

Special Council Meeting
Monday, November 25, 2024

Comments Received Regarding Item 6.2

Town Initiated
Neyagawa Urban Core Review
Official Plan Amendments
File No. 42.15.60

Patrick G. Duffy
Direct: +1 416 869 5257
PDuffy@stikeman.com

November 19, 2024
File No.: 142455.1018

By E-mail and Courier
townclerk@oakville.ca

Town of Oakville
Town Hall
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention: Town Clerk, Oakville

Dear Town Clerk:

Re: Notice of Appeal of Council's Decision to Adopt Official Plan Amendments 68 and 333, under Subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

We are counsel to bclMC Realty Corporation c/o QuadReal Property Group with respect to the property municipally known as 3269 and 3271 Dundas Street West in the Town of Oakville (the "**Property**"). Our client participated in the consultation process for Official Plan Amendments 68 and 333 (the "**OPAs**") by way of the enclosed correspondence.

The OPAs unduly restrict certain abilities of the owners of lands designated as Employment District to pursue a conversion of their lands outside of a Town-initiated comprehensive process. By perpetuating restrictions on the conversion of employment lands, these OPAs, which were introduced in response to the *Helping Homebuyers, Protecting Tenants Act, 2023* (Bill 97), undermine Provincial policy direction that aims to streamline development to increase housing supply. As adopted, OPAs 68 and 333 are inconsistent with these directives and the Provincial Planning Statement, 2024¹ ("**PPS**").

Moreover, OPAs 68 and 333 introduce policies that eliminate previously permitted institutional and commercial uses. This substantive reduction in permitted uses undermines the strategic flexibility and economic potential of the lands, restricting opportunities for adaptive land use that could address evolving market conditions and community needs.

In its written submissions, our client expressed its concerns with the policies introduced by the OPAs, specifically noting the policies hinder a landowner's ability to adapt to current market conditions and are misaligned with Provincial policy.

For these reasons, as well as any others we reserve the right to bring forward, our client hereby appeals Council's decision to adopt Official Plan Amendments 68 and 333 to the Ontario Land Tribunal.

In support of this Notice of Appeal, please find enclosed:

¹ See e.g., PPS policies 2.1.2, 2.1.4, 2.1.6, 2.2.1, 2.3.1, 2.4.1, 2.8.2, 2.8.2, among others.

1. One (1) completed Ontario Land Tribunal Appellant Form A1;
2. One (1) copy of the correspondence from Daniel Moriarity, QuadReal Property Group, to the Town of Oakville, dated October 15, 2024; and
3. One (1) USB containing electronic copies of this cover letter and all documents listed above

It is our understanding that a credit card payment in the amount \$2,200.00, being the filing fee for this appeal, will be submitted in accordance with the instructions provided to us by the Tribunal staff following the receipt of this appeal. Please e-mail or call the undersigned to arrange for payment.

If you have any questions regarding the enclosed materials, please do not hesitate to contact me or my associate, Jonathan Cheng at jcheng@stikeman.com or 416-869-6807. Thank you for your attention to this matter.

Yours truly,



Patrick G. Duffy

PGD/jsc/sm

Enclosures

cc. Jonathan S. Cheng, *Stikeman Elliott LLP*
Client



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)	

You may be able to submit your appeal online using our new e-file service if:

- the approval authority you are submitting your appeal to is registered on e-file; or
- you are appealing directly to the Ontario Land Tribunal

Please visit our [e-file page](#) to learn more.

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:	First Name:
Marotta	John
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):	
bcIMC Realty Corporation	
Email Address:	
john.marotta@quadreal.com	
Daytime Telephone Number:	Alternative Telephone Number:

416-673-7401		ext.	416-712-7686	
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
4900	199	Bay Street		
City/Town:		Province:	Country:	Postal Code:
Toronto		ON	Canada	M5L 1G2

Representative Information				
<input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
Duffy		Patrick		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Stikeman Elliott LLP				
Email Address:				
pduffy@stikeman.com				
Daytime Telephone Number:			Alternative Telephone Number:	
+1 416 869 5257	ext.			
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
5300	199	Bay Street		
City/Town:	Province:	Country:	Postal Code:	
Toronto	ON	Canada	M5L 1B9	
<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 <i>OLT 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
Address and/or Legal Description of property subject to the appeal:
3269 and 3271 Dundas Street West
Municipality:
Town of Oakville

Upper Tier (Example: county, district, region):
Region 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	<i>Planning Act</i>	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 Act, 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</i>	4A

	<i>Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act matters</i>	
<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):

By-law 2024-143 and 2024-145, which adopted Official Plan Amendments 68 and 333, respectively

List the reasons for your appeal:

Please see enclosing Notice of Appeal.

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 enclosing Notice of Appeal.

Oral/Written Submissions to Council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes 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:

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:

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: \$2,200

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input type="checkbox"/>	Lawyer's general or trust account cheque
	<input checked="" 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)
Patrick Duffy		2024/11/19

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>For the Areas of:</p> <p>Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p>	<p>For the Areas of:</p> <p>Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1</p>

	<p>Phone: 905-877-5191</p> <p>Fax: 905-873-7452</p> <p>Website: www.escarpment.org</p> <p>Email: necgeorgetown@ontario.ca</p>	<p>Phone: 519-371-1001</p> <p>Fax: 519-371-1009</p> <p>Website: www.escarpment.org</p> <p>Email: necowensound@ontario.ca</p>
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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.

From: Daniel Moriarity

Sent: Tuesday, October 15, 2024 11:54 AM

To: Town Clerks <TownClerk@oakville.ca>

Cc: John Marotta

Subject: [EXTERNAL] Public Meeting - Town Initiated Official Plan Amendment 68, 332, 333
- File No. 52.57.03 & By-Law 2014-143, 2024-144, 2024-145

Dear Town Clerk,

I am reaching on behalf of bclMC Realty Corporation c/o QuadReal Property Group (“Owner”) with regards to the property municipally known as 3269 and 3271 Dundas Street West (“subject property”) in the Town of Oakville.

As the Owner of the subject site, we have concerns with the policies introduced by Draft Official Plan Amendment 68, Draft Official Plan Amendment 332 & Draft Official Plan Amendment 333. Given the current market conditions in commercial and industrial real estate and the ongoing housing crisis, we feel the introduction of a comprehensive employment review process will restrict our ability to appropriately respond to market demands.

A flexible process needs to be maintained where development can respond to market conditions without the necessity of a comprehensive review. Introducing comprehensive reviews for applications considering a land use conversion and eliminating the ability of Council to assess properties on an individual basis, is both critical to the feasibility of a proposed development and is in opposition to the desired outcomes of the legislative changes to the *Planning Act*.

Thank you,

Daniel Moriarity | Manager, Development



www.quadreal.com

[Watch our story](#) | [Service 24/7](#)



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1. Please immediately notify the sender and destroy this email; and
2. Please note that any use, disclosure or copying of this email is prohibited.

June 28, 2022

Lara Nelson
Policy Planner
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Dear Ms. Nelson:

**RE: DRAFT OFFICIAL PLAN AMENDMENTS 45 AND 326 – NEYAGAWA URBAN CORE REVIEW
WESTERKIRK CAPITAL INC.
NORTHEAST QUADRANT OF NEYAGAWA BOULEVARD AND BURNHAMTHORPE ROAD
WEST, OAKVILLE
OUR FILE: 20262A**

On behalf of Westerkirk Capital Inc. (“Westerkirk”), we are providing the following comments on the proposed Official Plan Amendments (OPAs) 45 and 326 to implement the recommendations of the Neyagawa Urban Core (NUC) Review. Overall, Westerkirk are supportive of the Town proceeding with the updated policies for the Neyagawa Urban Core Area and appreciate the opportunities to meet with staff to discuss the policy framework.

BACKGROUND

The Westerkirk Capital Inc., lands are located on the northeast quadrant of Neyagawa Boulevard and Burnhamthorpe Road West in the Town of Oakville. The lands are approximately 18.8 hectares in size. A location map is provided in Figure 1. Westerkirk is seeking to redevelop its land with a mix of residential and retail commercial development as well as a hotel.

COMMENTS

Permitted Uses

Draft OPA 326 proposes a new policy (7.6.6.2) relating to permitted uses which states:

*7.6.6.2 a) A wide range of retail and service commercial uses, including restaurants, commercial schools, major office, offices, medium and high density residential uses, and related public uses such as urban squares, may be permitted. **Retail and service commercial uses shall be provided on the ground floor of mixed use buildings that directly front a public street.** These uses may also extend to the*

other floors. Places of entertainment, indoor sports facilities, and hotels may also be permitted. Office uses and ancillary residential uses may be provided on the ground floor and/or above the ground floor.

The permitted uses in policy 7.6.6.2 c) also includes the following:

*7.6.6.2 c) Permitted uses shall be primarily located in medium and high density residential, office and institutional buildings. Both mixed use and single use buildings shall be permitted and this may include single use retail and service commercial buildings in accordance with the provisions. **No single use or retail store shall exceed a maximum of 7,000 square metres of gross leasable area.***

We request clarification regarding the wording in the proposed policies above. Policy 7.6.6.2 (a) states that retail and service commercial uses *shall be* provided on the ground floor of *mixed use buildings*. However, the Dundas Urban Core policy (7.5.15 c) states that *retail and service commercial uses may be in stand alone stores **or** in the ground floor of mixed use buildings*. We recommend that retail and service commercial uses be expressly permitted as stand along uses and not just within the ground floor of mixed use buildings. In response to policy 7.6.6.2 (c), we request clarification on the term '**single use**' to identify what uses are subject to this term.

We also have a concern with the limitation of a single use to 7,000 square metres of gross leasable area if this is to apply to a hotel use. If this is the case, a hotel could not be developed. Generally, it is not clear why metrics for the size of uses are not moved into the implementing zoning. We ask that the Town please provide the rationale for the 7,000 square metres limit for single uses.

Private Roads & Parking

Draft OPA 326 proposes a new policy addition (7.6.6.3.1) in relation to private roads in the NUC:

7.6.6.3.1 b) Development should occur on public roads. Where it is demonstrated through an approved area design plan that a public road is not warranted, development through plans of condominium on private roads may be permitted, provided all required services are appropriately accommodated and all applicable policies of this Plan are satisfied.

Draft OPA 326 proposes a new policy addition (7.6.6.3.1) in relation to parking in the NUC that states:

7.6.6.3.1 d) iii. Where required surface parking is to be provided, the maximum portion of a lot used for commercial and visitor surface parking should be approximately 30 percent. Surface parking shall be appropriately sited and screened to minimize the view of the parking from the street.

The intent of the NUC area is to "create a mixed use, complete community with densities that support higher order transit." We recommend that private roads should not be restricted from the above policy stating *development should occur on public roads*. Both public and private roads are permitted within the North Oakville East Secondary Plan and should be provided within the NUC. In relation to the surface parking policy, the 30% maximum coverage is problematic for interim development and will provide a constraint to development.

District Energy

Draft OPA 326 proposes the addition of new policy (7.6.6.3.3) relating to district energy which states:

7.6.6.3.3 c) A district energy feasibility study may be required to be submitted as part of any application for Official Plan amendment, Zoning By-law amendment, draft plan of subdivision or draft plan of condominium.

