

Barristers & Solicitors

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Kelly Verza
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WeirFouldsLLP

December 18, 2020

Denise Baker
Partner
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dbaker@weirfoulds.com

VIA EMAIL AND COURIER

File No. 17728.00002
RECEIVED

Graham Milne, Regional Clerk
Regional Municipality of Halton
1151 Bronte Road
Oakville, ON
L6M 3L1

DEC 18 2020

**CLERKS OFFICE
REGION OF HALTON**

Dear Mr. Milne:

Re: Appeal of City of Burlington New Official Plan, 2085 Pine Street, Burlington

We are legal counsel to Pine Street Burlington Corp. (the "**Client**") with respect to their property municipally known as 2085 Pine Street, Burlington (the "**Property**"). The Property is located on the north side of Pine Street, west of Martha Street, in Burlington's downtown Urban Growth Centre (the "**UGC**").

Background

Our client submitted a site-specific development proposal for the Property in May 2019 which seeks land use permission for an 11-storey mid-rise residential building with a total of 39 residential units and proposes to incorporate the listed heritage building for a proposed commercial or office use. The proposal aims to revitalize the Property with a residential mid-rise building and an adaptive commercial or office use, while appropriately responding to and enhancing the existing character of the surrounding lands within the UGC. This site-specific application, being City No. 505-03/19 and 520-06/19, has been appealed to the Tribunal.

In April 2018, the City of Burlington adopted their new Official Plan which was referred to as "Grow Bold" (the "**Grow Bold Plan**"). Following the adoption of the Grow Bold Plan, the Region of Halton made a determination that certain elements of the Grow Bold Plan did not conform to the 2017 Growth Plan. As such, the Region refused to approve the Grow Bold Plan and under the *Planning Act*, the amount of time that the Region had to approve it before an appeal for non-decision could be filed was suspended. As such, the approval of the Grow Bold Plan was effectively put on hold.

While the Grow Bold Plan was on hold, the City reconsidered the policies that it had adopted for the Downtown area, despite the fact that this had not been one of the elements identified by the Region as non-conforming with the Growth Plan.

On November 30, 2020, the Region of Halton issued its Notice of Decision (the "**Decision**") approving the Grow Bold Plan subject to modifications (the "**Modifications**"). The Modifications are comprised of 1807 new policies, or policy modifications developed by the staff or consultants of the City of Burlington, staff of the Region of Halton, or by the Mayor and Members of Council for the City of Burlington. Among the many Modifications are brand new policies that have been incorporated from Official Plan Amendment 119, being an amendment to the current in force Official Plan, that are under appeal, policies that were developed in early 2020 through the 'Taking a Closer Look at the Downtown' project, as well as Council driven modifications.

Most significantly, the Modifications fundamentally change the development permissions for the Property. By way of example, the Property is currently designated 'Downtown Residential Medium and/or High Density Precinct' in the current in force Official Plan, with a maximum density of 185 units per net hectare and no limit as to height. In the Grow Bold Plan, the Property was designated Downtown Mid-Rise Residential Precinct which permitted mid-rise residential buildings with a minimum height of 5 storeys and a maximum height not to exceed 11 storeys. However, in the Decision, through the Modifications, a brand new site specific policy has been approved for the Property which prescribes a maximum building height of 23 metres (approximately 5 storeys) and has additional onerous requirements relating to prescriptive built form / design guidelines.

Our client has followed the City's process with respect to the Grow Bold Plan and the Modifications that we were made aware of following the adoption of the Grow Bold Plan. It is our position that many of the newly crafted policy directives are not consistent with Provincial Policy Statement (2020) (the "**PPS**") and do not conform with the Growth Plan (2019) (the "**Growth Plan**") and fail to conform to the Region of Halton Official Plan (2018). Accordingly, we submit this Notice of Appeal of the Decision.

Reasons for Appeal

Overall, the appeal has been filed on the basis that the policies and Schedules of the Grow Bold Plan, as amended by the Modifications which affect the Property, are not consistent with the PPS and do not conform with the Growth Plan. More specifically, we are appealing:

1. All text and Schedules in the Decision that identifies the Downtown UGC boundary on the basis that section 3(5) of the *Planning Act* requires conformity with the Provincial policies and Plans. As it relates to the text, we are appealing the Decision which seeks to incorporate the policies approved through OPA 119, which are under appeal before the Tribunal. For your convenience, a copy of the appeal letter for OPA 119 is attached hereto and we rely upon that for the purpose of this appeal as well.

