Limited ("Dillon"), it is of the opinion that replacing the proposed collector road with this proposed access alternative concept results in a better outcome respectfully for the Subject Property, our neighbours and for the Town without precluding reasonable access to neighbouring development sites.

* * *

FIRST GULF

We urge the Town to reconsider the current plans for the proposed collector road and consider the significant implications that it will have on our development and the Town's overall economic growth in protecting for prestige industrial users as called for in the Secondary Plan policies. There are alternate means of providing good transportation access to the Subject Property (and neighbouring sites) that are less disruptive and do not require the construction of this section of the collector road. By prioritizing an uninterrupted site, we can provide the large warehousing spaces that businesses currently demand and as such contribute to the growth and success of Halton Hills.

We look forward to hearing back from staff based on the presented development scenario and will make ourselves available to discuss with staff.

Please do not hesitate to contact the undersigned.

Respectfully,



Nicole Guadagnoli

Senior Development Manager

T: (416) 773-7134 C: (416) 845-3002

351 King Street East, 13th Floor

Toronto, ON, Canada M5A 0L6

cc: Joe Guzzi, Dillon Consulting Limited (jguzzi@dillon.ca)

Mike Walters, Dillon Consulting Limited (mwalters@dillon.ca)

Brent Hooton, Dillon Consulting Limited (BHooton@dillon.ca)

FIRST GULF

March 4, 2024

Kailen Goerz, M.Pl., MCIP, RPP
 Policy Advisor
 Strategic Initiatives & Government Relations
 Office of the CAO
 Halton Region
 1151 Bronte Road
 Oakville, ON L6M 3L1

**Re: 14829 Steeles Avenue, Halton Hills ON
 Comments Regarding the Premier Gateway Phase 2B Secondary Plan**

First Gulf Halton Steeles Limited and Sun Life Assurance Company of Canada (“First Gulf”) are the registered owners (the “Owners”) of the property municipally recognized as 14829 Steeles Avenue (the “Property”) in the Town of Halton Hills. The Property was acquired by the Owners in 2018 and is a 103-acre vacant parcel of land that is presently used for farming purposes. Please refer to *Figure 1* below for an aerial of the Property.



Figure 1: The Property

First Gulf has been actively engaged throughout the Premier Gateway Phase 2B Lands Secondary Plan process given that the Property represents 16% of the Phase 2B lands. Prior to the adoption by Town Council for Official Plan Amendment No. 50, First Gulf submitted a response letter to the Town of Halton

p 416.491.7778
 e info@firstgulf.com

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Hills in May 2023 outlining the concerns regarding the proposed east/west Collector Road, as shown on Schedule H8 of the Secondary Plan (refer to *Figure 2* below). The proposed Collector Road will result in the unnecessary land division of the Property, which will create a chain of adverse impacts to the development of the Property with respect to site access and circulation, built form and, most importantly, the ownership and operation of the proposed stormwater management pond(s). A copy of First Gulf’s letter is attached hereto for your information that summarizes each of these issues in greater detail.