While we support the objectives for District Energy, without a major facility as a proponent, it is unclear how a district energy feasibility study by each landowner or proponent would add any value at the development stage. We would recommend that this policy should be revised to be a direction to the Town to undertake such a study in conjunction with Oakville Hydro.

Height

The draft OPA proposes the addition of a new policy (7.6.6.5) relating to height in the NUC which states:

*7.6.6.5 e) i. For lands abutting and to the north of Burnhamthorpe Road West (and/or future William Halton Parkway as applicable), **a minimum height of three storeys** shall be permitted.*

We recommend that the minimum height requirement be reduced, as a minimum of three storeys is problematic for stand alone retail and service commercial uses.

Parkland Dedication

Draft OPA proposed the addition of a new policy (7.6.6.7] relating to Parkland Dedication in the NUC which states:

7.6.6.7 The Town shall require the conveyance of land to the Town for park or other public recreational purposes as a condition of development, consent or the subdivision of land as per the provisions of the Planning Act.

We request that the parkland dedication policy in the draft OPA be removed as parkland dedication for the entire North Oakville East Secondary Plan is provided through the North Oakville Master Parkland Agreement.

Flexible Language and Removal of Metrics

In addition to the specified above policies, we also recommend using flexible language and removal of metrics in the written policies. While some of the policy language allows for flexibility ("is encouraged") many of the policies are mandatory ("shall be permitted") where we believe flexibility and discretion should be provided.

For example, in the Urban Core policy, 7.3.2 states *Mixed use development **is encouraged***, while policy 7.5.16 states *Mixed use development **shall be permitted and encouraged** throughout the area.*

We also recommend that specific metrics for maximum floor areas be removed and implemented through zoning to allow for flexibility for phased developments.

We thank the Town for providing the opportunity to comment further and would be pleased to provide any additional information or clarification of our request.

Yours Truly,
MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson', with a stylized, cursive script.

Dana Anderson, MA, FCIP, RPP
Partner

cc. *Nick Sabat, Westerkirk Capital Inc.*
Kirk Biggar, Town of Oakville

By E-mail to townclerk@oakville.ca

November 22, 2024

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Dear Mayor Burton and Members of Council:

**RE: North Oakville East Commercial Study
Comments – North Oakville Community Builders Inc.**

We are writing to you as the Group Manager on behalf of the North Oakville Community Builders Inc. (“**NOCBI**”), which is comprised of landowners within the North Oakville East Secondary Plan area (“**North Oakville East**”) bordered by Highway 407 to the north, generally Third Line to the west, Ninth Line to the east, and Dundas Street to the South. This letter is submitted on behalf of all registered owners of lands located in North Oakville East who are members of the Group. Appendix “A” to this letter provides a current list of the members of the Group.

Over the past few years, NOCBI has had numerous meetings and discussions with planning staff regarding the provision of commercial uses within North Oakville. One of the primary matters under discussion was the ongoing contention that commercial development was not occurring in North Oakville due to disinterest from the development community in providing these facilities. As explained to staff at length and supported by reports and submissions to staff on this issue, the primary reason for these uses not being constructed within North Oakville was that the existing official plan policy framework and urban design directions actively prevented market viable commercial buildings from being constructed. Simply put, the same community builders that own land in North Oakville are currently building commercial facilities in adjacent communities such as Milton because there is a more appropriate policy regime. These same uses would be under construction here now if the issues with the current policies were resolved in a manner which facilitated them.

The North Oakville East Commercial Study has several directions that could work and may support commercial activity occurring. There are also a significant number of directions which will hinder or outright prevent these uses from occurring.

It is in the interest of all involved, the community builders, Town Council, and the residents, to get this right. Grocery stores and other commercial uses are needed now in North Oakville.

NOCBI will be providing detailed comments directly to staff on this study.



We look forward to working with staff as they proceed to the next steps and create the appropriate framework to achieve a complete community within North Oakville including these important commercial facilities.

Sincerely,

On behalf of the North Oakville Community Builders Inc. (NOCBI)

A handwritten signature in blue ink, appearing to read 'Ore Alade'.

Ore Alade, B.E.S
Project Manager III
Delta Urban Inc.

Cc North Oakville Community Builders Inc.
Ruth Victor, Ruth Victor & Associates
Daniel Steinberg, Loopstra Nixon LLP
Chris Mark, Director of Parks and Open Space, Town of Oakville

Enclosed. Appendix A – NOCBI Members



Appendix A – NOCBI Members

**NORTH OAKVILLE COMMUNITY
BUILDERS INC.
PARTICIPATING OWNERS**

MATTAMY GROUP

Graydon Banning Ltd.
Pendent Developments Limited
Lower Fourth Limited
404072 Ontario Limited
Dunoak Developments Inc.
Bressa Developments Limited
1564984 Ontario Limited
Hulme Developments Limited (SGGC)
The Bar West Realty Corp.
Mattamy (Kaitting) Limited

TRINISON GROUP

Sherborne Lodge Developments Limited
Docasa Group Ltd.
Timsin Holding Corp.
Tribaden Investments Inc.
River Thames Building Group Corp.
Flavia Homes Corp. (East)
Flavia Homes Corp. (West)
Everton Gates Capital Corp.
Flavia Homes Corp. (1125/1137/1147)

REMINGTON GROUP

Eno Investments Limited
Oakville 23-2 Inc.
Ruland Properties Inc.
Ankara Realty Limited

MELROSE GROUP

Star Oak Developments Limited - WEST
Star Oak Developments Limited - NORTH
Mel-Oak Developments Inc.
Mel-Oak Developments (North) Inc.
Sixth Oak Inc.
DGB Trafalgar Limited

WESTERKIRK GROUP

1816985 Ontario Ltd. (Neyagawa Pty.)
1816986 Ontario Ltd. (Trafalgar Pty.)

ARGO GROUP

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Argo (West Morrison Creek) Limited
EMGO III Corporation
Argo (Joshua Creek) Developments Limited
Argo Oakville Woods Corporation
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Argo Neyagawa Corporation

GREAT GULF GROUP

Green Ginger Developments Inc.
Redoak G & A Inc.
Capoak Inc.

CRYSTAL HOMES GROUP

Trafalgar Road (Oakville) Developments Ltd.
TWKD Developments Inc.
TRODL - Diamantkos Property

KRPAN GROUP

Sixth Line Corporation
Crosstrail Estates Inc.

Burhamthorpe/Oakville Holdings Inc. (Sky Property Group)

North Oakville Park Management Inc.

Dunburn Developments Limited/Fieldgate (FCHT)

Dundas - Trafalgar Inc.

Digram Developments Oakville Inc. (Sykiotos)

North West Oakville Holdings Inc. (Tercot)

Martillac Estates Inc.

Branthaven Burnhamthorpe Inc.

DG Farms Burnhamthorpe Inc.

Rampen Holdings Inc.

3275 Traflaagr Road Inc.

Neatt (16 Mile Creek) Inc.

By E-mail to townclerk@oakville.ca

November 22, 2024

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Dear Mayor Burton and Members of Council:

**RE: Town of Oakville Official Plan (the "Official Plan")
Draft Official Plan Amendment No. 326 ("Draft OPA 326")
Comments – North Oakville Community Builders Inc.
Statutory Public Meeting – November 25, 2024**

We are writing to you as the Group Manager on behalf of the North Oakville Community Builders Inc. ("NOCBI"), which is comprised of landowners within the North Oakville East Secondary Plan area ("North Oakville East") bordered by Highway 407 to the north, generally Third Line to the west, Ninth Line to the east, and Dundas Street to the South. This letter is submitted on behalf of all registered owners of lands located in North Oakville East who are members of the Group. Appendix "A" to this letter provides a current list of the members of the Group.

Over the past few years, NOCBI has had numerous meetings and discussions with planning staff regarding the Neyagawa Urban Core. These discussions also included the challenges within the current planning framework and how the Town's current policies were inhibiting the provision of much needed commercial uses within North Oakville East.

Ruth Victor and Associates, working with urban Metrics has completed a review of this Draft Official Plan Amendment as well as the North Oakville East Commercial Study. Detailed comments on the report and the draft Official Plan Amendment will be submitted to staff directly.

Below is a summary of some of the concerns:

- 1) Specific required minimums of commercial space in each quadrant of the NUC. One of the principles often considered in preparation of Official Plan policies is to focus on vision, goals, objectives and policy framework in Official Plan and to focus minimum numerical development standards within the zoning by-law. This approach ensures that there is some flexibility when processing development applications to ensure the application meets the intent of the Official Plan policies without requiring an amendment to the Official Plan if the specific minimum is not exactly achieved. It is also noted that the minimums set out in the draft OPA do not reflect the opportunity for commercial space within these quadrants. A target for the NUC overall would be



- a more appropriate policy direction.
- 2) Need for clear policy directions that will allow commercial sites to get established and provide much needed retail space AND provide policy direction to intensify and evolve over time. Other strategic growth areas within Oakville have policies in place for this to occur. Similar policies should be included for the NUC OPA. The minimum commercial space provisions as written may prevent this intensification.
 - 3) Mandating the use of LID within storm water management approaches. The Town, at this time, does not have a comprehensive approach regarding the use of LID. Mandating their use is not appropriate at this time and it would be more appropriate to have the use of LID explored and implemented through the EIR process. Policies regarding upgrades to existing roads should be clarified that this is the responsibility of the Town.
 - 4) Mandating urban design policies. We agree with the principles of good urban design and appreciate the process where the town implements these directions through urban design guidelines. The language for the urban design policies is more appropriate as “should” in lieu of “shall”. There is also concern about whether the proposed heights in the draft OPA would constrain achieving the overall objectives for the area. A two-storey minimum retail building is not viable in the market and simply eliminates the opportunities for commercial space being built. A minimum 5 storey-built form all along the north side of Burnhamthorpe Road and along both sides of Neyagawa Boulevard, north of Burnhamthorpe Road will not create the intended variation in built form along that road nor encourage much needed housing to be built in a timely manner.
 - 5) One matter of importance is the proposed policy regarding parkland within the Draft Official Plan Amendment. Attached to our letter is a letter from our solicitor setting out the details of that concern. It is NOCBI’s opinion that the additional public realm space can be resolved through creative and innovative approaches as set out within NOCBI’s discussions with Town staff to date.

As noted previously, detailed comments setting out these matters as well as other matters will be submitted directly to planning staff. We look forward to working with staff to resolve these issues prior to the adoption of the Official Plan Amendment for the NUC.

Sincerely,

On behalf of the North Oakville Community Builders Inc. (NOCBI)

Ore Alade, B.E.S
Project Manager III
Delta Urban Inc.