In terms of the Schedules, this includes Schedule A1 (City System – Provincial Land Use Plans and Designations), Schedule B (Urban Structure), Schedule B1 (Growth Framework), Schedule B2 (Growth Framework and Long Term Transit Corridors), Schedule C (Land Use Area), Schedule D (Downtown Urban Centre Land Use Plan), Schedule D1 (Downtown Urban Centre Retail Streets), Schedule D2 (Maximum Building Heights), and Schedule O3 (Classification of Transportation Facilities Downtown Urban Centre) in the new Burlington Official Plan, each identify a revised Downtown Urban Growth Centre (UGC) that was introduced through OPA 119, which is currently under appeal. It is unclear as to how the determination was made for the limits of the new UGC boundary and the rationale for such an amendment. The revised UGC does not conform to the Growth Plan and to the mapping provided by the Province with respect to the UGC. Accordingly, this appeal relates to all Schedules and text that identify the Downtown UGC boundary on the basis that Section 3(5) of the *Planning Act* requires conformity with the Provincial Plans, including the Growth Plan.

2. All text and Schedules in the Decision that result in reduced densities in the UGC by de-emphasizing the Downtown MTSA. It is our position that in accordance with the Province's RTP 2041, the Region's DMTR Study and the Growth Plan, all which recognize the Downtown, including the MTSA as being within the UGC, the policies of the Grow Bold Plan must include policy directives for transit improvements along Brant Street to facilitate a link and enhance connectivity between the Downtown MTSA and the Burlington GO

Station MTSA. This would have the positive effect of contributing to the achievement of long-term sustainability for Burlington's Downtown in conformity with the Region's Official Plan, the Provincial Policy Statement and the Growth Plan.

3. All policies related to the MTSA Special Planning Area and Schedule B2 (Growth Framework and Long-Term Frequent Transit Corridors). The Special Planning Area established through OPA 119 included lands related to the Downtown Burlington MTSA. On Schedule B2 to the new Burlington Official Plan, the Downtown MTSA is specifically excluded from this Schedule as an MTSA Special Planning Area and this de-emphasizes the Downtown MTSA. This subtle mapping change was not specifically highlighted through public engagement. The Downtown MTSA, which is within the UGC, should be included as a Special Planning Area. To this end, policy directives are included in the new Official Plan for the three MTSA Special Planning Areas that are identified, yet there is no policy section related specifically to the opportunities presented by the Downtown MTSA because it has not been delineated as an MTSA Special Planning Area on the Schedule. This Schedule and the related absence of policy directives succeeds in diminishing the importance and significance of the Downtown MTSA and essentially de-emphasizes the Downtown MTSA. This Schedule and the related absence of policies for the Downtown MTSA are inconsistent with Sections 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.4.3 and 1.6.3 of the PPS and contrary to Sections 2.2.3, 2.2.4, 2.2.4.8 and 2.2.4.9 of the Growth Plan and do not conform with the Region's Official Plan.
4. All text together with Schedule D-2 (Maximum Building Heights) and Section 8.1.1(3.10.2)(b) (Village Square Precinct) in the Decision which identifies a site-specific exemption for the Property which limits the height for any new development on these lands to 23m and requires "*a built form transition to adjacent low-rise development in accordance with Section 8.1.1(3.10.1)(e)*". This policy limits the development of the Property to a site-specific zoning approval that was obtained in 2017, and which was approved prior to the release of the latest Provincial policy documents, including the 2019 Growth Plan, Amendment No. 1 to the Growth Plan (2020), and 2020 Provincial Policy Statement. This policy is not consistent with policies 1.1.1 (a), (b), and (e), 1.1.3.2 and 1.1.3.3 of the PPS and does not conform with Sections 2.2.1.3, 2.2.1.4 and 2.2.3 of the Growth Plan.

