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December 14, 2011

VIA COURIER AND ELECTRONIC MAIL

The Honourable Kathleen Wynne
Minister of Municipal Affairs and Housing
Municipal Services Office
777 Bay Street
2nd Floor
Toronto, Ontario
M5G 2E5

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 14 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Attention: Mr. Andrew Doersam, Senior Planner

Dear Minister:

**Re: Notice of Appeal - Amendment # 38 to the Regional Municipality of Halton Official Plan, as adopted by By-law 162-09
Your File 24-OP-0027-038**

We are the solicitors for Melrose Properties Inc. (hereinafter "Melrose") and Ironrose Investments Limited (hereinafter "Ironrose"), the owners of lands described as Part of Lots 1, 2 and 3, Concession 2, NDS, in the Town of Milton. The Ironrose property fronts onto No. 1 Side Road, Tremaine Road, and No. 2 Side Road. The Melrose property fronts onto No. 2 Side Road.

In a Decision dated November 24, 2011, you approved Official Plan Amendment No. 38 to the Regional Municipality of Halton Official Plan, with modifications (ROPA 38). This letter will serve as our clients' Notice of Appeal of your decision to the Ontario Municipal Board, pursuant to Section 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended. Please find enclosed our firm cheque in the amount of \$125.00 payable to the "Minister of Finance – Ontario", which we understand to be the required fee for an appeal of this nature. Please also find enclosed a completed Form "A1" of the Ontario Municipal Board.

ROPA 38 designates our clients' lands, "Natural Heritage System" as shown on Maps 1, 1G and 5. Our clients want their lands to be designated "Agricultural Rural Area" in ROPA 38, and this should be reflected on Maps 1 and 1G of ROPA 38. In addition, our clients' lands should not be included in the "Prime Agricultural Area" on Map 1E.

Our clients' lands are currently designated "Agricultural Rural Area" in the existing Region of Halton Official Plan and "Agricultural Area" in the Town of Milton Official Plan. The lands are zoned "Agricultural" (A1) by the Town of Milton Zoning By-law 144-2003. The proposed designation in OPA 38 is apparently due almost entirely to the Ministry of Natural Resources ("MNR") Candidate Trafalgar Moraine Earth Science ANSI on part of our clients' lands. We consider it premature for a change in designation to "Natural Heritage System" based on the MNR's *candidate* ANSI. The MNR has not completed the steps in its protocol to move this ANSI from a "candidate" status to a final decision on the ANSI.

There is no valid land use planning reason for our clients' lands to be redesignated in the manner that ROPA 38 proposes. There are no environmental constraints, nor any valid scientific reasons for designating our clients' lands as part of a "Natural Heritage System". We therefore appeal any portion of ROPA 38 that supports the Natural Heritage System in the vicinity of our clients' lands. We are also of the belief that the lands do not possess the qualities that would warrant their inclusion as "Prime Agricultural Area".

We trust that the foregoing is clear and that you will now compile the record and forward it to the Ontario Municipal Board as is your statutory obligation pursuant to Section 17(42) of the *Planning Act*. We look forward to receiving notice of the Hearing from the Ontario Municipal Board.

Yours very truly,

Original signed by

Russell D. Cheeseman

cc. Mr. S. Guglietti (via email)
Mr. F. Mazzocco (via email)
Mr. D. Faye (via email)



Ontario Municipal Board
 Commission des affaires municipales de l'Ontario
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 326-6800 or Toll Free: 1-866-887-8820
 FAX: (416) 326-5370
www.omb.gov.on.ca

APPELLANT FORM (A1)

PLANNING ACT – Bill 51

(SUBMIT TO MUNICIPALITY/APPROVAL AUTHORITY)

Instructions:

- Complete one form for each type of appeal you are filing.
- 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.
- Do not send cash.
- Submit your completed appeal form(s) and filing fee(s) to either the Approval Authority or Municipality, as applicable, by the required filing deadline. The Approval Authority/Municipality will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- Please print clearly throughout the appeal form.
- The *Planning Act* and the *Ontario Municipal Board Act* are available at www.omb.gov.on.ca.

Receipt Number (OMB Office Use Only):

Date Stamp - Appeal Received by Municipality

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent	<input type="checkbox"/> Appeal a decision or conditions imposed	53(19)
	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law/Amendments	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

_ Part of Lots 1,2 and 3, Concession 2, NDS _____
Address and/or Legal Description of property subject to the appeal:
Municipality: ___ Town of Milton _____

Part 3: Appellant Information

First Name: ___ Russell _____ Last Name: ___ Cheeseman _____

Barrister and Solicitor _____
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Professional Title (if applicable): _____
E-mail Address: ___ rdcheese@aol.com _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: ___ 416-955-9529 _____ Alternate Telephone #: ___ 905-844-8960 _____
Fax #: ___ 416-955-9532 _____

Mailing Address: ___ 1 Adelaide Street East, Suite 2340 , P.O. Box 189 _____ Toronto _____
Street Address Apt/Suite/Unit# City/Town
___ Ontario _____ M5C 2V9 _____
Province Country (if not Canada) Postal Code
Signature of Appellant: _____ Date: ___ Dec 14, 2011 _____

Original signed by

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: _____ Last Name: _____
Company Name: _____
Professional Title: _____
E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.
Daytime Telephone #: _____ Alternate Telephone #: _____
Fax #: _____
Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town
Province Country (if not Canada) Postal Code
Signature of Appellant: _____ Date: _____

(continued on next page...)

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: 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)

Official Plan Amendment No. 38 to the Regional Municipality of Halton Official Plan
File No. 24-OP-0027-038

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 8 or attach a separate page.

(Please Print)

Please see letter dated December 14, 2011

****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 on or after January 1, 2007 please use the OMB1 '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 8 or attach a separate page.

Part 9: Required Fee

Total Fee Submitted: \$ _____ 125.00 _____

Payment Method: Certified cheque * Money Order

- The payment must be in Canadian funds, **payable to the Minister of Finance.**
- **Do not send cash.**

*Or Solicitor's general or trust account cheque.