Cc North Oakville Community Builders Inc.
Ruth Victor, Ruth Victor & Associates
Daniel Steinberg, Loopstra Nixon LLP
Chris Mark, Director of Parks and Open Space, Town of Oakville



Gabriel Charles, Director of Planning Services, Town of Oakville

Enclosed. Appendix A – NOCBI Members
 Appendix B – Draft OPA 326 Comments Letter – Loopstra Nixon



Appendix A – NOCBI Members

**NORTH OAKVILLE COMMUNITY
BUILDERS INC.
PARTICIPATING OWNERS**

MATTAMY GROUP

Graydon Banning Ltd.
Pendent Developments Limited
Lower Fourth Limited
404072 Ontario Limited
Dunoak Developments Inc.
Bressa Developments Limited
1564984 Ontario Limited
Hulme Developments Limited (SGGC)
The Bar West Realty Corp.
Mattamy (Kaitting) Limited

TRINISON GROUP

Sherborne Lodge Developments Limited
Docasa Group Ltd.
Timsin Holding Corp.
Tribaden Investments Inc.
River Thames Building Group Corp.
Flavia Homes Corp. (East)
Flavia Homes Corp. (West)
Everton Gates Capital Corp.
Flavia Homes Corp. (1125/1137/1147)

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Martillac Estates Inc.

Branthaven Burnhamthorpe Inc.

DG Farms Burnhamthorpe Inc.

Rampen Holdings Inc.

3275 Traflaagr Road Inc.

Neatt (16 Mile Creek) Inc.



Appendix B – Draft OPA 326 Comments Letter – Loopstra Nixon



Daniel Steinberg*
Tel: 289.904.2374
Email: dsteinberg@LN.Law
*Daniel H. Steinberg Professional Corporation

By E-mail to townclerk@oakville.ca

November 22, 2024

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Dear Mayor Burton and Members of Council:

**RE: Town of Oakville Official Plan (the “Official Plan”)
Draft Official Plan Amendment No. 326 (“Draft OPA 326”)
Comments – North Oakville Community Builders Inc.
Statutory Public Meeting – November 25, 2024**

We are counsel to North Oakville Community Builders Inc. (“**NOCBI**”), trustee to the North Oakville East Developers Group (the “**Group**”), which is comprised of landowners within the North Oakville East Secondary Plan area (“**North Oakville East**”). This letter is submitted on behalf of all registered owners of lands located in North Oakville East who are members of the Group. Schedule “A” to this letter provides a current list of the members of the Group.

The Town of Oakville (the “**Town**”) and the Group are parties to the *North Oakville East Master Parkland Agreement* dated August 13, 2007 (the “**NOE Master Parkland Agreement**”). The NOE Master Parkland Agreement is a binding and comprehensive agreement that governs all matters pertaining to the dedication of parkland in the North Oakville East area.

Background

The Group and Town Staff have engaged extensively on matters related to the dedication of parkland for many years, based on a mutual understanding of the role of the NOE Master Parkland Agreement. This engagement is evidenced through correspondence between the Group (and its representatives) and Town Staff throughout the years.



Over the past year, the Group and its representatives have had ongoing discussions with Town Staff on various approaches to ensure there will be no deficit of the total parkland conveyances required under the NOE Master Parkland Agreement and to provide additional public realm space for higher density developments as part of the site plan approval process. The approaches proposed by the Group maintain the integrity of the NOE Master Parkland Agreement and incorporate the delivery of additional public realm space through mechanisms provided under the legislation such as the Community Benefits Charge.

Town's Parkland Dedication By-Law

The Town's Parkland Dedication By-law 2024-034, which came into effect on April 9, 2024, recognizes the role of the NOE Master Parkland Agreement as pertaining to the dedication of parkland in the North Oakville East area through the inclusion of the following provision:

7.2 Agreements Apply – *Notwithstanding any other provisions in this Parkland Dedication By-law, where before, or after the passing of this By-law, the Council of the Town of Oakville has approved or authorized an Agreement with respect to the dedication of parkland and/or the payment-in-lieu of parkland, the terms of that Agreement, including any subsequent amendments to that Agreement, shall remain binding between the parties, and any parkland dedication and/or payment-in-lieu of parkland shall be in accordance with the rates specified in the Agreement, rather than the rates provided for in this Parkland Dedication By-law.*

As noted in my correspondence to Mr. Gabriel Charles dated January 11, 2024, the Group confirmed its understanding that the above-noted Section 7.2 of the Parkland Dedication By-law is a clear affirmation that the NOE Master Parkland Agreement will continue to govern all matters pertaining to the dedication of parkland in North Oakville East.

Draft Official Plan Amendment No. 326

The Group has reviewed the updated Draft OPA 326 dated November 5, 2024, attached as Appendix A to Town Staff's Public Meeting Report to Planning and Development Council.

The Group is extremely concerned by the following proposed new subsection to Policy 7.7.4.5 of the Official Plan.

7.7.4.5 (f) – *In addition to the Master Parkland Agreement, urban squares, promenades, connecting links, and other open spaces may be provided in a variety of ownerships to be determined during the development approval process. Ownership options as outlined in the Town's Parks Plan include:*

- i. *Fee simple ownership;*
- ii. *Stratified ownership;*



- iii. *Privately owned public spaces (POPS); and*
- iv. *Use Agreements/Easements*

This proposed policy suggests that the Town intends to enshrine in its Official Plan a policy that could directly contravene the NOE Master Parkland Agreement and the Town’s Parkland Dedication By-law.

As Town Staff is aware, the terms of the NOE Master Parkland Agreement are clear and unambiguous that the total parkland dedication requirement amount is **fixed** for North Oakville East.

However, the proposed wording of this policy provides that land dedications that include forms of creditable parkland under the NOE Master Parkland Agreement may be provided **“in addition to”** the NOE Master Parkland Agreement. It is not clear from the proposed wording if the Town would expect such dedications to be provided as a requirement or condition of development approval, if the dedications would be part of a Planning Act parkland dedication requirement or be provided pursuant to other legislative tools (such as the Community Benefits Charge), if the dedications would subject to compensation from the Town, or otherwise how this policy would not contravene the NOE Master Parkland Agreement.

As described above, the Group has engaged diligently with Town Staff to address parkland dedication matters for North Oakville East with the goal of coming to mutually acceptable and beneficial solutions. The Group has made proposals to the Town and continues to commit to working collaboratively, in good faith, to address these matters and achieve solutions under the parameters of the NOE Master Parkland Agreement and all governing legislation.

Accordingly, the Group requests that proposed Policy 7.7.4.5(f) of the Official Plan be removed and or sufficiently re-worded to address the concerns of the Group described in this letter.



Please provide the undersigned with notice of any decisions made by Council in relation to Draft OPA No. 326. Please note that this letter is only submitted on behalf of the overall Group. Individual landowners within the Group may have other comments to submit.

Yours truly,
LOOPSTRA NIXON LLP

A handwritten signature in black ink, appearing to read 'Daniel Steinberg'. The signature is fluid and cursive, with a prominent loop at the end.

Daniel Steinberg

Copy: Gabriel Charles, Director of Planning Services, Town of Oakville
Chris Mark, Director of Parks and Open Space, Town of Oakville
Ruth Victor, Ruth Victor & Associates
North Oakville East Developers Group

SCHEDULE "A"

**NORTH OAKVILLE COMMUNITY
BUILDERS INC.
PARTICIPATING OWNERS**

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Lower Fourth Limited
404072 Ontario Limited
Dunoak Developments Inc.
Bressa Developments Limited
1564984 Ontario Limited
Hulme Developments Limited (SGGC)
The Bar West Realty Corp.
Mattamy (Kaitting) Limited

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Docasa Group Ltd.
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Rampen Holdings Inc.

3275 Traflaagr Road Inc.

Neatt (16 Mile Creek) Inc.

November 22, 2024

Mayor and Members of Council
c/o Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Dear Mayor Burton and Members of Council:

Argo Development Corporation is a member in good standing of the North Oakville Community Builders Inc. (NOCB). We have reviewed the letter to council from Delta Urban on behalf of the NOCBI and support its conclusions and direction. We are committed to working to assist to ensure that the North Oakville commercial structure can be advanced in a manner which better serves the needs of the new community.

Yours truly,



Rowan Faludi
Partner,
urbanMetrics Inc.
rfaludi@urbanmetrics.ca

RUSSELL D. CHEESEMAN
- Barrister & Solicitor -

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

November 15, 2024

DELIVERED BY COURIER and E-MAIL

Ms. Vicki Tytaneck
Town Clerk
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3



Dear Ms. Tytaneck:

**Re: Notice of Appeals Pursuant to Section 17 (36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended – Melrose Group of Companies – Numerous Municipal Addresses, Town of Oakville
Town of Oakville File Nos. OPA 68 and OPA 332**

We are counsel for Rowhedge Construction Limited, Star Oak Developments Limited, Sixth Oak Inc., Melrose Investments Inc., Mel (Wycroft) Inc., and Guglietti Brothers Investments Limited (collectively referred to herein as “Melrose”) the owners of various parcels of lands in the Town of Oakville.

By way of a Town-wide Notice of Decision of the Passing of a Proposed Official Plan Amendment, our clients were informed of the passing of Official Plan Amendment 68 to the Town of Oakville “Livable Oakville” Official Plan and the passing of Official Plan Amendment 332 to the North Oakville East Secondary Plan, at a meeting of Planning and Development Council on October 15, 2024.

This letter will serve as our client’s Notice of Appeal of Oakville Council’s decisions approving Official Plan Amendment Number 68, via the passing of By-law 2024-143, and Official Plan Amendment 332, via the passing of By-law 2024-144, to the Ontario Land Tribunal pursuant to Section 17 (36) of the Planning Act, R.S.O. 1990, c. P. 133, as amended.

Please find enclosed our firm’s cheque in the amount of \$2200.00, payable to the “Minister of Finance – Ontario”, which we understand to be the required combined fee for these types of appeals. Please also find enclosed one set of completed Form “A1” of

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

TELEPHONE: 416-955-9529 | CELLULAR: 416-520-9854 | EMAIL: rdcheese@aol.com | FACSIMILE: 416-955-9532

www.MunicipalLawChambers.com

of the Ontario Land Tribunal, for inclusion with the documentation you will forward to the Ontario Land Tribunal.

Our clients are the registered owners of land in the Town of Oakville to which both OPA 68 and OPA 332 apply. Attached to the letter as Appendix "A" is a list of the property owners, the respective municipal address and PIN, and the OPA applicable to each parcel of land. Our clients made written submissions to Oakville Council in respect of these matters by way of letter dated October 10, 2024.

Our client is of the opinion that the applications as submitted are not consistent with the Provincial Planning Statement 2024, issued under Section 3 of the *Planning Act*. We reference Sections 2.8.2.3 and 2.8.2.4, amongst others. We believe the Official Plan Amendments as passed, do not constitute good land use planning.

Melrose has reviewed the Staff Report that was prepared for the October 15, 2024 Planning and Development Council meeting, as well as the Official Plan Amendments that have been adopted, and it has concerns with the way in which the Town is proceeding in this matter.

Melrose has taken an active role in the development and implementation of the various planning documents that have been adopted over the years that concern the Employment/Industrial lands in the Town. Throughout its participation there has been an expectation that certain land uses were to be allowed on lands that Melrose owned, and the Town's current approach to removing several non-manufacturing/warehousing uses significantly impact the economic viability of these lands. Our concern is that there may not be enough purely manufacturing/warehousing type tenants to develop the lands in a viable economic manner.


Considerable effort and expense have already been committed in undertaking studies and designs for some of the lands, and a curtailing of non-manufacturing uses will render said effort and expense wasted. Any existing units which were built for non-warehousing/non-manufacturing users, but which may be currently vacant, will not be usable as those units will not be suitable for manufacturing/warehousing users.