5. Policy 4.3.2 (Urban Forestry Policies) in the Decision which requires developments to preserve and protect trees. However, it is overreaching, vague and uncertain as it relates to compensation for tree removal that may have occurred prior to the filing of a development application.
6. Policy 7.4 (Sustainable Design) which provides direction for the implementation of the policies in the Plan. The policy section notes that a development application shall be deemed to have met the policies in this section if it meets the requirements of the Sustainable Building and Development Guidelines adopted by the City. This policy section also states that "*the Sustainable Building and Development Guidelines may be reviewed and revised periodically without the need for an amendment to this Plan, to respond to innovation and regulatory changes*". These policies have the effect of entrenching sustainable design and development guidelines into a policy planning framework as a test for new developments. This is entirely inappropriate because it shifts the test of approving an application outside of the Official Plan process, and would not require any degree of public engagement associated with amending the guidelines and would deny landowners and interested residents appeal rights.
7. Section 8.1.1 (3)- (Downtown Urban Centre) in its entirety, which contains policy direction suggesting that because the Downtown Bus Terminal does not function as a major bus depot and that this is likely to continue into the future this way unless improvements or enhancements are undertaken, the Downtown Bus Terminal MTSA has limited function and it is not expected to be a significant driver for intensification beyond that which is required by the Downtown UGC. This has the effect of encouraging and promoting reduced densities and growth in the Downtown and in the UGC and de-emphasizes the MTSA in Downtown Burlington. This is inconsistent with sections 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.4.3 and 1.6.3 of the PPS and contrary to Sections 2.2.4.8 and 2.2.4.9 of the Growth Plan.
8. Section 8.1.1(3.10) (3.10.1) (Village Square Precinct) in their entirety, as they apply to the Property. These policies make specific references to built form impacts such as excessive shadowing and overlook, and references built form transition tools including building setbacks, step backs, property consolidations, building heights, building orientation, balcony orientation. Placing limitations on height and density and built form is inconsistent

with Sections 1.1.1, 1.1.3.2, 1.1.3.3, 1.1.3.4 of the PPS and contrary to Sections 2.2.1.3, 2.2.1.4, and 2.2.3 of the Growth Plan as it places limitations on the achievement of compact built form, complete communities including a diverse range and mix of housing options, and cost effective and efficient development and infrastructure. As well, Policy 8.1.1 (3.10.1) (e) has not been fully vetted through a comprehensive urban design analysis.

9. Sections 8.1.1 (3.17, 3.18 and 3.19) (Downtown Urban Design – Policies) in their entirety, which provide a new set of policies related to Downtown Urban Design, including the public realm, streetscapes and built form. These policies are overly prescriptive and have the effect of entrenching urban design guidelines into a policy planning framework as a test for new developments. They also unnecessarily deviate from the City's Mid-Rise and Tall Building Guidelines and result in performance standards that are arbitrary and not based on a comprehensive urban design exercise. These policies limit a site's development potential and the City's ability to achieve the minimum growth targets established in the Regional Official Plan and Growth Plan. The City has neglected to rationalize the proposed height and built form proposed in the Downtown, nor has it demonstrated how the new Official Plan provides a framework that will ensure the minimum density and growth targets, established in the Regional Official Plan and Growth Plan can be achieved in the UGC given these policies. These policy sections will frustrate opportunities for efficient, cost effective development and the promotion of intensification, redevelopment and compact built form. This is inconsistent with Sections 1.1.3.2, 1.1.3.3, and 1.1.3.4 of the PPS and is contrary to Sections 2.2.1.3, 2.2.1.4 and 2.2.3 of the Growth Plan.
10. Section 8.1.1 (3.2) (d) (Downtown Urban Centre – General Policies) states that the UGC target of a minimum of 200 people and jobs per ha shall not be applied on a site-specific basis and shall only be applied to the entire geographic area to which the target applies. This policy is inconsistent with Section 1.1.3.5 of the PPS and is contrary to sections 2.2.3.1 and 2.2.3.2 of the Growth Plan. The Growth Plan prescribes that UGCs will be planned to achieve a minimum density target of 200 residents and jobs combined per hectare. By including a policy to prohibit the application of this target on a site-specific basis and to require this policy to be applied to a larger geographic area, the Decision does not conform to the intent of the Growth Plan to accommodate significant growth for UGCs. Rather, this policy places a limit on growth in Downtown Burlington.

