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OTTAWA, ONTARIO K1S 3E2

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186 BANK STREET
OTTAWA, ONTARIO K2P 1W6

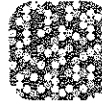
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4509

PAY *** Three Hundred ***** 00/100 \$300.00

TO THE ORDER OF Minister of Finance

Memo: 2017010 appeal fee



Shield

VICE & HUNTER LLP
GENERAL ACCOUNT

PER _____

⑈004509⑈ ⑆30056⑆002⑆ 00169⑆18⑈

January 9, 2017
File No. 2017-010
E-Mail Address: dgmeeds@viceandhunter.ca

BY HAND

City of Ottawa
City Clerk's Office
110 Laurier Avenue West
Ottawa, ON K1P 1J1

CITY OF OTTAWA
VILLE D'OTTAWA
Client Service Centre
Centre du Service à la clientèle

REC'D
REQU

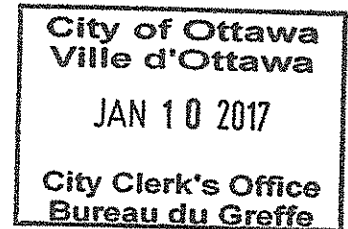
JAN 09 2017

Initials/Initiales PA

Attention: M. Rick O'Connor, City Clerk and Solicitor

Dear Mr. O'Connor

**Re: Notice of Appeal, Section 17(24) of the *Planning Act*
City of Ottawa Official Plan Amendment No. 179
Appeal by R. W. Tomlinson Ltd.**



We act as solicitors for R. W. Tomlinson Ltd., which made written submissions to Council with regards to the above-referenced matter prior to adoption.

On December 14, 2016, Council adopted Amendment 179 to the Official Plan of the City of Ottawa, purporting to bring the Official Plan policies for significant woodlands into compliance with the Provincial Policy Statement 2014 (PPS).

Our client hereby appeals as against the definition of significant woodlands in the rural area introduced by the following amendment to Section 2.4.2 Policy 1c.ii:

“In the rural area, meeting any one of the criteria in the Natural Heritage Reference Manual, as assessed in a subwatershed planning context and applied in accordance with Council-approved guidelines, where such guidelines exist”.

The reasons for the appeal include:

1. Section 2.1.3 of the Provincial Policy Statement 2014 (PPS) requires that the City of Ottawa Official Plan identify natural heritage systems, including significant woodlands. Official Plan Amendment No. 179 (“OPA 179”) does not achieve consistency with the PPS as it does not clearly define significant woodlands such that they can be identified;

J. Peter Vice, Q.C.
Lynn Le Mesurier

William R. Hunter
Jean-François Lalonde

D. Gregory Meeds
Patrick R. Simon

2. The City of Ottawa has not produced mapping that clearly identifies what the City of Ottawa considers to be significant woodlands on the basis of applying its definition;
3. The policy under appeal refers to a Ministry of Natural Resources and Forestry manual which does not provide a definition of significant woodlands, but rather provides direction for criteria and outlines possible approaches for consideration in identifying significant woodlands. The "definition" proposed by the policy under appeal fails to achieve consistency with the PPS requiring identification of significant woodlands, as the inherent ambiguity and flexibility in the manual leads to a range of possible identification outcomes;
4. The policy under appeal refers to future "Council-approved guidelines", creating further uncertainty and ambiguity in identifying significant woodlands as required by the PPS;
5. Consistency with the PPS cannot be achieved as the amendment is currently drafted, and cannot be achieved without additional clarity with regards to the criteria to be applied, and providing mapping showing what woodlands have been determined to be significant upon application of criteria; and
6. Such further and other reasons as counsel may advise at or prior to the hearing of this matter.

We enclose herewith Appeal Form A1, together with our firm cheque in the amount of \$300.00 payable to the Minister of Finance, representing the required appeal fee.

Yours very truly,

VICE & HUNTER LLP

per:



D. Gregory Meeds

DGM:nc
encls



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elt.o.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

SUBMIT COMPLETED

**TO
 MUNICIPALITY/APPROVAL
 AUTHORITY**

FORM

ate Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

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

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

Part 2: Location Information

Various properties throughout the City of Ottawa

Municipality/Upper tier: City of Ottawa

Part 3 Appellant Information

First Name: _____ Last Name: _____

R. W. Tomlinson Ltd.

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

Professional Title (if applicable): _____

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: c/o Vice & Hunter LLP (below)

Street Address Apt/Suite/Unit# City/Town

Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

(Signature not required if the appeal is submitted by a law office.)

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4 Representative Information (if applicable)

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

First Name: Greg Last Name: Meeds

Company Name: Vice & Hunter LLP

Professional Title: _____

E-mail Address: gmeeds@viceandhunter.ca

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

Daytime Telephone #: 613-232-5773 Alternate Telephone #: _____

Fax #: 613-232-3509

Mailing Address: 85 Plymouth Street 101 Ottawa

Street Address Apt/Suite/Unit# City/Town

Ontario K1S 3E2

Province Country (if not Canada) Postal Code

Signature of Appellant:  Date: 01/09/17

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

City of Ottawa Official Plan Amendment 179, paragraph 2a), inserting a new definition for Significant Woodland in the rural area.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

Please see cover letter.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016.

1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?
a. No

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality?

YES NO

Are there other planning matters related to this appeal?

YES NO

(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
Two (2) expert witnesses

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):
land use planner, ecologist

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? _____

Part 9: Other Applicable Information **Attach a separate page if more space is required.

Multiple empty horizontal lines for providing additional information.

Part 10: Required Fee

Total Fee Submitted: \$ 300.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.