It is the position of Melrose that the blanket removal of the non-warehousing/non-manufacturing uses seems to be an over-reaction to the changes in the Planning Act that are set out in the Town Staff's report. If this is something that the Town wishes to pursue, then it is Melrose's opinion that it would be appropriate and fair to do so only after a study to determine the Employment land use needs of the Town has been undertaken and completed.

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,



Russell D. Cheeseman

Encl.

cc. Mr. D. Faye (via e-mail)
Mr. Adam Cairns (via e-mail)

Appendix "A"

Legal Owner	Address	Description	PIN	Applicable OPA No.
Rowhedge Construction Limited	45 & 55 William Halton Parkway		249296940	332
Sixth Oak Inc.	4182 6 th Line	Employment Land	249297129	332
Sixth Oak Inc.	103 Burnhamthorpe Rd	Block 1 – Employment	249296913	332
Rowhedge Construction Limited	15 Loyalist Trail		249296768	332
Star Oak Developments Limited		North side of William Halton Pkwy	249296942	332
Star Oak Developments Limited		South side of William Halton Pkwy	249296667	332
Mel (Wyecroft) Inc.		Block 5 Wyecroft Road 20M-1005	248580196	68
Melrose Investments Inc.		Melrose Business Park	248580280 248580281	68
Melrose Investments Inc.	1295 Cornwall Rd		247920101	68
Melrose Investments Inc.	1300 Cornwall Rd		247930324	68
Melrose Investments Inc.	1320 Cornwall Rd		247930325	68
Melrose Investments Inc.	1435 Cornwall Rd		247920081	68
Guglietti Brothers Investments Limited	1410 Speers Rd		248440489	68
Melrose Investments Inc.	3510, 3518 Wyecroft Rd	Block 6 20M-1005	248580163	68



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)

<p>Municipal/Approval Authority Date Stamp</p>	<p>Receipt Number (OLT Office Use Only)</p>	<p>Date Stamp – Appeal Received by OLT</p>
	<p>OLT Case Number (OLT Office Use Only)</p>	

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:		First Name:		
Guglietti		Silvio		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Rowhedge Construction Limited, Star Oak Developments Limited, Sixth Oak Inc., Melrose Investments Inc., Mel (Wyecroft) Inc., and Guglietti Brothers Investments Limited				
Email Address:				
sguglietti@melroseinvestments.com				
Daytime Telephone Number:			Alternative Telephone Number:	
905-849-1360		ext.		
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
400	145	Reynolds Street		
City/Town:	Province:	Country:	Postal Code:	
Oakville	Ontario	Canada	L6J 3K8	

Representative Information

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

Last Name: **Cheeseman** First Name: **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: **416-955-9529** ext. Alternative Telephone Number:
416-520-9854

Mailing Address

Unit Number: Ste 211	Street Number: 277	Street Name: Lakeshore Road East	P.O. Box:
City/Town: Oakville	Province: Ontario	Country: Canada	Postal Code: 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:
Various Municipal Addresses

Municipality:
Town of Oakville

Upper Tier (Example: county, district, region):
Region 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>	17(36)
1	Official Plan Amendment	Planning Act	17(36)
2	Official Plan Amendment	Planning Act	
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,</i>	3A

	<i>Municipal Act</i> matters	
<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:

Municipal Reference Number(s):

OPA 68 and OPA 332

List the reasons for your appeal:

Please see attached Letter dated November 15, 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:

- 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 attached Letter dated November 15, 2024.

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes 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:

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:
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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: \$ 2200.00

Payment Method	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> 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)
Russell D. Cheeseman		2024/11/15

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/Substituting 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

	<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>	
<p>Section 3A & 3B or Section 4A or Section 4B or Section 6</p>	<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>
<p>Section 5</p>	<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 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</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 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.

THIS DOCUMENT CONTAINS SECURITY FEATURES - SEE REVERSE

003735

CANADIAN IMPERIAL BANK OF COMMERCE
LAKESHORE AND GEORGE BANKING CENTRE
197 LAKESHORE RD. E.
OAKVILLE, ON L6J 1H6



**RUSSELL D. CHEESEMAN
BARRISTER AND SOLICITOR**
211-277 LAKESHORE ROAD EAST
OAKVILLE, ONTARIO L6J 1H9

15112024
D D M M Y Y Y Y

DATE

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*****Two Thousand Two Hundred and 00/100

PAY

Minister of Finance Ontario

RUSSELL D. CHEESEMAN
BARRISTER AND SOLICITOR



TO THE
ORDER
OF

RDCheesman
PER

Notes: OLT Filing Fee

Notes:

⑈0003735⑈ ⑆001620010⑆ ⑆0⑈26915⑈

November 18, 2024

Denise Baker
Managing Partner
t. 416-947-5090
dbaker@weirfoulds.com

VIA E-MAIL AND COURIER: TOWNCLERK@OAKVILLE.CA

File 25631.00001

Town of Oakville
Clerk's Department
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Attention: Ms. Vicki Tytaneck, Town Clerk

Dear Ms. Tytaneck:

**Re: 2515-2525 Wyecroft Road, Oakville
Notice of Appeal pursuant to Section 17(36) of the Planning Act - Town of Oakville
Official Plan Amendment No. 68 (Employment Areas)**

Introduction

We are counsel to the registered owners (the “**owners**”) of the property municipally known as 2515-2525 Wyecroft Road (the “**Property**”) in the Town of Oakville (the “**Town**”), being 2406876 Ontario Inc., 2391185 Ontario Inc., and Vrancor Master GP Inc./Oakville Wyecroft Hotel LP. The Property is located south of the QEW, east of Bronte Road, north of Wyecroft Road, and west of South Service Road West and is approximately 4.17 hectares in area.

It is approximately 1.5 km west of the Bronte GO station and is situated along the Bronte Road Regional Transit Priority Corridor (as shown in Schedule A1 of the Town’s Official Plan), which is a focus area for transit-supportive development. The Property is designated Business Employment in the Town’s Official Plan. The Property is currently improved, in a campus style setting, with a hotel, hospitality and conference centre uses, all contained within three buildings, along with a large surface parking area serving the existing committed uses.

A. Background

On June 8, 2023, Bill 97 (the Helping Homebuyers, Protecting Tenants Act, 2023) received Royal Assent. Bill 97 included a series of legislative amendments specifically and deliberately designed with the stated objectives of generating an appropriately enhanced housing supply, making land available for development, providing infrastructure to support this development, balancing housing with resources and implementation policies to align municipalities with recent legislative

amendments. In this regard, Bill 97, which came into full force and effect on October 20, 2024, introduced a new definition of an “area of employment” to be:

“area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:

i. Manufacturing uses.

ii. Uses related to research and development in connection with manufacturing anything.

iii. Warehousing uses, including uses related to the movement of goods.

iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.

v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.

vi. Any other prescribed business and economic uses.

2. The uses are not any of the following uses:

i. Institutional uses.

ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv.”

On August 20, 2024, the province released the new Provincial Planning Statement (PPS 2024) and announced that it will also come into effect on October 20, 2024. Changes to PPS 2024 are aligned with amendments to the Planning Act through Bill 97.

In response to the above, on October 15, 2024, Oakville Town Council (“**Council**”) passed By-law 2024-143, which adopted Official Plan Amendment No. 68 (“**OPA 68**”). Among other purposes of OPA 68, Council is proposing to amend Part D: Land Use Designations and Policies, section 14.1 Employment, General policies within the Livable Oakville Plan, in response to the new definition of “area of employment” in the Planning Act discussed above. The proposed new policy 14.1.1.a will no longer permit new commercial (office and retail) or institutional uses within lands

designated Office Employment, Business Employment, Industrial and Business Commercial, other than retail and office uses that are associated with manufacturing, research and development and warehousing uses. Proposed new policy 14.1.1.b will allow parcels of land within the Office Employment, Business Employment, Industrial and Business Commercial designations that were used for institutional uses and commercial uses (including retail and office uses) that were lawfully established on or before October 19, 2024, to continue to be used for such purposes.

B. Appeal Filed and Reason for the Appeal

On behalf of our client, we hereby appeal OPA 68 in its entirety to the Ontario Land Tribunal (the “OLT”) pursuant to section 17(36) of the Planning Act. By written correspondence dated October 15, 2024, copy attached, the client made written submission to Council prior to the adoption of OPA 68.

For the reason elaborated and explained below, it is our respectful submission that OPA 68 falls short of implementing the purpose and intent behind Bill 97.

1. OPA 68 significantly restricts the options available for the future use of the subject site and limits the expansion of existing business operations.
2. Bill 97 allows for the strengthened protection of defined areas of employment and the separation of incompatible uses, while allowing for the greater flexibility for the development of new land uses for those lands not captured under the new “area of employment” definition. However, OPA 68 removes existing land use permissions from all of the Town’s employment areas without conducting due examination into the appropriateness of this policy direction.
3. The undisputed clear intent of Bill 97, and the new definition of “area of employment”, is to limit the protection of employment areas to manufacturing, warehouse and industrial uses. Specifically, commercial uses, together with office and institutional uses, are excluded from these definitions to allow for their redevelopment to achieve the key objectives of generating an appropriate housing supply, making land available for development, and providing infrastructure to support development.

The narrowing of those included uses in the new “area of employment” definition was always intended to allow for redevelopment that would introduce residential uses without the need for a conversion request.

Proposed OPA 68 fails to recognize that the existing uses do not meet the definition of “area of employment” in the Planning Act and, as such, they should be made available for non-employment intensification purposes, consistent with the intent of Bill 97 and the Provincial Planning Statement 2024 (the “PPS 2024”). Proposed OPA 68, as currently adopted, effectively prevents consideration of expanded development opportunities while negatively impacting the existing planning function of many of those areas.

4. The sweeping, all-inclusive approach proposed to be implemented through OPA 68 does not capture or account for area-specific factors and removes existing land use permissions without any planning study or analysis to provide a land use direction on the “excluded” lands. This approach effectively thwarts and frustrates the provincial intention of providing an expanded housing land supply.
5. Effectively, proposed OPA 68 will sterilize the redevelopment potential of the Property, precluding both the existing and long-term permitted uses but also more intensified redevelopment appropriate in the proximity of the Bronte GO station and along the Bronte Road Regional Transit Priority Corridor. OPA 68 fails to acknowledge the appropriate use(s) and precludes other appropriate commercial uses from locating on the property (office, retail).
6. Proposed OPA 68 does not have regard to matters of provincial interest listed in section 2 of the Planning Act. Specifically, proposed OPA 68 fails to have regard to the following matters of provincial interest:
 - (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
 - (j) the adequate provision of a full range of housing, including affordable housing;
 - (k) the adequate provision of employment opportunities;
 - (p) the appropriate location of growth and development;
7. Proposed OPA 68 is inconsistent with the PPS 2024. The PPS 2024, which came into force and effect at the same time as the new “area of employment” definition in Bill 97, provides municipalities with the tools and flexibility necessary to build more homes. It enables municipalities to:

- plan for and support development, and increase the housing supply across the province
- align development with infrastructure to build a strong and competitive economy that is investment-ready

The proposed policies in adopted OPA 68 are inconsistent with the Housing and Employment policies in sections 2.2 and 2.8 respectively.