11. Section 8.1.2 (Major Transit Station Areas) in its entirety, which carries forward the typology for Major Transit Station Areas (MTSAs) that was introduced through OPA 119. This policy section de-emphasizes the importance of the Downtown Burlington MTSA. Notwithstanding the fact that the Downtown MTSA is within the UGC, it appears that the impetus for de-emphasizing the Downtown MTSA is to reduce overall densities within the Downtown and to discourage the UGC as a place for intensification. The policies which seek to de-emphasize the Downtown MTSA are inconsistent with Sections 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.4.3 and 1.6.3 of the PPS and contrary to Sections 2.2.3, 2.2.4, 2.2.4.8 and 2.2.4.9 of the Growth Plan and do not conform with the Region's Official Plan.
12. In addition, policy 8.1.2 (2)(p) needs to be more robust and proactive to seek to ensure that connectivity is established and maintained between the Burlington GO MTSA and the Downtown MTSA. In accordance with the Region's DMTR Study and the Growth Plan, all which recognize the Downtown, including the MTSA which is within the UGC, the new Official Plan needs to contain policy directives which promote and require transit improvements along Brant Street to facilitate a link and to enhance connectivity between the Burlington GO Station and the Downtown MTSA. This will have the effect of contributing to the advancement and achievement of long-term sustainability in Burlington's Downtown. As this policy is currently written, it is contrary to the Growth Plan's policy directives for UGC's and MTSAs.
13. Section 12.1.2 (1.2) (Planning Process: Development Applications) in the new Official Plan introduces a requirement for a pre-submission community information meeting. Pre-submission consultation meetings are not required by provincial statutes or regulations or Region of Halton or City policies or by-laws. This "requirement" to conduct these meetings has no legal authority and is contrary to the *Planning Act* process for planning applications. This policy section requires that these meetings be convened or the planning applications will not be accepted or deemed complete. Moreover, these policies prevent the filing of a development application until a response to comments is received. Finally, much of the information that is required to be provided is being asked for irrespective of the nature of the application, which in our submission, is inappropriate. Unfortunately, since the City is already implementing these unapproved policies in its pre-consultation process, we are seeing that there is great difficulty for applicants to have their application deemed

complete by the City in a timely fashion. In fact, in many instances the City refuses to provide a decision on the application and simply refuses to accept it. This mandatory protocol is not based on established policies and is, therefore, inconsistent with the *Planning Act*, the PPS and contrary to the Growth Plan. The planning process established in the *Planning Act* must be respected.

14. Any other reason that the Tribunal may permit throughout the processing of this appeal.

Filing Requirements

For the forgoing reasons, which may be supplemented through the Local Planning Appeal process, including through the provision of issues to be incorporated into a Procedural Order, we are filing this appeal. In satisfaction of the Tribunal's filing requirements, attached please find the following:

1. Tribunal appeal form entitled "Appellant Form (A1)" duly completed and signed; and
2. Our firm cheque, in the amount of \$1,100.00, payable to the Minister of Finance representing the Tribunal's filing fee for the appeal herein.

In the interim, kindly acknowledge the receipt of this letter and advise that the appeal has been forwarded to the Tribunal in accordance with the provisions of the *Planning Act*.

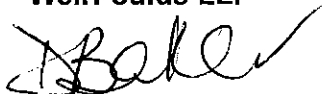
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WeirFoulds^{LLP}

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP



Per: Denise Baker
Partner

DB/mw

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Cc Client

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Barristers & Solicitors

WeirFouldsLLP

February 25, 2020

VIA E-MAIL AND COURIER

City of Burlington
City Clerk
426 Brant Street
PO Box 5013
Burlington, Ontario
L7R 3Z6

Attention: Angela Morgan, City Clerk

Dear Ms. Morgan:

**Re: Notice of Appeal of Official Plan Amendment 119
Pine Street Burlington Corp.
2085 Pine Street, Burlington**

Denise Baker
Partner
T: 416-947-5090
dbaker@weirfoulds.com

File 17728.00002

We are solicitors for Pine Street Burlington Corp. (the "Client") with respect to their property at 2085 Pine Street, Burlington ("Property"). The Property is located within the City's Urban Growth Centre ("UGC").

