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File No. 24170

November 12, 2024

**By Overnight Courier**

Ms. Valerie Petryniak, Town Clerk ([clerks@haltonhills.ca](mailto:clerks@haltonhills.ca))  
Town of Halton Hills  
Clerks Department  
1 Halton Hills Drive  
Halton Hills, ON., L7G 5G2

Dear Ms. Petryniak;

**Re: Appeal to the Ontario Land Tribunal of the Stewarttown Secondary Plan (OPA 57)  
Our client: 1732216 Ontario Ltd. (registered owner of 24 Mill Ponds Drive, Halton Hills) and 2602151 Ontario Inc. (registered owner of 12399 15<sup>th</sup> Sideroad, Halton Hills)**

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We are counsel to 1732216 Ontario Ltd. and 2602151 Ontario Inc., the registered owners of 24 Mill Pond and 12399 15th Sideroad, respectively. Our clients' lands represent the vast majority of the vacant land within OPA 57 and are described below.

**Property # 1:**

Municipal Address: 24 Mill Pond Drive  
Area: 13.4952 hectares  
PIN: 25016-0205  
Owner: 1732216 Ontario Ltd.  
Owner Address: 410-5975 Whittle Road, Mississauga ON, L4Z 3N1

**Property # 2:**

Municipal Address: 12399 15th Sideroad  
Area: 36.3095 hectares  
PIN(s): 25016-0029, 25016-0030 & 25016-0028 (easement over adjoining lands)  
Owner: 2602151 Ontario Inc.  
Owner Address: 410-5975 Whittle Road, Mississauga ON, L4Z 3N1

Our clients' lands are located on the west side of Mill Pond Drive, north of 15<sup>th</sup> Sideroad. Our clients' lands are currently occupied by a rural residential dwelling, accessory detached

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structures, agricultural fields and trees areas. The lands are designated 'Urban Area' and 'Regional Natural Heritage System' by the in-effect Halton Regional Official Plan. They are subject to a Greenbelt Natural Heritage system policy overlay as well. They are further designated 'Future Residential/Mixed Use Area', 'Greenlands', 'Protected Countryside Area' and 'Greenlands B' by the parent Town of Halton Hills Official Plan.

Our clients' lands were added to the Town and Regional Urban Area during the last Regional Municipal Comprehensive Review process in 2009 which culminated in Regional Official Plan Amendment 38 ('ROPA 38'). Accordingly, the lands are considered designated greenfield.

On March 21, 2024, our clients' land use planning consultant, Jim Levac of GSAI, submitted a letter to the Town outlining the planning concerns with the then proposed Secondary Plan. On June 14, 2024 and August 16, 2024, our clients' land use planning consultant again submitted comments to the Town expressing concerns with the then proposed Secondary Plan. A copy of all of the above-noted letters is attached.

OPA 57 fails, however, to adequately address these concerns. While our clients support the inclusion of the lands within the Special Policy Area 3 delineation, given its recognized development potential and locational attributes, our clients are concerned with the object of the policy direction that a maximum residential density of up to 8 units per net hectare be applied to Special Policy Area 3 lands. Our clients believe that this density cap is unnecessarily restrictive.

On October 28, 2024, Council for the Corporation of the Town of Halton Hills adopted Official Plan Amendment No. 57 by passing Zoning By-Law No. 2024-0083.

On behalf of our clients, pursuant to section 17(24) of the *Planning Act*, and for the reasons provided herein, our clients hereby appeal Official Plan Amendment No. 57 ("the "OPA") to the Ontario Land Tribunal. For greater clarity, our clients hereby appeal all text, schedules and mapping as they apply to our clients' lands.

#### **Lack of Consistency with the Provincial Planning Statement, 2024 ("PPS 2024")**

The PPS 2024 has come into effect and all decisions made under the *Planning Act*, such as the Tribunal's decision on the within appeal, are required to be consistent with it. Absent transition regulations, which have not been released as of the date of preparing this appeal letter, the Growth Plan no longer applies and neither does the previous Provincial Policy Statement, 2020.

OPA 57 fails to be consistent with the following policies in the PPS 2024:

**Policy 2.1(4):** To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and

- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.

**Policy 2.1(6):** Planning authorities should support the achievement of *complete communities* by:

- a) accommodating an appropriate range and mix of land uses, *housing options*, transportation options with *multimodal* access, employment, *public service facilities* and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs; - emphasis added

**Policy 2.2(1):** Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected needs of current and future residents of the *regional market area* by:

- b) permitting and facilitating:
  - 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *additional needs housing* and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential *intensification*, including the *development* and *redevelopment* of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new *housing options* within previously developed areas, and *redevelopment*, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation*; and
- d) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations.

### **Policy 2.3.1: General Policies for Settlement Areas**

1. *Settlement areas* shall be the focus of growth and development. Within *settlement areas*, growth should be focused in, where applicable, *strategic growth areas*, including *major transit station areas*.

2. Land use patterns within *settlement areas* should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned *infrastructure* and *public service facilities*;
- c) support *active transportation*;
- d) are *transit-supportive*, as appropriate

e) [Not applicable]

3. Planning authorities shall support general *intensification* and *redevelopment* to support the achievement of *complete communities*, including by planning for a range and mix of *housing options* and prioritizing planning and investment in the necessary *infrastructure* and *public service facilities*.

4. Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions.

5. Planning authorities are encouraged to establish density targets for *designated growth areas*, based on local conditions. *Large and fast-growing municipalities* are encouraged to plan for a target of 50 residents and jobs per gross hectare in *designated growth areas*.

#### **Policy 6.1: General Policies for Implementation and Interpretation**

6. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.

12. Density targets represent minimum standards and planning authorities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Provincial Planning Statement or any other provincial plan.

13. Minimum density targets will be revisited at the time of each official plan update to ensure the target is appropriate.

#### **Policy 6.2: Coordination**

1. A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including:

g) population, housing and employment projections, based on regional market areas, as appropriate; and

h) h) addressing housing needs in accordance with provincial housing policies and plans, including those that address homelessness.

9. Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall: a) identify and allocate population, housing and employment projections for lower-tier municipalities; b) identify areas where growth and

development will be focused, including strategic growth areas, and establish any applicable minimum density targets; c) identify minimum density targets for growth and development taking place in new or expanded settlement areas, where applicable; and d) provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.

**Lack of Consistency with the Region of Halton Official Plan, 1995 (2024 Consolidation)**

OPA 57 fails to be consistent with the following policies in the Region of Halton OP:

**Section 51.(1)** - Urban Area, where urban services are provided to accommodate concentrations of existing and future development;

**Section 55.1** - The Regional Structure also sets out targets for intensification within the Built-Up Area and for the density of Designated Greenfield Areas and Employment Areas, as contained in Table 2

**Section 55.2** - The Regional Structure also sets out the Regional phasing to be achieved every five years from 2022 to 2051 between the Built-Up Areas and the Designated Greenfield Areas in Table 2a.

Table 2, Intensification and Density Targets

Across Halton, Designated Greenfield Areas are to accommodate 62 people and jobs per hectare. This is lowered to 53 people and jobs per hectare for Halton Hills Designated Greenfield Areas

Under Table 2A, Regional Phasing.

Thousands of low density and medium and high density units are forecasted for Designated Greenfield Areas across the Region

Later in the same table, many low density and medium density units are forecasted for Halton Hills' DGAs between 2022 - 2041.

**Section 72.1.** The objectives of the Urban Area are:

(2) To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy;

(3) To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure;

(4) To ensure that growth takes place commensurately both within and outside the Built Boundary;

(5) To establish a rate and phasing of growth that ensures the logical and orderly progression of development, supports sustainable and cost-effective growth, encourages complete communities and is consistent with the policies of this Plan;

(9) To facilitate and promote intensification and increased densities.

**Section 74.** The Urban Area consists of areas so designated within the Regional Urban Boundary as delineated on Map 1, where urban services are or will be made available to accommodate existing and future urban development and amenities.

**Section 77.** It is the policy of the Region to:

(2.4) Require development occurring in Designated Greenfield Areas to:

1. contribute towards achieving the development density target of Table 2 and the Regional phasing of Table 2a;
2. contribute to creating healthy communities;
3. create street configurations, densities and an urban form that support walking, cycling and the early integration and sustained viability of transit services;
4. provide a diverse mix of land uses, including residential and employment uses to support vibrant neighborhoods; and
5. create high quality parks and open spaces with site design standards and urban design guidelines that support opportunities for transit and active transportation.

(3) Require the Local Municipalities and encourage public agencies in Halton to adopt and use the population and employment forecasts established under Section 77(1), as well as the population and employment distribution contained in Table 1, the targets contained in Table 2, 2a and 2b as the basis for their plans and provision of services.

(4) Require the Local Municipalities to demonstrate with sufficient details, through their respective Official Plans and amendments thereof, how the distribution of population and employment in Table 1, the targets of Table 2 and 2b, and the Regional phasing in Table 2a can be achieved and maintained at all times

**Section 86.** It is the policy of the Region to:

(6) Adopt the following housing targets:

1. that the percent of new housing units produced annually in Halton in the form of townhouses or multi-storey buildings be at least 65 percent to 2031 and at least 75 per cent each year thereafter.

(6.1.) Establish, in conjunction with the Local Municipalities, annual targets for the production of housing units by density type and affordability for each Local Municipality, based on the Regional targets under Section 86(6).

(11) Permit intensification of land use for residential purposes such as infill, redevelopment and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

Additionally, the term character is not defined. Lastly, Complete Communities is defined as:

"means communities that meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including Affordable Housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided."

Overall, the Stewarttown Secondary Plan does not promote or support complete communities.

**In support of this appeal please find enclosed the following:**

- 1) GSAI submission letter dated March 21, 2024
- 2) GSAI submission letter dated June 14, 2024
- 3) The Completed OLT Appeal Form (A1)
- 4) Our firm's cheque in the amount of \$1,100 payable to the Minister of Finance, Ontario, representing the OLT filing fee

Despite the filing of this appeal, our clients remain committed to trying to resolve the issues without a contested hearing and would support OLT-led mediation.

Yours very truly,



Ira T. Kagan

**KAGAN SHASTRI DeMELO WINER PARK LLP**

Enclos.

cc. Clients  
GSAI