8. As of July 1, 2024, Halton Region planning responsibilities were transferred to the local municipalities, however, the Halton Region Official Plan remains in-effect and the local municipalities are responsible for administering the plan until such time that it is revoked or amended by the respective municipality. The Town of Oakville is now the approval authority for employment area policy changes. As part of these changes, the Halton Region Official Plan (ROP) was deemed to be an official plan of the Town of Oakville. The Property is designated an Employment Area in the Halton Region Official Plan (Map 1h Regional Urban Structure) where Policies 83.1 to 83.2 would apply, along with other related and complementary policies throughout. Proposed OPA has failed to amend the referenced Map 1h and the related policies to avoid any conflicts.
9. Such further and other grounds as counsel may advise and the OLT permit.

In satisfaction of the appeal filing requirements, please find enclosed the following:

1. One duly completed and signed Appeal Form (A1);
2. Our firm cheque in the amount of \$1,100, representing the OLT's appeal fee.

All of which is respectfully submitted to the OLT. It is our client's view that there are potential opportunities to resolve the appeal through direct discussions with the Town and/or Tribunal-led mediation.

We look forward to the acknowledgment of the receipt of this appeal and Notice of any future OLT hearing events.

In the interim, should you require any further information, please do not hesitate to contact the undersigned, or Paul Chronis, Senior Planner in our office at 416.460.0038 or by email at pchronis@weirfoulds.com.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink that reads "DBaker". The signature is written in a cursive, flowing style.

Denise Baker

DB/pc
Encls.3

cc: Client
21442528.1

Town of Oakville
Planning and Development Council
1225 Trafalgar Road
Oakville, ON
L6H 0H3

October 15, 2024

Dear Members of Planning and Development Council,

**Re: Proposed Official Plan Amendment 68
Town-Initiated OPAs to Preserve the Town's Protected Employment Areas
File Number 52.57.03**

Sajecki Planning is the planning consultant for Holiday Inn & Suites Oakville @ Bronte, who represent the registered owners of the property (the "owners") located at 2515-2525 Wycroft Road in the Town of Oakville, (the "Property"). The boundaries of the Property as well as the list of registered owners for each associated property are illustrated in **Attachment A**.

We are submitting this letter to express concerns with proposed Official Plan Amendment (OPA) 68. As detailed below, the proposed OPA will significantly restrict the future development of the Property. In addition, we feel that the proposed OPA is contrary to the spirit and intent of recent legislative and policy changes that have been introduced by the Province to promote the development of housing to achieve the Province's goal of building 1.5 million homes by 2031.

The Property is located south of the QEW, east of Bronte Road, north of Wycroft Road, and west of South Service Road West. It is approximately 1.5 km west of the Bronte GO station and is situated along the Bronte Road Regional Transit Priority Corridor (as shown in Schedule A1 of the Official Plan), which is a focus area for transit-supportive development. The Property is designated Business Employment in the Town of Oakville Official Plan. The Property currently contains hotel, hospitality and conference centre uses within three buildings, along with a large surface parking area serving the existing hospitality and commercial uses. The existing uses do not meet the definition of "area of employment" in the *Planning Act* as it will read on October 20, 2024.

Proposed OPA 68

On October 15, 2024, a recommendation report and an associated OPA are being brought forward to Planning and Development Council for a decision. OPA 68 is meant to respond to the new definition of "area of employment" in the *Planning Act* enacted through Bill 97 and carried forward into the new *Provincial Planning Statement, 2024*. The new definition of "area of employment" includes manufacturing, warehousing and industrial uses, and explicitly excludes institutional and commercial uses, including retail and office uses not associated with heavier industrial uses. The new definition will come into effect on October 20, 2024.

The proposed OPA is intended to preserve the Town's existing employment areas until such time that the Town completes an employment area review that will determine how to implement the provincial direction with respect to employment areas. OPA 68 will impact designated Employment Areas in the following significant ways:

1. Restricting the development of uses that are excluded from the new definition of "area of employment" in the *Planning Act*, including new retail, office and institutional uses;
2. Permitting existing uses which do not meet the new definition of "area of employment" to continue, provided that the use was lawfully established on the lands before October 20, 2024; and,
3. Allowing for the application of employment land conversion policies to all lands that are currently designated in the Official Plan as being within an employment area, including the continued restriction of appeals to the Ontario Land Tribunal.

Concerns with Proposed OPA 68

We have several concerns with the proposed recommendation report and implementing policy amendments, as summarized below:

1. **Removal of Existing Development Permissions** – OPA 68 will remove existing land use permissions on the Property and significantly restrict the range of uses that may be developed on the Property. Once OPA 68 is implemented, development of new or expanded commercial, retail and office uses would be prohibited. As the site currently contains hotel, hospitality and conference centre uses, commercial, retail, office and other sensitive land uses represent appropriate forms of infill on the Property.
2. **Incorrect Classification of the Subject Site as an Employment Area** – The three existing buildings on our client's property are used entirely for commercial and hospitality purposes. Two of the buildings are hotel facilities while the third is a conference centre and banquet hall. These existing uses are no longer considered employment uses as per the new definition of "area of employment" in the *Planning Act*. Instead, the Property should be considered as an appropriate location for mixed-use development, in keeping with the new *Planning Act* regulations and Provincial policy direction.
3. **Uncertain Timing** – It is unclear how long a comprehensive review of the Town's employment areas will take. The staff report speaks to the advancement of a comprehensive, multi-stage process involving an employment area review and comprehensive official plan and zoning by-law amendments. This process could take numerous months or even years to complete, which would largely freeze new development on the Property indefinitely.

Conclusion

We have concerns with the recommendation report and the implementing OPA 68. The proposed OPA will restrict future development on the Property, while also hindering the potential to introduce residential or mixed-use development on the lands, which is contrary to the intent of the recent Provincial legislative changes.

To address these concerns and to acknowledge the existing land uses on the site, we are requesting that the property at 2515-2525 Wycroft Road not be subject to OPA 68.

We kindly request to be included in any future notices or correspondence regarding decisions on this matter.

Sincerely,

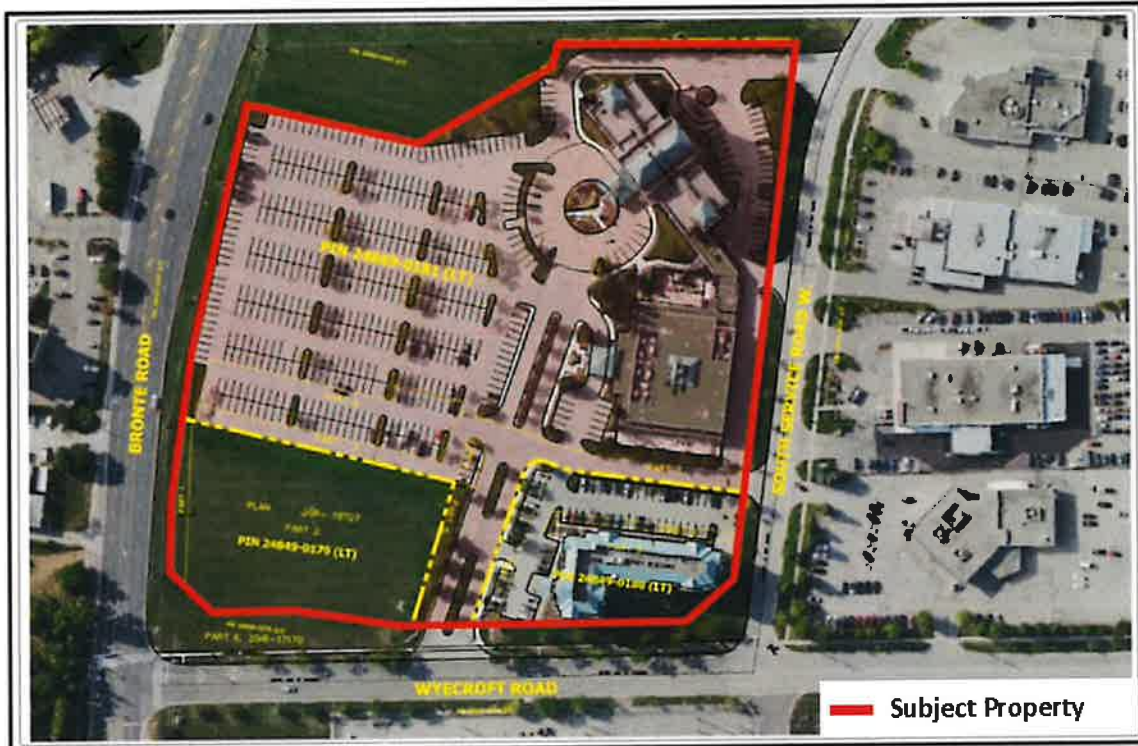


Tony De Franco
MScPl, MCIP, RPP
Development Planning Lead, Sajecki Planning Inc.

CC: David Sajecki, Sajecki Planning Inc.
Darko Vranich, Vrancor Group
Denise Baker, WeirFoulds
Peter Horn, Horn Design & Consulting Inc.

Attachment A

Property Map



List of Registered Owners

- PIN 24849-0179 - 2406876 Ontario Inc
- PIN 24849-0180 - 2391185 Ontario Inc
- PIN 24849-0181 - Vrancor Master GP Inc./Oakville Wyecroft Hotel LP



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)	

You may be able to submit your appeal online using our new e-file service if:

- the approval authority you are submitting your appeal to is registered on e-file; or
- you are appealing directly to the Ontario Land Tribunal

Please visit our [e-file page](#) to learn more.

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:			First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
2406876 Ontario Inc., 2391185 Ontario Inc., Vrancor Master GP Inc./Oakville Wyecroft Hotel LP				
Email Address:				
darko@vrancor.com				
Daytime Telephone Number:			Alternative Telephone Number:	
1-905-540-4800		ext.		
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
	366	King Street West		
City/Town:	Province:	Country:	Postal Code:	
Hamilton	ON	Canada	L8P 1B3	

Representative Information			
<input checked="" type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
Baker		Denise	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
WeirFoulds LLP			
Email Address:			
dbaker@weirfoulds.com			
Daytime Telephone Number:		Alternative Telephone Number:	
416-947-5090	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
201	1320	Cornwall Road	
City/Town:	Province:	Country:	Postal Code:
Oakville	Ontario	Canada	L6J 7W5
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 <i>OLT 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.			
<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.			

Location Information	
Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Address and/or Legal Description of property subject to the appeal:	
2515-2525 Wycroft Road, Oakville	
Municipality:	
Town of Oakville	
Upper Tier (Example: county, district, region):	
Regional Municipality of 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	
1	Official Planning Amendment	<i>Planning Act</i> <i>Planning Act</i>
2		45(12)
3		17(36)
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:

Municipal Reference Number(s):

OPA 68, file number 52.57.03

List the reasons for your appeal:

Please see attached correspondence

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:

Oral/Written Submissions to Council

Did you make your opinions regarding this matter known to council?
 Oral submissions at a public meeting of council
 Written submissions to council
 Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?
 Yes No
Are there other matters related to this appeal? (For example: A consent application connected to a variance application).
 Yes 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:

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:

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: \$1,100.00			
Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>
	<input type="checkbox"/>	Credit Card	
	<input checked="" type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>
			Lawyer's general or trust account cheque
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 .			
<input type="checkbox"/> 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)
Denise Baker		2024/11/18
Personal information or documentation requested on this form is collected under the authority of the <i>Ontario Land Tribunal Act</i> 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 <i>Freedom of Information and Protection of Privacy Act</i> and section 9 of the <i>Statutory Powers Procedure Act</i> , all information collected is available to the public subject to limited exceptions.		
We are committed to providing services as set out in the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> . 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

	<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>	
<p>Section 3A & 3B or Section 4A or Section 4B or Section 6</p>	<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>
<p>Section 5</p>	<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 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca</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 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.

