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TD CANADA TRUST
TORONTO DOMINION CENTRE BRANCH
55 KING STREET WEST & BAY STREET
TORONTO, ONTARIO M5K 1A2

Date 03 01 2017
DD MM YYYY

AMOUNT
****\$300.00

AIRD & BERLIS LLP
BARRISTERS & SOLICITORS
BROOKFIELD PLACE, 181 BAY ST., SUITE 1800, BOX 754
TORONTO, ONTARIO M5J 2T9
(416) 863-1500

PAY THE SUM OF *****\$300.00

PAY TO THE ORDER OF
Minister of Finance - Ontario
33 King Street West
Oshawa, Ontario
Canada L1H 8H5

AIRD & BERLIS LLP
GENERAL ACCOUNT



PER *[Signature]*
PER *[Signature]*

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AIRD & BERLIS LLP

Barristers and Solicitors

Steven A. Zakem
Direct: 416.865.3440
E-mail: szakem@airdberlis.com

January 5, 2017

BY COURIER and E-MAIL

Our Matter No. 110315

City Clerk
Ottawa City Hall
110 Laurier Avenue West
Ottawa, ON K1P 1J1

Attention: M. Rick O'Connor, City Clerk

**City of Ottawa
Ville d'Ottawa**

JAN 06 2017

**City Clerk's Office
Bureau du Greffe**

Dear Mr. O'Connor:

**Re: Notice of Appeal
Official Plan Amendment 179 to the Official Plan of the City of Ottawa**

Appeal of OPA 179 (Significant Woodlands OPA)

We act on behalf of the Taggart Group of Companies and related corporate entities ("**Taggart**"). On behalf of Taggart we hereby appeal Official Plan Amendment 179 ("**OPA 179**") to the Official Plan of the City of Ottawa to the Ontario Municipal Board ("**OMB**") in its entirety pursuant to subsection 17(24) to the *Planning Act*.

Background re: OPA 150 and Related OMB / City Process

By way of background, the City of Ottawa previously undertook and completed a 5-year comprehensive review of its Official Plan pursuant to section 26 of the *Planning Act*, which culminated in Ministerial approval of Official Plan Amendment 150 ("**OPA 150**") by Notice of Decision dated April 30, 2014. For various reasons, Taggart, along with a number of other appellants, appealed OPA 150 (and related, subsequent, amendments) to the Board (OMB File No. PL140495 et al).

At the direction of the Board in a decision dated February 23, 2016, that proceeding has been adjourned while the City of Ottawa completes certain studies (LEAR review and Employment Lands Study), including with a view to ensuring consistency with the 2014 Provincial Policy Statement ("**PPS**").

Since then, City staff have brought forward, or are in the process of bringing forward, the following two Official Plan Amendments which are, as Taggart understands it, intended to incorporate the Board's direction as found in its February 23, 2016 decision: Official Plan Amendment 2016 ("**OPA 2016**"), related to the results of the LEAR review and Employment Lands Study; and OPA 179, related to significant woodlands policies in the City's Official Plan, including their consistency with the PPS 2014.

Correspondence to Council re: OPA 179 (Significant Woodlands OPA)

On December 12, 2016, we wrote to City of Ottawa Planning Committee and Council, expressing our client's concern that the proposed OPA 179, which City staff were recommending for approval, did not appropriately implement or reflect the PPS 2014. A copy of this letter is enclosed.

Notwithstanding that the public notice indicated that Council would consider the matter at its meeting on January 25, 2017, on December 13, 2016, Planning Committee indicated that "there is a need for the proposed (OPA 179) policies to be approved concurrent with Council's consideration of OPA 2016 (ACS2016-PIE-PGM-0183), scheduled to proceed to Council on December 14, 2016, in order to demonstrate conformity with the PPS 2014". Council proceeded to consider and adopt OPA 179 at its meeting on December 14, 2016. To date, OPA 2016 has not been adopted by City Council. Our client continues to monitor that process.

Reasons for Appeal of OPA 179

Taggart's concerns with OPA 179 were not addressed prior to Council's adoption of same. OPA 179, as adopted, goes beyond the intention and requirements of the PPS, and does not reflect an appropriate balancing of a number of the important directions in the PPS, including the promotion of efficient development and cost-effective development patterns. In this respect, the City's approach to identifying significant woodlands is overly broad in scope; and the policy direction that "no development" will be permitted within the natural heritage system (including significant woodlands) is substantially, and unjustifiably, more restrictive than policy 2.1.5 of the PPS.

Conclusion

Accordingly, as noted, we hereby appeal Ottawa City Council's decision to approve OPA 179 in its entirety pursuant to subsection 17(24) of the *Planning Act*.

Please find enclosed an executed OMB Appellant Form (A1) and a cheque of \$300.00 made payable to the Minister of Finance, representing the OMB filing fee.

Finally, we reserve the right to augment the foregoing grounds and/or to add additional grounds of appeal pending further review.

Thank you.

January 5, 2017
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Yours very truly,

AIRD & BERLIS LLP



Per: Steven A. Zakem
SAZ/AS

cc: Andrea Skinner
Ted Phillips
Wendy Nott
Tim Marc
Nick Stow

Encl.

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**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500

Toronto ON M5G 1E5

Telephone: (416) 212-6349

Toll Free: 1-866-448-2248

Fax: (416) 326-5370

Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Commission des affaires municipales
de l'Ontario

655 rue Bay, suite 1500

Toronto ON M5G 1E5

Téléphone: (416) 212-6349

Sans Frais: 1-866-448-2248

Télécopieur: (416) 326-5370

Site Web: www.elto.gov.on.ca



Ontario

Instructions for preparing and submitting the Appellant Form (A1)

NOTICE – APPEAL FEE CHANGE

Effective July 1, 2016, Ontario Municipal Board (OMB) appeal fees are changing from \$125 to \$300. Appeals received and date-stamped by the municipality/approval authority on or after July 1, 2016, are subject to the new appeal fee.

- The fee of \$25 for each additional consent appeal filed by the same appellant against connected consent applications does not change.
- The fee of \$25 for each additional variance appeal filed by the same appellant against connected variance applications does not change.

OMB appeal fees are still \$125 for appeals with date-stamps from before July 1, 2016.

- **Complete one form for each type of appeal you are filing.**
- **Please print clearly.**
- **A filing fee of \$300 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.**
- **The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.**
- **If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.**
- **Do not send cash.**
- **Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.**
- **Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable. Do NOT send directly to the Ontario Municipal Board.**
- **The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.**
- **The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.**



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**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
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

Numerous parcels throughout the City of Ottawa that would be affected by OPA 179

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

Municipality/Upper tier: City of Ottawa

Part 3: Appellant Information

First Name: _____ Last Name: _____

Taggart Group of Companies

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: _____
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: Steven A. Last Name: Zakem

Company Name: Aird & Berlis LLP

Professional Title: Solicitor

E-mail Address: szakem@airdberlis.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 416-865-3440 Alternate Telephone #: _____

Fax #: 416-863-1515

Mailing Address: 181 Bay Street Suite 1800 Toronto
Street Address Apt/Suite/Unit# City/Town
Ontario M5J 2T9
Province Country (if not Canada) Postal Code

Signature of Appellant:  Date: January 5, 2017
For Steven A. Zakem

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):

Appeal of Ottawa City Council's decision on December 14, 2016 to adopt Official Plan Amendment No. 179.

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 covering 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
 - b. Yes

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:

This appeal relates to the OPA 150 proceeding, which is currently before the Board under File No. PL140495.

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

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? **To determine the parties, issues and possible resolutions**

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

Please see covering letter.

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.**

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