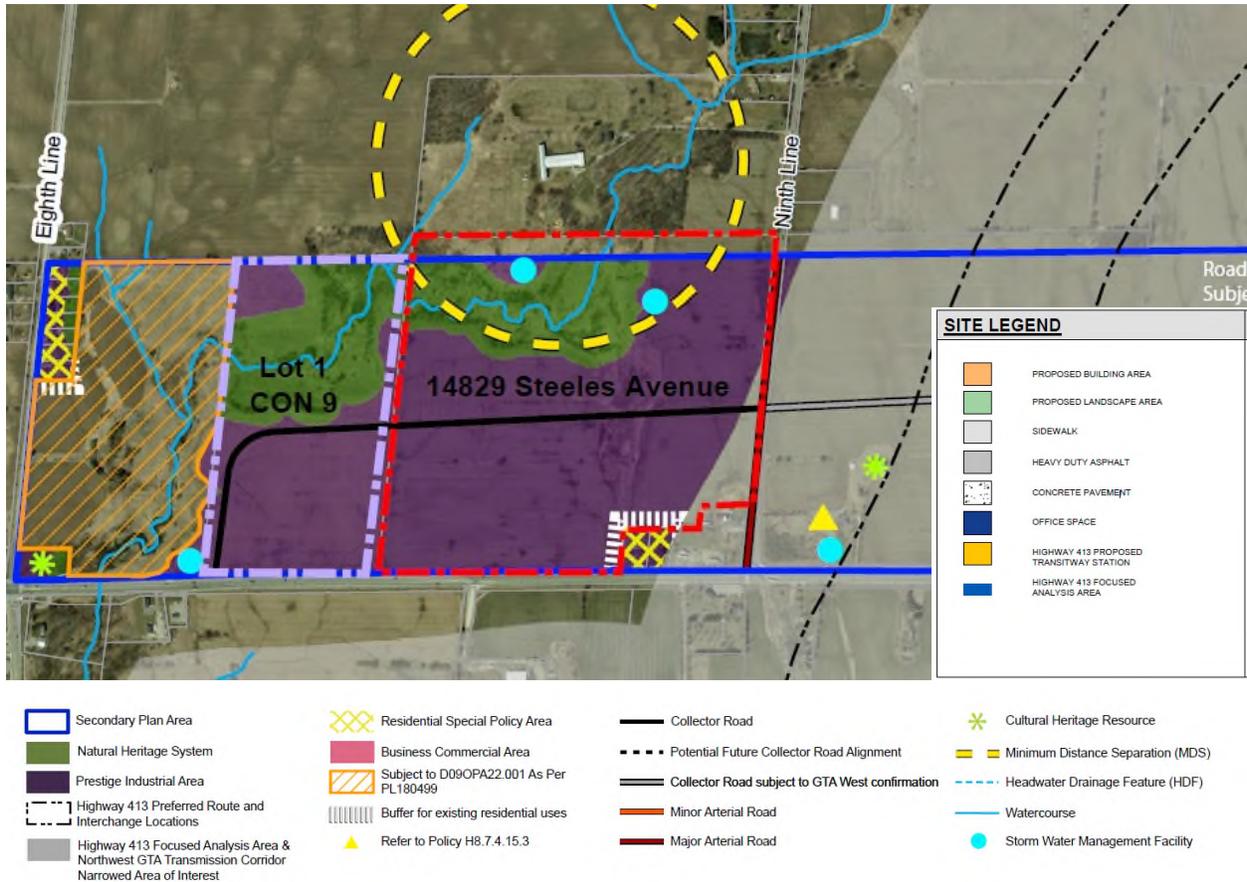


Figure 2: Schedule H8

For your understanding in the matter, the challenge in today’s industrial market is that prestige end users are unable to locate large parcels of land near major highways that can accommodate a single building of one million square feet or greater. Nowadays, most developments would require an assembly of unencumbered lands near major highways to meet this requirement, which is very difficult to do in a timely and orderly fashion. The Property is notably unique in that it can accommodate a single building containing one million square feet of industrial space plus an addition smaller industrial building and is in immediate proximity to Highway 401/407 as well as the future Highway 413. Please refer to *Figure 3* on the next page for a concept plan of one million+ square feet and an overlay of Highway 413. As a result, there is great value in preserving the Property’s ability to attract a prestige industrial user which would maintain employment land opportunities for the 2031 planning horizon.

FIRST GULF



Figure 3: Concept Plan and Highway 413 Overlay

Following the submission of the May 2023 letter, a call was arranged in July 2023 between First Gulf, Dillon Consulting (First Gulf's Planning Consultant and Transportation Engineer) and the Town of Halton Hills to further discuss the proposed Collector Road. Dillon's review of the final Premier Gateway Transportation Report indicated that a rationale for the proposed Collector Road was not included in the analysis, nor were base projections for Highway 413. It is First Gulf's position that the proposed Collector Road would create a series of land divisions that hinder the future development of such employment lands within the Secondary Plan area. In addition, there is no certainty at this time that the Ministry of Transportation will approve of the proposed Collector Road traversing across Highway 413 and accordingly, the Collector Road should not be shown as a definitive element of the Secondary Plan.

Based on Dillon's review, the Collector Road is not required from a traffic perspective to facilitate the development of the Secondary Plan area west of Ninth Line. It does not provide any value to the development of the two properties in that area, being the Property and Lot 1 CON 9 (as reference in *Figure 2* on the previous page), that are otherwise prioritized for development given their location to existing civil services compared to the properties east of Highway 413. The end result is such that the proposed Collector Road will hinder the economic development opportunities of these important employment lands.

First Gulf has been in contact with the Town of Halton Hills regarding the concerns noted throughout this letter and is seeking direction on how to navigate the Planning Applications for the Property. Considering the information above, First Gulf requests that the Region of Halton (and Town of Halton

FIRST GULF

Hills) consider the removal of the proposed Collector Road from the lands west of Highway 413 prior to final approval of the Premier Gateway Phase 2B Lands Secondary Plan (OPA No. 50).

We look forward to continuing to work with the Region and Town to find a mutually acceptable solution to address our concerns and will make ourselves available to meet with staff to further discuss.

Respectfully,



Nicole Guadagnoli

Senior Development Manager

T: (416) 773-7134 **C:** (416) 845-3002

351 King Street East, 13th Floor

Toronto, ON, Canada M5A 0L6

Cc: Melissa Ricci, Town of Halton Hill
Maggie Bassani, Aird & Berlis LLP



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

Appeal Form (A1)

**Municipal/Approval Authority
Date Stamp**

**Receipt Number
(OLT Office Use Only)**

**Date Stamp – Appeal Received
by OLT**

**OLT Case Number
(OLT Office Use Only)**

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information

Last Name:

NIKOLAKAKOS

First Name:

PETER

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

FIRST GULF HALTON STEELES LIMITED

Email Address:

pnikolakakos@firstgulf.com

Daytime Telephone Number:

416.773.7150

ext.