WeirFoulds^{LLP}

BARRISTERS & SOLICITORS

4100 - 66 Wellington Street West
PO Box 35, Toronto-Dominion Centre
Toronto, ON M5K 1B7

Bank of Montreal
1 First Canadian Place
100 King Street West
Toronto, ON M5K 1A3

46695

MM DD YYYY

November 5, 2024



pay **One Thousand One Hundred and 00/100 Dollar(s)*****

\$ **1,100.00**

pay to the order of Minister of Finance

GENERAL ACCOUNT

WeirFoulds^{LLP}

PER 
PER 



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1987⑆799⑈

November 22, 2024

GSAI File: 792-036

In Memoriam, Founding Partner:
Glen Schnarr

(Via Email)

Chairman and Members of the Planning and Development Council
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: Neyagawa Urban Core Review
Town File No. 42.15.60

Glen Schnarr and Associates Inc (GSAI) are the planning consultants to Argo Neyagawa Corporation (the 'Owner') of the lands municipally known as 505 Burnhamthorpe Road West and are legally described as PT LT 20, Concession 2 NDS, Town of Oakville, in the Town of Oakville (the 'Subject Lands' or 'Site'). On behalf of the Owner, we are providing this Comment Letter that outlines concerns in relation to the ongoing Neyagawa Urban Core Review initiative.

Background:

GSAI has been participating in various related Town initiatives, including the ongoing Official Plan Review. We understand that when complete, the Neyagawa Urban Core Review initiative (the 'NUC Review initiative') will culminate in a Town-initiated Official Plan Amendment ('OPA') that will modify the policy framework permissions for lands across the North Oakville East community, including the Subject Lands.

The Subject Lands are located on the north side of Burnhamthorpe Road West, west of Neyagawa Boulevard and south of the Highway 407. The Subject Lands have a total area of approximately 11.28 hectares (27.87 acres), with frontage along Burnhamthorpe Road West, Neyagawa Boulevard and Fourth Line. The Site is currently vacant. Mature vegetation and an agricultural field are also present. Based on the in-effect planning policy framework, the Site is located within the Designated Greenfield Area of the Town of Oakville, is located within the Halton Regional Urban Area, is located within a Primary Regional Node which is a Strategic Growth Area (in accordance with Map 1F, Regional Structure) and is located within the North Oakville East Secondary Plan area of the Town. It is designated Urban Area (in accordance with Map 1, Regional Structure) by the in-effect Halton Regional Official Plan and is further designated 'Employment District' (in accordance with Figure NOE 2, Land Use). Based on the above, the

Site has recognized development potential. This is further supported by the Site's inclusion within the Neyagawa Urban Core area and its inclusion within a Primary Regional Node.

When considered collectively, the in-effect policy framework identifies the Subject Lands as an appropriate and desirable location for compact, mixed use development to occur. As is further described in the Planning Justification Report, prepared by Korsiak, dated December 2023, there is also a policy discrepancy currently. More specifically, the Subject Lands are identified as having development potential for compact, mixed-use development by Provincial and Regional policy objectives. However, the local in-effect policy permissions do not reflect the Subject Lands' removal from the restrictive Employment Area land base in accordance with the Minister's approval of Regional Official Plan Amendment No. 49 ('ROPA 49'). The Subject Lands' development potential is strengthened by its removal from the Employment Area land base and its locational characteristics of being in proximity to various services, amenities, facilities and parks to meet the daily needs of residents and support North Oakville East as a vibrant, complete community.

In addition to the above, it is important to note that the Subject Lands are subject to an active Draft Plan of Subdivision ('Draft Plan'), Official Plan Amendment ('OPA') and Zoning By-law Amendment ('ZBA') Application (collectively, the Application, Town File Nos. 24T-24001/1200.02, OPA 1220.02, Z.1220.02). This Application seeks to introduce a modified lot pattern and permissions for compact, mixed use development to occur. This includes permission for a broad range and mixture of built forms and densities to be provided across the Site, including a range and mixture of residential and non-residential land uses. Development blocks are to be organized around a new fine-grain, public road network, the provision of land in support of a future Highway 407 Transitway facility and the provision of a Stormwater Management ('SWM') Pond. Each development block may contain low-, mid- or high-rise built forms in order to support housing choice and compact urban forms.

Concerns Related to Neyagawa Urban Core Official Plan Amendment:

We have reviewed the draft Neyagawa Urban Core Official Plan Amendments ('OPAs'), referred to as Official Plan Amendment Nos. 326 and 45, released on November 14, 2024. The draft OPAs propose revisions to the Livable Oakville Plan and the North Oakville East Secondary Plan. More specifically, the draft OPA will introduce a delineation of the Neyagawa Urban Core strategic growth area and will introduce area-specific policies.

Overall, we are supportive of certain aspects of the proposed OPAs. More specifically, we are supportive of the inclusion of the Subject Lands within the parent Nodes and Corridor component of the Town Structure identified in OPA 45 and the introduction of a delineated Neyagawa Urban Core area identified in OPA 326 that includes not only the Subject Lands but surrounding lands as

well. We are also supportive of the general purpose and intent of OPA 326 which will serve to fully implement the previously completed and approved Employment Land Conversion at the Regional level and the increased building height permissions of up to 18 storeys. We are however concerned with other aspects of the proposed area-specific policies, identified in OPA 326. In particular, the following draft policies are concerning:

'7.6.6.1. The Neyagawa Urban Core Area designation on Figure NOE2 is intended to allow the creation of a core area at the intersection of Neyagawa Boulevard and Burnhamthorpe Road West. The intent of this Area is to create a mixed-use, complete community with densities that support higher order transit, including a 407 Transitway Terminal. ...'

The above captioned portion of the policy is concerning, we request that the last sentence be modified to reference a potential 407 Transitway Terminal. Furthermore, reference to the potential 407 Transitway Terminal should be modified to allow sufficient flexibility should the Station not be realized, that an appropriate use can be permitted to proceed without further amendment to the Plan. These above-noted revisions would enable consistency with the balance of the policy as drafted which refers to the future 407 Transitway Neyagawa Terminal and would reflect the ongoing efforts to study the proposed transitway facility. Given an approved design and location for the Station facility is not yet available, identification of the Transitway Terminal as being a potential station is key.

'7.6.6.2.e). Retail and service commercial uses should be located at-grade within mixed-use buildings and oriented towards the public realm.'

We are concerned with the above-noted policy and request that it be revised. More specifically, the use of the word **should** is concerning and unnecessarily restrictive. We request that the policy be amended to include the phrasing that at-grade non-residential uses, such as retail and service commercial uses, **may be** located at-grade within mixed-use buildings. This phrasing will enable greater flexibility in terms of tenants or users and an ability for developments to effectively respond to current market forces. The policy requirement of **should** is unnecessarily restrictive, does not adequately capture a developer's ability to right-size non-residential spaces based on market trends and tenant preferences and may result in an oversupply of non-residential areas which will create undesirable public realms and areas devoid of pedestrian activity. This would be contrary to the development vision established for the Neyagawa Urban Core.

'7.6.6.2.g). A minimum of 16,710 square metres of retail and commercial uses shall be required within the Neyagawa Urban Core and further provided per quadrant:

ii) A minimum of 3,250 square metres shall be provided in the north west quadrant.'

The above-noted policy as drafted requires revision. As is further discussed in the Comment Letter, prepared by urbanMetrics, dated November 22, 2024, regarding the Town's Commercial Study, the policy requirement to provide a minimum amount of non-residential floor space is unnecessarily restrictive, is not reflective of market trends or variations and is contrary to good planning practice. We request that the policy as drafted be revised to remove a minimum retail and commercial use floor area being required and furthermore, that no amount of retail and commercial uses be required by quadrant. As drafted, the amount of minimum non-residential space within developments is restrictive, may result in much needed housing not being delivered and may result in an oversupply of non-residential space that is not warranted nor desired by end-users and tenants.

'7.6.6.3.1. Transportation

- a) A transit terminal is required to serve inter-regional bus connections along Highway 407 and connect with local transit. The facility shall be located adjacent to the 407 Transitway in the area of Neyagawa Boulevard and Highway 407. It is also intended that this site be integrated with development, and become an anchor for the ongoing redevelopment of Neyagawa Urban Core as strategic growth area.*
- b) The province, the Ministry of Transportation/407 Transitway, the Town and landowners shall co-ordinate the delivery of a transit terminal in the area of Neyagawa Boulevard and Highway 407.*
- f) New road, transit, and active transportation infrastructure shall be provided to accommodate future growth and development.'*

The above-noted policy as drafted is overly restrictive and requires modification. As stated above, there remains uncertainty regarding the delivery of a Transitway Terminal. Given this uncertainty and absence of an approved Transitway Terminal location, the policy as drafted is restrictive. Greater flexibility is required to enable an alternate scenario should the Transitway Terminal not be pursued. Similarly, the requirement for landowners to work collaboratively is contrary to typical processes and would adversely impact the development potential of lands for an indefinite period of time. We request that subsection b) of the above-noted policy be revised to reflect that should the Transitway and Station be pursued, land requirements would be accommodated through an expropriation process. Should expropriation not be required, this would enable the land to be developed in a manner that supports the overall policy objectives for the Neyagawa Urban Core area.

Lastly, subsection f) of the above-noted policy is unnecessarily restrictive. As stated above, there remains significant uncertainty regarding the timing and delivery of higher order transit services. As such, the policy requirement that transit infrastructure be provided should be revised to state that such infrastructure should be encouraged. We acknowledge and agree that in order to accommodate compact, transit-supportive development forms, new roads and active transportation networks are required and should be encouraged. Furthermore, the policy requirement that new roads shall be provided is restrictive and does not enable sufficient flexibility should the classification or alignment of the road network require refinement as the planning processes proceed. Lastly, we request that the policy be modified to include a requirement that the Town of Oakville will be responsible for providing upgrades to existing roads, where such improvements and upgrades are necessary.