Applications have been submitted for the redevelopment of the Property and have been assigned City File Nos. 505-03/19 & 520-06/19.

Official Plan Amendment 119 ("OPA 119") is intended to implement the finding of the study that was prepared as a result of the City passing interim control by-law 10-2019 on March 5, 2019 (the "ICB"). The ICB was passed for a limited area, being the Interim Control By-law Study Area ("ICB Study Area"). The Property is within the ICB Study Area.

Our Client participated in the ICB process and once the draft of OPA 119 was released to the public, the Client submitted correspondence on January 13, 2020. Unfortunately, most of the concerns set out in our correspondence were not addressed by staff, and as such we hereby appeal OPA 119.

Suite 10, 1525 Cornwall Road, Oakville, Ontario, Canada. L6J 0B2

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Appeal Grounds

OPA 119 identifies a revised Downtown UGC boundary. It is unclear how the determination was made as to the limits of the new UGC boundary and the rationale for such an amendment. It is our submission that the revised UGC boundary does not conform to the Growth Plan for the Greater Golden Horseshoe and the mapping provided by the Province with respect to the limits of the UGC boundary. As such, we appeal all text and schedules in OPA 119 that identify the Downtown UGC boundary on the basis that section 3(5) of the Planning Act requires conformity with the Provincial Plans, of which the Growth Plan is one.

Further, we have an overall concern with the manner in which the City is seeking to reduce densities in the UGC through OPA 119 by de-emphasizing the Downtown MTSA. It is our position that in accordance with the Province's RTP 2041, the Region's DMTR Study and the Growth Plan, all which recognize the Downtown, including the MTSA as being within the UGC, OPA 119 must include policy directives for transit improvements along Brant Street to facilitate a link and enhance connectivity between the Downtown MTSA and the Burlington GO Station MTSA. This would have the positive effect of contributing to the achievement of long term sustainability for Burlington's Downtown. It would also enhance the role of downtown Burlington as the City's UGC.

In addition to the above general concerns, we have concerns with the following policies:

- Part II Policy 3.11.2 e) which states that transit supportive development shall achieve a high quality of urban design and be consistent with the policies contained in Part II, Subsection 6.0 of the Official Plan, as well as have regard for Council approved Urban Design Guidelines. This policy attempts to enshrine the guidelines into policy, which is inappropriate. It is our position that the policy references in OPA 119 to the guidelines is not appropriate as guidelines can be changed at any time without consultation.

Guidelines are, as their name suggests, designed to provide guidance with respect to development applications and are intended to be flexible to respond to the unique characteristics of individual sites. Enshrining the guidelines into policy removes that flexibility. Additionally the requirement to provide a "comfortable, safe and enjoyable public realm...", is so vague as to be meaningless.

- The OPA adds Part III Section 7.0, which describes the different types of *Major Transit Station Areas* ("MTSA"). OPA 119 also de-emphasizes the importance of the Downtown Burlington MTSA. Notwithstanding the fact that the Downtown MTSA is within the UGC, it appears that the impetus for de-emphasizing the Downtown MTSA is to reduce overall densities within the Downtown, and discourage the UGC as a place for intensification. It is our position that the policies which seek to de-emphasize the Downtown MTSA are contrary to the Growth Plan, and do not conform with the Region's Official Plan.
- OPA 119 includes policies to guide development applications in advance of the completion of Secondary Plans or major planning studies (undefined). Policies 7.2.1 b) and c) state that to direct an appropriate scale and intensity of transit-supportive development at each MTSA, development should be consistent with Province's Transit Supportive Guidelines and Mobility Hub Guidelines. Based on our review, it appears that the intent of this policy is to de-emphasize the Downtown Bus Depot and reduce the density targets related to it, since the Transit Supportive Guidelines are outdated and do not conform to the Growth Plan, 2019.
- Part III Policy 7.2.2 j) and k) speaks to the requirements to provide new green spaces such as trees and landscape areas, parks and open spaces as part of development applications, to the satisfaction of the City. In our opinion, this policy as drafted goes beyond what the City is otherwise permitted to require in terms of parkland under the provisions of the Planning Act.
- Part III Policy 7.2.2 o) states that the population and employment growth distributions established in the Regional OP are intended to apply at a city-wide level and cannot be applied on a site-specific basis as a rationale for approving or refusing a development application and "any targets established by this Plan shall not be applied on a site-specific basis, and shall only be applied to the entire geography to which the targets apply". Again, it is submitted that the intent of this policy is to reduce the actual densities in the Downtown contrary to the 2019 Growth Plan.