Alternative Telephone Number:

Mailing Address

Unit Number:

13th Floor

Street Number:

351

Street Name:

KING STREET EAST

P.O. Box:

City/Town:

TORONTO

Province:

ONTARIO

Country:

CANADA

Postal Code:

M5A 0L6

Representative Information			
X I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
BASSANI		MAGGIE	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
AIRD & BERLIS LLP			
Email Address:			
<u>mbassani@airdberlis.com</u>			
Daytime Telephone Number:		Alternative Telephone Number:	
416.865.3401	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
1800	181	BAY STREET	
City/Town:	Province:	Country:	Postal Code:
TORONTO	ONTARIO	CANADA	M5J 2T9
<p>Note: If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the OLT <i>Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>			
<p><input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.</p>			

Location Information	
Are you the current owner of the subject property?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note that Sun Life Assurance Company is a co-owner of the property.
Address and/or Legal Description of property subject to the appeal:	
14829 STEELES AVENUE	
Municipality:	
HALTON HILLS	
Upper Tier (Example: county, district, region):	
HALTON	

Language Requirements	
Do you require services in French?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	OFFICIAL PLAN (SECONDARY PLAN)	PLANNING ACT	17(36)
2			
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act</i> , <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act</i> , <i>Environmental Protection Act</i> , <i>Nutrient Management Act</i> , <i>Ontario Water Resources Act</i> , <i>Pesticides Act</i> , <i>Resource Recovery and Circular Economy Act</i> , <i>Safe Drinking Water Act</i> , <i>Toxics Reduction Act</i> , and <i>Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act</i> , <i>Mining Act</i> , <i>Lakes and Rivers Improvement Act</i> , <i>Assessment Act</i> , and <i>Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information

Number of new residential units proposed:

NONE

Municipal Reference Number(s):

NONE

List the reasons for your appeal:

PLEASE SEE COVERING LETTER ATTACHED

Has a public meeting been held by the municipality? Yes No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

PLEASE SEE COVERING LETTER ATTACHED

Oral/Written submissions to council
Did you make your opinions regarding this matter known to council?
<input type="checkbox"/> Oral submissions at a public meeting of council
<input checked="" type="checkbox"/> Written submissions to council
<input type="checkbox"/> Not applicable

Related Matters
Are there other appeals not yet filed with the Municipality?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters
Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information
Outline the grounds for the appeal and the relief requested:

--

Reference Number of the decision under appeal:

--

Portions of the decision in dispute:

--

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

--

Applying for Stay? Yes No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

--

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*? Yes No

Identify the portions of the instrument you are seeking to appeal:

--

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to

guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

--

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

--

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

--

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

--

Respondent Information

Conservation Authority:

--

Contact Person:

--

Email Address:

--

Daytime Telephone Number:

Alternative Telephone Number:

	ext.		
--	------	--	--

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:	Street Number:	Street Name:	P.O. Box:
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City/Town:	Province:	Country:	Postal Code:
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There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: \$1,100.00

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	X	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).

Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
MAGGIE BASSANI		2024-03-22

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

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 at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the <i>Ontario Heritage Act</i> , including under s. 34.1(1) , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal in addition to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5 Phone: 416-212-6349 1-866-448-2248 Website: www.olt.gov.on.ca	
Section 5	<p style="text-align: center;">For the Areas of:</p> <p style="text-align: center;">Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p style="text-align: center;">File with:</p> <p style="text-align: center;">NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p style="text-align: center;">Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</p>	<p style="text-align: center;">For the Areas of:</p> <p style="text-align: center;">Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p style="text-align: center;">File with:</p> <p style="text-align: center;">NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1</p> <p style="text-align: center;">Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>

--	--	--

NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.

AIRD & BERLIS LLP

BROOKFIELD PLACE, 181 BAY ST., SUITE 1800, BOX 754
TORONTO, ONTARIO M5J 2T9
(416) 863-1500/F00001/

TD CANADA TRUST 004-10202
TORONTO DOMINION CENTRE BRANCH
55 KING STREET WEST & BAY STREET
TORONTO, Ontario M5K1A2

71591

Date 19 03 2024
DD MM YYYY

PAY*THE*SUM*OF*****\$1,100.00

AMOUNT
****\$1,100.00

PAY
TO THE
ORDER
OF

Minister of Finance

AIRD & BERLIS LLP
GENERAL ACCOUNT



PER _____

[Handwritten signature]

PER _____

[Handwritten signature]

⑈0071591⑈ ⑆09612⑈004⑆

⑈13061⑈

AIRD & BERLIS LLP – GENERAL ACCOUNT

71591

(F00001) TD CANADA TRUST Date: 19-Mar-2024

(V03834) Minister of Finance

ID #	Invoice #	Matter #	Currency	Amount
2544886	MINFIN317012	317012	CAD	\$1,100.00