‘7.6.6.3.4. Urban Design

Built Form

- c) Tall and mid-rise buildings shall be designed and sited to maximize solar energy, ensure adequate sunlight and sky views, minimize wind conditions on pedestrian spaces and adjacent properties, and avoid excessive shadows on the public realm*
- e) Tall and mid-rise buildings shall be designed to the highest architectural quality and detail, and shall ensure a pedestrian-oriented built form, provide active facades oriented to public streets, and contribute to a distinctive skyline.*
- f) For tall buildings, the height of the building base (podium) should generally be equivalent to the building-to-building distance across the adjacent right-of-way, up to a maximum of 25 metres in height, in order to frame the street and enhance pedestrian comfort.*
- h) For tall buildings, the floorplate of each tower (the portion of the building above the base or podium) shall provide a slender tower profile to minimize adverse shadowing, maximize sun exposure and enhance the skyline.*
- i) For tall buildings, the distance between the facing walls of towers shall generally be a minimum of 25 metres at the tower base.*
- j) For tall buildings, the distance between facing walls of podiums, where there are windows on both building faces, shall generally be a minimum of 15 metres.’*

The above-noted policies are unnecessarily restrictive, are concerning and require modification. To begin, as drafted, the policies do not define how a ‘tall’ building is to be understood. More specifically, the draft OPA and the in-effect North Oakville East Secondary Plan do not provide a policy nor definition of what constitutes a tall building. Given this, a ‘tall’ building can be subjective, variable and subject to varying interpretations. This variation can result in unnecessary restrictions and instances where a development that contemplates built forms of specified heights

to be classified as not conforming to the policy. Furthermore, the policy requirement that a built form or built form component relate to a Right-of-Way width on which it fronts is inappropriate. As written, the policy will apply a one-size-fits-all approach to sites across the City, regardless of their location. Furthermore, a limitation of building height to relate to the ROW width is contrary to the practice being implemented in other jurisdictions across the Greater Toronto Area, will challenge the delivery of high-quality, refined, efficient, compact, transit supportive development forms in the desired locations and will hinder the development potential of lands. This policy requires revision to eliminate a universal application of building height limits based on a site's location along a street.

Lastly, the policy requirement that a slender tower floorplate be provided is unnecessarily restrictive and does not afford sufficient flexibility. Flexible tower floorplates is required given individual site characteristics must be considered. As drafted, the policy does not adequately reflect that there are various design strategies that can be employed to enable high-quality, refined built forms to be provided. A policy requiring a slender tower floorplate does not enable sufficient flexibility nor the ability for variable built forms which effectively respond to the deployment of mass, scale and density across a site.

'7.6.6.3.2. Stormwater Management

- a) Development shall implement stormwater management techniques and best practices, including low impact development, in accordance with provincial environmental permissions and obligations for municipal stormwater management systems and to the satisfaction of the Town and Conservation Authority.'*

The above-noted policy requires revision. More specifically, the policy as drafted is unnecessarily restrictive. While we are in agreement that appropriate stormwater management techniques are required, the policy phrasing of ***shall*** should be replaced with the phrasing "that appropriate stormwater management techniques, including low impact development, may be encouraged, subject to local conditions and the recommendations of technical studies". As suggested, the policy will enable appropriate stormwater management techniques to be implemented.

'7.6.6.4. Land Use Strategy, Neyagawa Urban Core Area, Land Use Policies

b) Building Heights

- i) Residential and mixed use development within 50 metres from the north side of Burnhamthorpe Road West and the east and west sides of Neyagawa Boulevard north of Burnhamthorpe West right-of-way shall be a minimum height of 5 storeys, excluding podium elements which may be lower*

- ii) *Residential and mixed use development beyond 50 metres from the north side of Burnhamthorpe Road West and the east and west sides of Neyagawa Boulevard north of Burnhamthorpe Road West right-of-way shall be a minimum height of 3 storeys.'*

As drafted, the minimum height requirements for lands along Burnhamthorpe Road West is concerning. More specifically, the minimum height of 5 storeys for those lands within 50 metres of Burnhamthorpe Road West, on either side of Neyagawa Boulevard is overly restrictive. Furthermore, this minimum building height will challenge the ability to provide compact, high-quality built forms of varying heights and densities, in the midst of a Provincial housing crisis. While we support the intent to direct development to frame the street edge and be oriented toward the intersection of Burnhamthorpe Road West and Neyagawa Boulevard, the application of a five (5) storey minimum building height requirement for a significant segment of land beyond the right-of-way limit will challenge the delivery of compact, high-quality built form and housing. It will also adversely impact the ability for development proponents to effectively manage massing, scale and density. We request that the policy as drafted be modified to state that a minimum building height of 5 storeys be required for only the first 20 metres beyond the intersection of Burnhamthorpe Road West and Neyagawa Boulevard, and that a minimum building height of 3 storeys be required for the balance of the Neyagawa Urban Core area, regardless of location. This differentiation in minimum building height requirements will further support the delivery of human-scaled, compact built forms with appropriate massing, scale and density, while also having appropriate regard for local conditions.

'7.6.6.7.e. Urban squares, promenades, connecting links and other open spaces may be provided in a variety of ownerships to be determined during the development approval process. Ownership options as outlined in the Town's Parks Plan include:

- i) *Fee simple ownership;*
- ii) *Stratified ownership;*
- iii) *Privately owned public spaces (POPS); and*
- iv) *Use Agreements/Easements.'*

'7.7.4.5.f).In addition to the Master Parkland Agreement, urban squares, promenades, connecting links and other open spaces may be provided in a variety of ownerships to be determined during the development approval process. Ownership options as outlined in the Town's Parks Plan include:

- i) *Fee simple ownership;*
- ii) *Stratified ownership;*
- iii) *Privately owned public spaces (POPS); and*

iv) *Use Agreements/Easements.*

The above-noted policies are concerning and require revisions. As drafted, the policies do not sufficiently account for the provisions provided by the executed Master Parkland Agreement nor do they adequately recognize the possibility that no open space is provided. The concerns related to Policy 7.7.4.5.f) are also identified in the accompanying Comment Letter, prepared by Loopstra Nixon LLP, dated November 21, 2024. We request that the above-noted policies be modified to enable sufficient flexibility during the development process.

Summary

In summary, we are concerned about the proposed policy directions outlined in draft OPA 326 and request that modifications be made. It is our opinion that many of the proposed policies are overly and unnecessarily restrictive. Thank you for the opportunity to provide these comments. Our Client wishes to be included all further engagement related to the Neyagawa Urban Core initiative and wishes to be informed of updates, future meetings and the ability to review and provide comments on the final Official Plan Amendment prior to adoption.

We look forward to being involved. Please feel free to contact the undersigned if there are any questions.

Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.



Jim Levac, MCIP, RPP
Partner



Stephanie Matveeva, MCIP, RPP
Associate

cc. Owner
Catherine Buckerfield, Town of Oakville
Kirk Biggar, Town of Oakville
Robert Thun, Town of Oakville



November 19, 2024

By Personal Service

Oakville Town Council
1225 Trafalgar Road
City Hall,
Oakville, ON L6H 0H3

Signe Leisk
sleisk@cassels.com
tel: 416 869 5411
file #059520-00001

Attention: Victoria Tytaneck, Town Clerk

**Re: Notice of Appeal, section 17(24) of the *Planning Act*
Town of Oakville Official Plan Amendment 333
Town of Oakville By-law 2024-145**

We are the lawyers for Cynthia Lynch, the owner of the lands municipally known as 263 Burnhamthorpe Road West and legally described as *Pt Lt 18, Con 2 Traf Nds, As In 267511, Except Pt 1, 20R2931 & Pt 1, Ex199, Oakville. Subject To An Easement In Gross Over Pt 2 On 20R18861 As In Hr985211* (the “**Subject Lands**”).

In their October 1, 2024, report to the Planning and Development Council (the “**Staff Report**”), Town Staff recommended the addition of policy 8.6.5.2(l) to the North Oakville West Secondary Plan (“**NOWSP**”). Policy 8.6.5.2(l) of Official Plan Amendment 333 (“**OPA 333**”) proposes to limit the Employment District use in the NOWSP to only those uses outlined in paragraph 1 of section 1(1) of the *Planning Act*.

On behalf of our client, we submitted written correspondence to Council dated October 15, 2024, setting out our client’s concerns with the proposed amendments, which concerns remain outstanding. A copy of our prior correspondence is attached.

On behalf of the Appellant, we hereby appeal OPA 333 to the Ontario Land Tribunal (the “**Tribunal**”), pursuant to section 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13 (“**Planning Act**”) for the following, among other, reasons.

Background

The Subject Lands are approximately 20 hectares in area and are generally located east of Highway 407 near the intersection of William Halton Parkway West and Burnhamthorpe Road West.

The Subject Lands are currently designated as Employment District in the NOWSP. Per subsection 8.3.2 of the NOWSP, the Employment District designation currently permits a broad range of employment-generating uses, including office, retail, and service commercial uses designed to serve the businesses and employees.

OPA 333 is contrary to the *Planning Act* and provincial policy direction

Pursuant to Bill 97, the *Planning Act* was amended to provide a new definition of “area of employment”, which focuses on traditional manufacturing and warehousing uses and excludes commercial uses, including retail and office uses. The clear provincial purpose of these changes was to scope and protect those traditional employment areas, while making more land available for housing in furtherance of the Province’s Housing Action Plan. The proposed amendments to the Employment District policies are contrary to this clear provincial direction and the provisions of the *Planning Act*.

The Provincial Planning Statement, 2024 (the “**PPS**”) provides policy direction on matters of provincial interest related to land use planning and development. Municipal official plans are the most important vehicle for implementing the PPS and, in the process, achieving comprehensive, integrated, and long-term planning. The PPS introduced new employment area policies in coordination with Bill 97.

Specifically, the PPS defines “employment area” as areas designated for clusters of business and economic activities, including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. The definition excludes general institutional and commercial uses.

The PPS requires that municipalities assess and update employment areas to ensure that the designation is appropriate to the planned function of employment areas, in accordance with the Province’s new definitions for employment areas and areas of employment.

The PPS further directs municipalities as planning authorities to support a modern economy, promoting economic development and competitiveness by encouraging a mix of uses within areas of employment to achieve complete communities.

OPA 333 is inconsistent with these clear planning policy directions:

1. OPA 333 imposes significant barriers to diversifying employment areas for any use other than heavy industrial uses. The purpose and effect of OPA 333 is to ensure that areas that would not meet the new definitions of employment area, because they were planned and developed for a broader range of uses, will nevertheless continue to be unjustifiably protected as employment areas;
2. As a result, OPA 333 fails to account for the unique nature of any given parcel of land within the NOWSP, including the Subject Lands. The Town has not individually considered which lands should meet the Province’s new definitions of employment areas. Instead, the Town has proposed to remove all commercial and institutional land use permissions from Employment Districts in the NOWSP; and

3. OPA 333 fails to support general intensification, redevelopment, and the achievement of complete communities. The proposed amendment instead seeks to maintain the status quo and prevent the possibility of expanded development opportunities within the NOWSP's Employment Districts. In turn, OPA 333 fails to make more land available for development, failing to support a range and mix of employment activities and housing options.

For all of the foregoing reasons, the Town of Oakville's decision to approve OPA 333 does not represent good planning and is not in the public interest.

Please find enclosed with this letter:

1. A completed appeal form and
2. A Request for Lower Fee form.

Please contact the undersigned or my colleague, Peter Voltsinis, at pvoltsinis@cassels.com or 416.860.6766 to arrange payment by credit card.

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk

SL/PV/KM
Encls.



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)

<p>Municipal/Approval Authority Date Stamp</p>	<p>Receipt Number (OLT Office Use Only)</p>	<p>Date Stamp – Appeal Received by OLT</p>
	<p>OLT Case Number (OLT Office Use Only)</p>	

You may be able to submit your appeal online using our new e-file service if:

- the approval authority you are submitting your appeal to is registered on e-file; or
- you are appealing directly to the Ontario Land Tribunal

Please visit our [e-file page](#) to learn more.