- Part III Policy 7.2.2 q) provides development criteria for evaluating development applications within the MTSA Special Planning Area. While we have general concerns with all of the criteria, we have specific concerns with the following:
 - Item iii) which requires that development be consistent with the vision and intent of the MTSA typology established in Section 7.0, which de-emphasizes the Downtown MTSA and applies a lower density target based on an outdated provincial guideline;
 - Item vi) which requires development to preserve and protect trees. This policy is overreaching and, in our opinion, is vague and uncertain as it relates to compensation for tree removal prior to the filing of development applications;
 - Item viii) which requires development to facilitate future pedestrian, cycling and/or private street connections as determined by the City across adjacent properties and to demonstrate to the satisfaction of the City that appropriate phasing of development where existing retail and service commercial uses are being redeveloped. This policy grants the City additional authority to require connections across private property, which is beyond what they would be permitted to do under the provisions of the Planning Act.
 - Item x) which requires residential developments to demonstrate that public service facilities and other neighbourhood conveniences are located within walking distance or accessible by transit. This policy creates a potential issue for areas within the downtown that do not have existing public service facilities.
- Part III Policy 7.2.2 r) exceeds the authority of the municipality to require. As well, the language is unclear and it is impossible to determine how the three sub-criteria can be achieved on every site within the MTSA Special Planning Area for which residential uses are proposed.
- Part III Policy 7.2.4 provides policies for the Downtown MTSA and Part III Policy 7.2.4.2 a) states that the City shall undertake a major planning study to ensure that the Downtown MTSA is planned to implement mixed use transit-supportive development over the long term, while ensuring compatibility with the surrounding area is achieved. It is unclear what a major planning study entails, the timing of such a study, and how that fits with the very recently completed ICB Study process. This area has just been the subject of a year-long

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study process and this policy contemplates that these lands will be the subject of further study. This is not supportable.

For the forgoing reasons, which may be supplemented through the Local Planning Appeal process, including through the provision of issues to be incorporated into a Procedural Order, we are appealing OPA 119. In satisfaction of the Tribunal's filing requirements, attached please find the following:

1. Tribunal appeal form entitled "Appellant Form (A1)" duly completed and signed; and
2. Our firm cheque, in the amount of \$300.00, payable to the Minister of Finance representing the Tribunal's filing fee for the appeal herein.

In the interim, kindly acknowledge the receipt of this letter and advise that the appeal has been forwarded to the Tribunal in accordance with the timing provisions for doing so as set out in the *Planning Act*.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

Encls. 2

cc Client

14325325.1



**Environment and Land Tribunals Ontario
Local Planning Appeal Tribunal**

655 Bay Street, Suite 1500
Toronto ON M5G 1E5

Telephone: 416-212-6349

Toll Free: 1-866-448-2248

Website: www.elto.gov.on.ca

Appellant Form (A1)

Receipt Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority

To file an appeal, select one or more below

- Appeal of *Planning Act* 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, proceed to Section 1A
- Second appeal of a *Planning Act* matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*, allows appeals to the Tribunal of some *Planning Act* matters previously determined by LPAT.
- Appeals of other matters, including Development Charges, *Education Act*, *Aggregate Resources Act*, *Municipal Act* and Ontario Heritage, proceed to Section 1C

1 A. Appeal Type (Please check all applicable boxes)

Subject of Appeal	Type of Appeal	Reference (Section)
Official Plan or Official Plan Amendment Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input checked="" type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 120 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 120 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 90 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 120 days where the application is associated with an Official Plan Amendment	
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)
Site Plan	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 120 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

1 B. Appeal Type (Please check all applicable boxes) Only for appeal(s) of a new decision or non-decision by municipality or Approval Authority following a previous LPAT Decision (i.e., second appeal).

For matters subject to Bill 139 and the associated transition regulation (the second appeal).

Subject of Appeal	Type of Appeal	Reference (Section)
Official Plan or Official Plan Amendment Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal of a decision by Approval Authority on an OP or OPA (exempt from approval by Minister or Approval Authority) following a LPAT decision	17(24) and 17(49.6)
	<input type="checkbox"/> Appeal of a decision by Council or Approval Authority on an OP or OPA following a LPAT decision	17(36) and 17(49.6)
	<input type="checkbox"/> Appeal of a refusal within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12)
	<input type="checkbox"/> Appeal of a non-decision within 90 days by Council following a LPAT decision	
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal of a refusal within 90 days by Council following a LPAT decision	34(11) and 34(26.5)
	<input type="checkbox"/> Appeal of a non-decision within 90 days by Council following a LPAT decision	
	<input type="checkbox"/> Appeal of a decision by Council following a LPAT decision	34(19) and 34(26.5)

1 C. Other Appeal Types (Please check all applicable boxes)

Subject of Appeal	Type of Appeal	Reference (Section)
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
.05 Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
<input type="checkbox"/> Revocation of licence	20(4)	
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	

Subject of Appeal	Type of Appeal	Reference (Section)
Designation of Property	<input type="checkbox"/> Appeal a Notice of intention to designate property	29(11)
	<input type="checkbox"/> Appeal of an amendment to a by-law designating property	30.1(10)
	<input type="checkbox"/> Appeal a Notice of Intention to repeal a designating by-law or part of a designating by-law	31(9)
	<input type="checkbox"/> Appeal a council's decision to approve or refuse the repealing of a designating by-law or part of a designating by-law	32(7)/32(8)
	<input type="checkbox"/> Appeal council's decision to alter a heritage designated property	33(9)
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Act Matters

Subject of Appeal	Act/Legislation Name	Section Number

2. Location Information

Address and/or Legal Description of property subject to the appeal
2085 Pine Street, Burlington

Municipality
Regional Municipality of Halton

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name _____ First Name _____

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Pine Street Burlington Corp.

Email Address
ygruehl@yorktrafalgar.com

Daytime Telephone Number 905 878-9396 ext. _____ Alternate Telephone Number 416-453-1091

Mailing Address

Unit Number	Street Number	Street Name	PO Box
	1039	Fourth Line	
City/Town	Province	Country	Postal Code
Milton	ON	Canada	L9T 6P9

4. Representative Information

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

Last Name
Baker

First Name
Denise

Company Name
WeirFoulds LLP

Professional Title
Barrister and Solicitor

Email Address
dbaker@weirfoulds.com

Daytime Telephone Number
416-947-5090

ext.

Alternate Telephone Number
905-829-8600

Mailing Address

Unit Number
10

Street Number
1525

Street Name
Cornwall Road

PO Box

City/Town
Oakville

Province
ON

Country
Canada

Postal Code
L6J 0B2

Note: If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

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

5. Appeal Reasons

Municipal Reference Number(s)
City of Burlington New Official Plan

For all appeal types, please outline the nature of the appeal and the reasons for your appeal.

see attached correspondence

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you intend on arguing one or more of the following:

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 you intend on arguing on one or more of the above throughout a proceeding, please explain:

Oral/written submissions to council

If applicable, did you make your opinions regarding this matter known to council?

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

6. 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 LPAT Case Number(s) and/or Municipal File Number(s)
PL200150 OPA 119

7. Mediation

Mediation is a confidential process in which the parties to an appeal talk about their differences and, with the facilitative assistance of an impartial individual, a mediator, negotiate a consensual resolution of the appeal. Unless the Tribunal determines that there is a good reason for not addressing the appeal with mediation, all parties shall presume that their differences will first be addressed through a mediation directed by the Tribunal. As such, parties shall act and prepare accordingly, meaning good faith negotiation and collaboration are a priority and are expected by the Tribunal.

- I have read and understand the above statement.

8. Witness Information

Detail the nature and/or expertise of witnesses you will have available.
Land Use Planner, Urban Designer, Transportation, Land Economist

For all other appeal types :

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


9. Required Fee

Total Fee Submitted \$ 1,100

- Payment Method ▶ Certified cheque Money Order Lawyer's general or trust account cheque

10. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Denise Baker		2020/12/18

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.