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

Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
			2665
City/Town:	Province:	Country:	Postal Code:
Bonita Springs	Florida	United States	34133

Representative Information

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

Last Name:	First Name:
Leisk	Signe

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

Email Address:
sleisk@cassels.com

Daytime Telephone Number:	Alternative Telephone Number:
(416) 869 5411	
ext.	

Mailing Address

Unit Number:	Street Number:	Street Name:	P.O. Box:
Suite 3200, Bay Adelaide Centre – North Tower	40	Temperance Street	

City/Town:	Province:	Country:	Postal Code:
Toronto	Ontario	Canada	M5H 0B4

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:

263 Burnhathorpe Road West and legally described as *Pt Lt 18, Con 2 Traf Nds , As In 267511, Except Pt 1, 20R2931 & Pt 1, Ex199, Oakville. Subject To An Easement In Gross Over Pt 2 On 20R18861 As In Hr985211*

Municipality:

Town of Oakville

Upper Tier (Example: county, district, region):

Halton Region

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	Municipally-Initiated Official Plan Amendment	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 Act, 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:

0

Municipal Reference Number(s):

BY-LAW # 2024-145
Official Plan Amendment 333

List the reasons for your appeal:

See attached cover letter.

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 Planning 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:

See attached cover letter.

Oral/Written Submissions to Council

Did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes 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:

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.

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:
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: \$ 400			
Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>
	<input type="checkbox"/>	Money Order	<input type="checkbox"/>
	<input type="checkbox"/>	Lawyer's general or trust account cheque	
	<input checked="" 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)
Signe Leisk		2024/11/19

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</p> <p>Website: www.olt.gov.on.ca</p>
Section 5	<p>For the Areas of:</p> <p>Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION</p> <p>232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1</p> <p>Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org</p>	<p>For the Areas of:</p> <p>Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p>File with:</p> <p>NIAGARA ESCARPMENT COMMISSION</p> <p>1450 7th Avenue Owen Sound, ON N4K 2Z1</p> <p>Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca</p>

	Email: necgeorgetown@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.



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

Request for Lower Fee

Instructions:

- This form can be used to request a reduction of OLT's appeal fee.
- Prepare this form and submit with your Appeal Form at the time of filing your appeal.
- Note: An appeal fee reduction may **only** be requested if the appeal fee for the matter you are appealing is \$1,100 AND you are a private citizen, a registered charity or a non-profit ratepayers' association.
- This form is to request the appeal fee be reduced to \$400.
- Please submit \$400 appeal fee with your appeal. If your request is denied you will be required to pay the balance owing.

Date Stamp - Received by OLT

Appeal Information

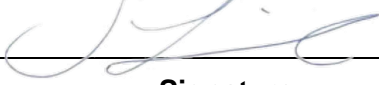
Municipal File Number:	Appeal Type (<i>Official Plan Amendment, Zoning By-law, Development Charges, etc.</i>)	Date of Municipal Decision:
BY-LAW # 2024-145 Official Plan Amendment 333	Municipally-Initiated Official Plan Amendment	October 15, 2024
Address and/or Legal Description of Property Subject to the Appeal:		
263 Burnhathorpe Road West and legally described as <i>Pt Lt 18, Con 2 Traf Nds, As In 267511, Except Pt 1, 20R2931 & Pt 1, Ex199, Oakville. Subject To An Easement In Gross Over Pt 2 On 20R18861 As In Hr985211</i>		
Municipality:	Upper Tier (Region, County, District):	Date Appeal Filed:
Town of Oakville	Halton Region	November 19, 2024

Requester Information

Last Name:	First Name:
Lynch	Cynthia
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):	
Email Address:	

Daytime Telephone Number:		Alternative Telephone Number:	
	Ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box
			34133
City/Town:	Province:	Country:	Postal Code:
Bonita Springs	Florida	United States	

Reasons to Reduce Fee
<p>I am seeking a reduction to the appeal fee on the basis that I am filing the appeal as or on behalf of:</p> <p><input checked="" type="checkbox"/> A private citizen</p> <p><input type="checkbox"/> A registered charity</p> <p><input type="checkbox"/> A non-profit ratepayers' association</p> <p><i>If filing on behalf of a registered charity or non-profit ratepayers' association</i></p> <p>The name of the charity/non-profit is:</p> <p>My relation to the charity/non-profit is:</p>

Affirmation
<p>I affirm the above information is accurate to the best of my knowledge and that I have authority to act on behalf of the charity/non-profit (if filing on behalf of either).</p> <p style="text-align: center;">  _____ </p> <p style="text-align: center;">Signature</p> <p style="text-align: right;">November 19, 2024</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">Date</p> <p>Name of Person Signing: <u>Signe Leisk</u></p>

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.

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OFFICE USE ONLY

Request Received by: _____ Date Received (dd/mm/yyyy): _____

Fee Received: \$ _____ Reviewed By: _____

From: Vivian Korinis
Sent: Wednesday, November 20, 2024 5:52 PM
To: Catherine Buckerfield; Franca Piazza;
Town Clerks
Subject: [EXTERNAL] Re: Town-initiated -
Neyagawa Urban Core - File No. 42.15.60, Ward No.
7

Hello,

We, property owners of Fourth Line, would like to express our SUPPORT of the Proposed Official Plan Amendment 326 to the 1984 Oakville Official Plan's North Oakville East Secondary Plan and OPA 45 to the Livable Oakville Official Plan.
Thank you,

**Charlie and Jenny Korinis
John and Vivian Tsolos
George and Vivian Bekiaris
Gus and Diane Papagiannis
Anthoula and George Varelas**



November 22, 2024

Mayor Burton and Members of Council
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Email: townclerk@oakville.ca

Dear Mayor Burton and Members of Council:

**RE: PUBLIC MEETING - DRAFT OFFICIAL PLAN AMENDMENTS 45 & 326- NEYAGAWA URBAN CORE
WESTERKIRK CAPITAL INC.
NORTHEAST QUADRANT OF BURNHAMTHORPE ROAD WEST & NEYAGAWA BOULEVARD,
TOWN OF OAKVILLE
OUR FILE: 20262B**

Westerkirk Capital Inc. ("Westerkirk") are the registered owner of the lands located at the northeast quadrant of Burnhamthorpe Road West and Neyagawa Boulevard in the Town of Oakville (hereinafter referred to as the "Subject Lands"). The Subject Lands are located within the Neyagawa Urban Core ("NUC") area of the Town. This letter is submitted on behalf of Westerkirk.

Over the past few years, Westerkirk has participated in the Town's process to prepare policies for the NUC. Westerkirk is also a member of the North Oakville Community Builders Inc. ("NOCBI") and have participated in the NOCBI meetings with the Town on the NUC.

This letter provides Westerkirk's comments on the Town's most recent proposed Draft Official Plan Amendments ("OPAs") 45 and 326 for the NUC dated November 5, 2024. Westerkirk is supportive of the Town proceeding with updated policies for the NUC, and appreciates the opportunity to continue meeting with staff to discuss and refine the policy framework based on its concerns.

Westerkirk's concerns include the following:

Permitted Uses

Draft OPA 326 proposes a new Policy 7.6.6.2(d) which states the following:

"Places of entertainment, indoor sports facilities, and hotels may also be permitted provided that the overall development contributes to overall density targets".

A hotel use should be expressed as a permitted use without conditions. Rather than “may be permitted”, the policy should state that hotels “shall” be permitted as they are considered to be a service commercial use that contributes to the full range of activities, the number of jobs, and the vision of the NUC as a mixed-use urban area.

Retail and Commercial Use Requirements

Draft OPA 326 proposes a new Policy 7.6.6.2(g) which states the following:

"A minimum of 16,710 square metres of retail and commercial uses shall be required within the Neyagawa Urban Core and further provided per quadrant:

- i. A minimum of 9,280 square metres shall be provided in the north east quadrant;*
- ii. A minimum of 3,250 square metres shall be provided in the north west quadrant; and*
- iii. A minimum of 4,180 square metres shall be provided in the south east quadrant."*

The requirements for retail and service commercial uses should be expressed as a target for the whole of the NUC rather than as a minimum prescribed amount or a minimum prescribed amount per quadrant. A target, as a policy objective, can then be implemented through Draft Plans, Site Plans, and through Zoning By-law provisions which can set standards.

Interim Uses

Throughout the Draft OPA, there are policy references to “interim commercial uses located in standalone buildings” which are expected to support the commercial needs of the NUC, and transition and redevelop over time. Additional policy language is needed to more clearly and effectively define “interim” and “long term” uses and the phasing of development within the NUC. This distinction should then be better clarified in relation to permitted uses, heights, and other design considerations as the current policies are somewhat conflicting.

407 Transitway

The conceptual location of the 407 transitway is shown on the proposed changes to Figures NOE 1 & 2 of the 1984 Town of Oakville Official Plan for the North Oakville East Secondary Plan. There have been several iterations of the 407 transitway location and alignment since 2005. The 407 transitway alignments, as currently proposed in Figures NOE 1 & 2 are unclear as to the Town’s preferred alignment and should be clarified.

Urban Design

The Urban Design and Built Form policies provided throughout the Draft OPA are highly prescriptive in nature and restrict the ability for development to provide diversity and variation in architectural design, building placement and profile, as well as site layout through the transition phases. Urban design guidelines should be provided separate from OPA policies to provide flexibility in the consideration of these elements based on context and stage of development.

Minimum Heights

Policy 7.6.6.4. (d(i)) states that:

"Residential and mixed-use development within 50 m from the north side of Burnhamthorpe Road West and the east and west side of Neyagawa Boulevard north of Burnhamthorpe Road West shall be a minimum height of 5 storeys".

An exemption should be added to this policy to not preclude the development of standalone interim service commercial, and retail uses which are permitted and supported by the OPA for lands that will be redeveloped over time.

Policy 7.6.6.4. (d(ii)) states that:

"Residential and mixed-use development beyond 50 metres from the north side of Burnhamthorpe Rod West and the east and west side of Neyagawa Boulevard north of Burnhamthorpe Road West shall be a minimum height of 3 storeys".

To allow for a diversity of housing stock, including townhomes, the minimum height for development, beyond 50 metres from the north side of Burnhamthorpe Road West and the east of Neyagawa Boulevard north of Burnhamthorpe Road West right-of-way, should be reduced to a minimum of 2 storeys to allow for townhomes to be built.

Parkland Dedication

Draft OPA 326 proposes a new Policy 7.7.4.5(f) which states the following:

"In addition to the Master Parkland Agreement, urban squares, promenades, connecting links and other open spaces may be provided in a variety of ownerships to be determined during the development approval process. Ownership options as outlined in the Town's Parks Plan include:

- i. Fee simple ownership;*
- ii. Stratified ownership;*
- iii. Privately owned public spaces (POPS); and*
- iv. Use Agreements/Easements".*

We request that the parkland dedication policy be removed as parkland dedication for the North Oakville East Secondary Plan is provided through the North Oakville Master Parkland Agreement.

We thank the Town for providing the opportunity to comment and look forward to further discussions with staff to update the proposed policies.

Yours Truly,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner