

DocuSigned by:

*Kelly Yerya*

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Certified as a true copy

**Goodmans**<sup>LLP</sup>

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December 21, 2020

Our File No.: 203533

**Via Email and Courier**

Regional Municipality of Halton  
Office of the Regional Clerk  
1151 Bronte Road  
Oakville, ON L6M 3L1  
RegionalClerk@halton.ca

**RECEIVED**

DEC 21 2020

**CLERK'S OFFICE  
REGION OF HALTON**

**Attention: Graham Milne, Regional Clerk (regionalclerk@halton.ca)**

Dear Sirs/Mesdames:

**Re: Notice of Decision on the New Burlington Official Plan  
Notice of Appeal Pursuant to Section 17(36) of the Planning Act on behalf of Mac's  
Convenience Stores Inc. with respect to 1447 Lakeshore Road**

We are solicitors for Mac's Convenience Stores Inc., the owner of the property known municipally as 1447 Lakeshore Road (the "Property") in the City of Burlington (the "City"). We write on behalf of our client to appeal the Region's decision regarding the New Burlington Official Plan (the "New OP") to the Local Planning Appeal Tribunal (the "LPAT"), pursuant to Section 17(36) of the *Planning Act*.

**Background and Reasons for Appeal**

The Property is located at the northwest corner of Lakeshore Road and Locust Street, facing the waterfront in downtown Burlington. Approximately 0.3 hectares in size, the Property currently contains an Esso gas bar, a car wash, and an associated Circle K retail store.

Our client has been actively involved in the planning process which led to the City's adoption of the New OP. Following the Region's issuance of a notice of non-conformity regarding the New OP as adopted by the City on March 28, 2018, the City enacted an interim control by-law ("ICBL") to restrict development in the Downtown Urban Growth Center and lands near the Burlington GO centre. By letter dated January 29, 2020, our client provided comments to the City on the proposed official plan amendments that initially flowed from the land use study associated with the ICBL (the "Mac's Letter").

Further, in August of 2020, following the release of staff recommended modifications to the New OP pertaining to the City's Downtown, Urban Strategies Inc., our client's land use planning

consultants, submitted a letter outlining a series of concerns with the (then proposed) New OP (the "USI Letter"). A copy of the Mac's Letter and the USI Letter are enclosed.

The USI Letter summarizes the provincial and regional policy framework as it applies to the Property and identifies various ways in which the New OP fails to achieve consistency and conformity with these higher-order planning instruments. For example, the New OP's policies regarding the Lakeshore Precinct curtail intensification in a manner that is not consistent with provincial policy, is not supported by the studies prepared in connection with the New OP, and is not rationally connected with the objectives set out in the New OP itself. The Region's modifications to the New OP do not resolve its fundamental deficiencies.

The flaws in the New OP's approach as it relates to the incongruence with provincial policy direction permeate the chapters regarding: growth management (Chapter 2, Sustainable Growth); complete communities as it relates to housing (Section 3.1); environment and sustainability as it relates to the City's waterfront (Section 4.5); design excellence as it relates to urban design and built form (Section 7.3.2); land use policies for the urban area, especially for the Downtown Urban Centre and the Lakeshore Precinct (Chapter 8); implementation and interpretation (Chapter 12); definitions as it relates to the above-noted policies (Chapter 13); and the New OP's schedules.

As set out in the USI Letter and as will be expanded upon in evidence before the Tribunal, it is our client's position that the above-noted aspects of the New OP fail to achieve consistency with the Provincial Policy Statement, conformity with the Growth Plan for the Greater Golden Horseshoe, and conformity with the Regional Official Plan. Accordingly, we hereby appeal the Region's decision approving the above-noted chapters and sections of the New OP.

In conjunction with the filing of this appeal, the Appellant Form is enclosed, along with a cheque in the amount of \$1,100. If any additional information is required, please contact the undersigned.

Yours truly,

**Goodmans LLP**



Max Laskin  
ML/

cc. Client  
Mark Noskiewicz, Goodmans LLP  
Josh Neubauer, Urban Strategies Inc.

Encl.  
7119315.1

**Mac's Convenience Stores Inc.**  
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January 29, 2020

*By Email*

City of Burlington  
c/o Jo-Anne Rudy, Committee Clerk  
Community Planning, Regulation and Mobility Committee  
426 Brant Street, PO Box 5013  
Burlington, ON L7R 3Z6  
905-335-7600, ext.7413  
[Jo-anne.rudy@burlington.ca](mailto:Jo-anne.rudy@burlington.ca)

Attention: Members of Council

CC: Heather MacDonald  
Executive Director of Community Planning, Regulation and Mobility  
426 Brant Street, PO Box 5013  
Burlington, ON L7R 3Z6  
905-335-7600, ext.7630  
[Heather.macdonald@burlington.ca](mailto:Heather.macdonald@burlington.ca)

Dear Sirs/Mesdames:

**Re: Proposed Official Plan and Zoning Bylaw Amendments as a result of the ICBL Land Use Study**

We are submitting this letter to formally and respectfully note our objections to proposed Official Plan Amendments related to the Interim Control By-law ("ICBL") Land Use Study, and to request that you repeal the ICBL as it relates to the Downtown Urban Growth Centre ("UGC").

#### **Background**

In March 2019, Burlington City Council approved the implementation of an Interim Control By-law ("ICBL") to restrict development of lands within the Downtown UGC and lands near the Burlington GO Centre. The restriction was intended to enable the City to assess the role and function of the downtown bus terminal and the Burlington GO station as Major Transit Station Areas ("MTSAs"); examine the planning policies, mix of land uses and densities in the study area; and to update the Official Plan and Zoning by-law regulations as needed based on the analysis of the study area. In December 2019, Dillon Consultants completed the ICBL Land Use Study commissioned by the City, and City Planning issued a Staff Report to the Community Planning, Regulation and Mobility Committee of Council. The Staff Report recommends that Council adopt a series of proposed Official Plan Amendments and Zoning By-

law Amendments associated with the ICBL Land Use Study. The Staff Report also recommends that Council repeal the ICBL provided that no appeals are filed.

### **Our Site**

Circle K owns the site municipally know as 1447 Lakeshore Road in Downton Burlington, at the corner of Lakeshore Road and Locust Street. Today, the site includes an Esso gas bar and a Circle K convenience store with a Tim Hortons outlet. While our existing businesses are successful and provide important service retail for the community, they do not represent the highest and best use for the site with respect to fulfilling the long-term potential of the Downtown.

Our site is unique in the Downtown, and represents a critical opportunity site for the City and the Region. Unlike many other Downtown infill development sites, our site is relatively large (at 0.3 hectares), is very close to transit service, has no adjacent sensitive land uses and is situated at a prominent intersection that can establish a gateway to the Downtown along the Burlington waterfront. It is uniquely able to deliver high-quality mixed-use and transit-oriented development while respecting and complementing the Downtown Burlington urban fabric. Our site is within walking distance of several significant destinations (in no particular order):

- Burlington Performing Arts Centre
- Art Gallery of Burlington
- Spencer Smith Park
- Brant Street Pier
- Joseph Brant Hospital
- Village Square
- City Hall
- Burlington Visitor Information Centre
- Waterfront Hotel Burlington
- Joseph Brant Museum

Our hope is that Burlington City Council appreciates the significance of our site and shares with us the vision for its potential as a key component of the Downtown and overall City-wide development objectives. We also hope that Official Plan policies relating to Downtown growth will support the potential for appropriate intensification of our site and the fulfillment of Provincial UGC, Mobility Hub and MTSA policies.

### **Support for proposed alignments of Official Plan with Provincial Policy**

We are pleased to see that the City of Burlington is initiating the process of aligning Official Plan policies and Zoning By-law regulations with Provincial policies regarding employment, jobs and transit infrastructure in MTSAs. We look forward to the official delineation of MTSA boundaries and density targets through the future Municipal Comprehensive Review.

### **Objections to the Proposed Official Plan Amendments**

1. *The Growth Plan requires that all MTSAs be planned to be transit-supportive, and the proposed MTSA typologies in the Official Plan Amendment are inconsistent with the Growth Plan.*

*A Place to Grow: Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") clearly provides that "[a]ll major transit station areas will be planned and designed to be transit supportive" (Section 2.2.4 8.), and that within all major transit station areas, development will be supported, where appropriate, by prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities (Section 2.2.4 9).

The City's proposed Official Plan Amendments, and in particular the proposed policy language for Official Plan Part III Section 7.0, run contrary to the clear policy direction of the Growth Plan by seeking to direct intensification away from the Downtown Burlington MTSA. The proposed Official Plan policy direction that the Downtown Burlington MTSA is "not expected to be a significant driver for intensification beyond that which is required by the Downtown UGC" represents an intention to discourage intensification rather than plan according to the MTSA planning directions within the Growth Plan.

Further, the proposed introduction of Burlington's own typology of MTSAs in the Official Plan is inappropriate and unnecessary. The Growth Plan is already clear on the minimum density targets for MTSAs based on transit service types, and on the need to plan for transit-supportive environments and development densities within all MTSAs. There is no Provincial policy basis for further municipal parsing of MTSA typologies (especially for the purpose of discouraging transit-supportive intensification). Instead, the Growth Plan provides that municipalities will delineate MTSA boundaries and propose density targets through the Municipal Comprehensive Review process. We urge Council to focus on fulfilling the Provincial MTSA policy objectives through the MCR process and to reject the inclusion of the proposed Official Plan Amendments that do not conform with the Growth Plan.

2. *The proposed Official Plan Amendments will hinder the appropriate intensification of key opportunity sites in the Downtown Burlington MTSA, and thus jeopardize Burlington's ability to achieve Provincial and Regional density targets.*

There is clear and consistent policy direction for transit-supportive intensification in Downtown Burlington. The Burlington Official Plan must support that direction, both by broadly supporting high-quality intensification in the area and by not unnecessarily restricting intensification on strategically important sites such as 1447 Lakeshore Road.

The Growth Plan identifies the area as an MTSA and requires that the municipality establish minimum density targets. It also identifies the area as an Urban Growth Centre, with a minimum density target of 200 people and jobs per hectare. In addition, the ICBL Land Use Study acknowledges that Metrolinx considers Downtown Burlington a Mobility Hub, which are generally forecast to achieve a minimum density of approximately 10,000 people and jobs within an 800 metre radius. The Halton Regional Official Plan reflects the Provincial direction for transit-supportive intensification in the area, and identifies Downtown Burlington as a UGC, a Mobility Hub and an MTSA.

The proposed Official Plan Amendments are explicitly intended to prevent the use of the Downtown Burlington MTSA as a planning justification for intensification. That intention is entirely inconsistent with the Provincial and Regional policy framework, and will jeopardize Burlington's ability to realize the associated growth targets. That represents poor planning both for the continued success of Downtown Burlington and for the success of the GGH region.

Properties like 1447 Lakeshore Road west are critical for the achievement of Provincial and Regional growth planning as they offer the opportunity to appropriately introduce mixed-use intensification in an area with access to transit, a mix of land uses, a high concentration of amenities, and an established pedestrian-oriented urban fabric and higher volumes of pedestrian activity. Our property is particularly well-suited for mixed-use intensification because of the size of the lot, the lack of sensitive land uses, the proximity to transit service and the potential to create a prominent gateway to the Downtown that addresses and complements the waterfront.

Each city has a finite number of excellent opportunity sites to deliver high-quality intensification in support of established planning policy and the success of its primary cultural and business centre. Our 1447 Lakeshore Road property represents one of those opportunity sites. The proposed Official Plan Amendments in Part III Section 7.0 that seek to diminish the intensification of the Downtown Burlington MTSA would significantly hamper the potential of 1447 Lakeshore Road and similar opportunity sites, and reduce the ability of the City to meet its growth targets. That proposed language should be rejected by Council.

Also, the inclusion of policy language in Part III Sections 7.2.2 o) and Section 7.2.4.2 a) respectively provide that Regional and Provincial population and employment density targets will be applied City-wide and not on a site-by-site basis. This clearly seeks to diminish the use of Regional and Provincial density targets as planning justification for individual development projects, but also overlooks the fact that achieving density targets City-wide will require that some sites exceed the targets in order to make up for sites that cannot appropriately deliver intensification. We urge Council reject the language in Part III Sections 7.2.2 o) and 7.2.4.2 a) or to require that they be amended to recognize the importance of key sites in meeting averaged density targets.

- 3. The Growth Plan requires that land use policies in MTSA support transit investments, whereas the proposed Official Plan Amendments discourage intensification and downplay the significance of the Downtown Burlington MTSA. Municipal planning would better serve the City and region if there were more focus on growing ridership at the downtown bus terminal than on constraining growth.*

The ICBL Land Use Study and proposed Official Plan Amendments to Part III Sections 7.0 and 7.2.4 of the Burlington Official Plan downplay the existing and potential future role of the downtown bus terminal as a significant piece of transit infrastructure, and suggest that the Downtown Burlington MTSA is not an appropriate area to focus residential intensification. We object to this conclusion, and urge Council to consider the importance of aligning land use policies with transit assets and investments in order to create successful and sustainable communities that will accommodate forecast population growth.

The ICBL Land Use Study acknowledges that there is a clear rationale for the Provincial identification of the downtown bus terminal as a MTSA. It notes that while current ridership is low, the bus terminal is located in the densest area of the City and is an important transfer point in the City system. It further acknowledges that certain forms of intensification—specifically office uses and major trip generators—would support its role as a MTSA. What we find troubling is the subsequent suggestion in that Study that MTSA-supportive intensification does not

include *residential* development. The Study also suggests that the bus terminal is not likely to be a significant driver of intensification. That conclusion is then used as justification in the proposed Part III Sections 7.0 and 7.2.4 of the Official Plan to suggest that the Downtown Burlington MTSA is not a suitable location for residential intensification.

The Growth Plan requires that land use policies support transit-supportive intensification of people and jobs in MTSA's. It does not provide that plans for intensification are only required if the MTSA itself is already driving intensification. It also does not provide that residential intensification be excluded from MTSA planning.

We also note that regardless of whether the existing bus terminal is driving intensification, there is nonetheless a demonstrable market demand for residential intensification within the Downtown Burlington MTSA. People want to live and work in Burlington's most vibrant core. This is a fortunate alignment of market trends with Provincial growth management policy, but the City's proposed Official Plan Amendments run contrary to both. Instead of harnessing the real demand for residential options in Downtown Burlington to support the continued success of the area and grow transit ridership in the MTSA, the proposed Official Plan Amendments seek to significantly curtail housing options and the potential associated growth in transit riders, and to push growth to other MTSA's. We object to this approach because it does not conform with the Growth Plan and does not represent sound long-term planning for Downtown Burlington.

We urge Council to direct staff to focus planning efforts on enhancing transit ridership within the Downtown Burlington MTSA rather than using low ridership as a means of justifying anti-intensification policies. The ICBL land Use Study indicates that the most likely reasons for existing low transit ridership at the downtown bus terminal are a limited number of major trip generators and a lack of connectivity with other services. We believe there are many major trip generators in the Downtown (including a significant regional park, a hospital, and City Hall, among other), and hope that land use policies will set the conditions to attract more. We also believe that Council should work with its municipal and Provincial partners to enhance ridership Downtown by focusing on improved connectivity with surrounding municipalities and delivering the Brant Street priority bus corridor between the Burlington GO Station and the downtown bus terminal, as identified by the Metrolinx Regional Transportation Plan and Halton Region's Mobility Management Plan.

We see great potential in the downtown bus terminal. It is centrally located in densest part of the City and is surrounded by surface parking lots that could one day be used for expansion or transit-oriented development. We think that land use policies encouraging growth in residential and employment density around the terminal, combined with improved service connectivity to other transit stations and municipalities, would enable the terminal to play the role that is clearly envisioned in Provincial and Regional plans. This forward-looking approach would support the success of Downtown Burlington far more than restricting intensification and neglecting to plan for the evolution of the City's primary bus hub.

We are encouraged by the inclusion of the proposed Official Plan policy language in Part III Section 7.2.2 n) that provides that the City will consider transit signal priority on portions of Brant Street to strengthen connections between the Downtown Burlington MTSA and the Burlington GO MTSA. However, we feel that this policy language should provide a stronger

imperative for completion of that initiative and that the Official Plan should also direct staff to seek other solutions to increasing the ridership at, and regional benefit of, the downtown bus terminal.

4. *Downtown Burlington is an ideal location for intensification that will support the success of Burlington's cultural and commercial core, with conditions that support sustainable population and job growth. The Official Plan should actively support the growth of the area and not seek to push growth to areas where residents and employees cannot sustainably meet their daily needs. As business operators and land owners in Downtown Burlington we feel that it is the ideal place to direct growth in people and jobs. A growing population supports the success of the local businesses and cultural assets and events, and enabling that population to live within walking and cycling distance reduces the need for auto use and devoting land to parking.*

We find that much of the ICBL Land Use Study supports our view, and are concerned that the City's proposed Official Plan Amendments take the opposite stance. The ICBL Land Use Study clearly indicates that Downtown Burlington has a high concentration of amenities, including City Hall; major public service facilities such as schools, community facilities, the Joseph Brant Hospital, a long-term care home, and retirement homes; and a number of parks and recreational areas and entertainment/cultural facilities (e.g. Art Gallery of Burlington, Performing Arts Centre). Downtown Burlington also includes a number of shopping and commercial areas. The Study also clearly shows that Downtown has high pedestrian activity and cycling demand, and that the fine-grained urban street and block network can support efficient access to transit. In addition, there is an established condition of higher-density built form in many portions of the Downtown.

The ICBL Land Use Study also provides an Analysis of Key Elements of Transit Drivers in GHTA, which compares the transit-driving potential of the Downtown Burlington MTSA, the Burlington GO MTSA and other best-performing station areas in the Greater Toronto and Hamilton Area ("GTHA"). The Downtown Burlington MTSA is scored higher than the Burlington GO MTSA in every category but one.

Downtown Burlington clearly has the conditions in place to appropriately accommodate intensification, but the City's proposed Official Plan Amendments somehow conclude that growth is better directed to a station area that has fewer existing conditions to support a vibrant, walkable and commercially successful community. We are opposed to this conclusion, and question why land use policies are not directing growth to where it can clearly be accommodated in a manner that supports Provincial and Regional directions and the success of the Burlington's cultural and commercial heart.

## **Conclusion**

Due to the above concerns, we request that Council repeal the Interim Control By-law and reject the proposed Official Plan Amendments that would limit the potential for transit-supportive intensification within the Downtown Burlington MTSA. Specifically, we urge Council to reject the Amendments to Part



III Section 7.0 and the related Amendments that seek to re-enforce a new typology of MTSAs in order to prevent Downtown intensification (e.g. Part III Sections 7.2.1 b), 7.2.2 a), and 7.2.4).

We also urge Council reject the language in Part III Sections 7.2.2 o) and 7.2.4.2 a) that provide that density targets will not be applied on a site-by-site basis, or to require that they be amended to recognize the importance of key sites in meeting averaged density targets.

We further urge Council to direct Staff to develop land use policies that will support the growth and success of Downtown Burlington, as well as increased transit ridership in the Downtown Burlington MTSA.

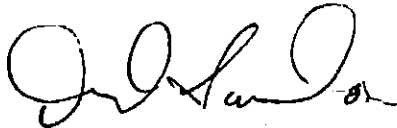
Downtown Burlington is the commercial and cultural core of the City, and for that reason and the existence of downtown bus terminal it has been Provincially and Regionally Identified as a UGC, a Mobility Hub and a MTSA. The City of Burlington Official Plan must reflect and support the important role that the Downtown plays in the regional growth strategy, and encourage appropriate intensification that will benefit the community widely.

Please note also that we hereby request to be notified directly of the decision of the City Council.

Sincerely,

MAC'S CONVENIENCE STORES INC.

(DBA Circle K – Central Canada)

A handwritten signature in black ink, appearing to read 'Douglas Scanlon', written in a cursive style.

Douglas Scanlon

Director, Lease Administration

# URBAN STRATEGIES INC .

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August 28, 2020

*By Email*

City of Burlington  
c/o Alison Enns  
Community Planning Department  
426 Brant St.  
P.O. Box 5013  
Burlington, ON L7R 3Z6

Dear Ms. Enns:

**Re: Objections to Proposed Policies in PL-16-20 – Taking a Closer Look at the Downtown:  
Recommended Modifications to the Adopted Official Plan**

On June 8, 2020, the City of Burlington released recommended modifications to the Downtown Policies in the Adopted Official Plan in Report PL-16-20 – Taking a Closer Look at the Downtown: Recommended Modifications to the Adopted Official Plan, and PL-16-20 Appendix 1: SGL Planning & Design Final Report, June 2020. The Report and Appendix 1 will be considered by members of Council at the September 30, 2020 meeting of the Community Planning, Regulation, and Mobility Committee. Council will then hear the recommendations of the Committee at a special meeting of Council on October 7, 2020. The policies recommended in the report are intended to guide development in downtown Burlington to the year 2031.

Circle K has retained Urban Strategies Inc. to review the proposed Official Plan amendments with respect to potential impacts on property Circle K owns in Downtown Burlington. We are submitting this letter to formally and respectfully note our objections to several of the recommended policy modifications for the Downtown Urban Centre ("the Proposed Policies").

**The 1447 Lakeshore Road Site**

Circle K owns the site municipally known as 1447 Lakeshore Road (the "Subject Site") in Downtown Burlington at the corner of Lakeshore Road and Locust Street. Today, the site includes an Esso gas bar and a Circle K convenience store with a Tim Hortons outlet. While the existing businesses are successful, they do not represent the highest and best use for the site or fulfill the long-term potential of the Downtown.

**Provincial Growth Management Policy Objectives**

The Subject Site is within the Downtown Burlington Urban Growth Centre, as defined in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019* ("the Growth Plan"). As strategic growth areas, Urban Growth Centres are planned to "accommodate significant population and employment growth" (2.2.3.1.d). To "make efficient use of land and *infrastructure* and support transit viability," the Growth Plan prioritizes "*intensification* and higher densities in *strategic growth areas*" (1.2.1). Intensification is defined as including both infill and the development of underutilized sites, such as the Subject Site.

To advance this goal, the Growth Plan establishes minimum density targets for all Urban Growth Centres. According to Growth Plan policy, Downtown Burlington will be planned to achieve at least 200 residents and jobs combined per hectare by 2031 (2.2.3.2.b). Burlington, like all municipalities, is required to “develop a strategy to achieve the minimum intensification target and *intensification* through *delineated built-up areas*” (2.2.2.3).

The Growth Plan also defines Major Transit Station Areas (“MTSA”) as “the area within an approximate 500 to 800 metre radius of a transit station.” Because the Subject Site is approximately 230m from the John Street Bus Terminal, it is within a Major Transit Station Area. The Growth Plan requires that all MTSA’s be planned for transit-supportive development, and prohibits land uses and built form that would prevent transit-supportive densities. It further requires upper-tier municipalities to provide policy direction for MTSA’s through a municipal comprehensive review including identifying minimum density targets for major transit station areas (5.2.3.2.b).

The Halton Regional Official Plan (“the Regional Plan”) reflects Provincial policy direction. It locates the Subject Site within an Intensification Area, which is planned for higher density development and a mix of uses. The Regional Plan also identifies the John Street Bus Terminal as a Major Transit Station.

On April 26, 2018 Burlington City Council adopted Burlington’s Official Plan (“Adopted Official Plan”), which was subsequently found to not conform with the Regional Official Plan. The City of Burlington is currently working with the Region to resolve matters of non-conformity. The Adopted Official Plan, echoing Provincial and Regional Policy, identifies the Subject Site as being situated within an Urban Growth Centre (the Downtown Urban Centre), a Major Transit Station Area, and a Mobility Hub. As such, the Downtown Urban Centre and the Subject Site are intended to accommodate “a significant share” of population and employment growth in the city (8.1.1(3)). The Adopted Official Plan Policy 8.1.1(2) b) further provides that the “design and development of Urban Centres shall promote these areas as multi-functional activity centres and focal points for a variety of activities that are characterized by a mixed use and compact built form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.”

On the Downtown Urban Centre’s Land Use Plan (Schedule D), the Subject Site is identified as within the Downtown Core Precinct. The Adopted Official Plan policies for this Precinct provide that development in the form of tall buildings will “support and enhance the Downtown as a lively, vibrant and people-oriented place and support the Downtown’s role as a major transit station area and mobility hub within the city and region” (8.1.1(3.11)). Further, the City’s Adopted Official Plan Policies for the Downtown Core include permission for development heights up to a maximum of 17 storeys, with the provision of office floor space and public underground parking (8.1.1(3.11.1) c).

### **Proposed Official Plan Policy Amendments for Downtown Burlington**

The Proposed Official Plan policy amendments for Downtown Burlington are inconsistent with the Council-approved policies in the Adopted Burlington Official Plan, and would implement policies that are inappropriate for the Subject Site and would not conform to Growth Plan policies with respect to minimum density targets and planning for Major Transit Station Areas.

The Proposed Policies situate the Subject Site in a newly defined Precinct – the Lakeshore Precinct – which is planned to be the Gateway to the Waterfront, with Lakeshore Road, identified as a Retail Main Street, providing a vibrant and animated environment (8.1.1(3.5)). Creating connectivity to the waterfront and activating the public realm are both worthwhile goals for this area. However, the specific policies related to built form proposed for this Precinct are arbitrary, with no obvious relation

to achieving those goals. Rather, their primary outcome would be to limit the scale of development in the area.

Particularly arbitrary is the proposed distribution of heights within the Lakeshore Precinct. Proposed Policy 8.1.1(3.5.1)c)ii states that development will "be in the form of low-rise buildings or mid-rise buildings west of Locust Street, beyond 20 metres of Lakeshore Road as shown on Schedule D-2." Observation of the conditions along Lakeshore Road suggests no clear rationale for using Locust Street as a dividing line to determine the heights of buildings on Lakeshore Road. The built form pattern in this area includes a mix of streetwall and building heights with no consistent low- or mid-rise character to the west of Locust Street.

Reflecting the overall direction for reduced heights in this portion of the Lakeshore Precinct, the proposed height limits for the Subject Site are significantly lower than those described in the Adopted Official Plan. As described above, the Adopted Official Plan permits a tall building on the Subject Site, and describes the area around the Subject Site as suited for major office development, with "significant opportunities for residential uses within mixed use buildings" (8.1.1(3.11)). However, although the great majority of sites within the Lakeshore Precinct are permitted heights between 15 and 22 storeys, the Subject Site is given a height limit of 11 storeys. No justification is provided for the reduced height limit, apart from the general objective "[t]o permit building heights and intensities that support the designation of the Downtown as an Urban Growth Centre while protecting the predominant low-rise character of Brant Street and providing a transition to adjacent low-rise neighbourhoods" (8.1.1(3.1)o).

This explanation is somewhat expanded in the SGL Planning & Design Final Report (Appendix 1 to Report PL-16-20). This report points out that the Lakeshore Precinct

"...permits tall buildings. Many of the blocks in the precinct are already developed and the maximum heights recognize those existing heights. Remaining blocks that have not redeveloped have been assigned varying maximum heights that recognize the existing character as well as appropriate transitions to adjacent low-rise neighbourhoods and to adjacent lower scale buildings within and outside the precinct."

This rationale does not sufficiently explicate or justify the height limit assigned to the Subject Site. This Site is given an 11 storey height limit despite the fact that it is not within a low-rise character area and is not adjacent to any low-rise neighbourhoods. To the east, north and west the Subject Site is surrounded by relatively dense mixed-use, municipal, and residential developments, respectively, and development on the site cannot reasonably be expected to have any impact on any existing low-rise character area. While the SGL Report suggests that "appropriate transitions" include those that limit heights in response to "lower scale buildings...outside the precinct," this principle should not determine maximum heights for redevelopment sites (like the Subject Site) which have no adjacency to low-rise sites in other precincts.

The height limits in the Proposed Policies seem to permit existing tall buildings, but freeze intensification on remaining parcels, like the Subject Site. This approach is inconsistent and without a clear planning rationale and, because it reduces the potential of redevelopment sites to support the achievement of the minimum density targets in an Urban Growth Centre, not supportive of the direction in the Growth Plan. A more logical approach to height in the Downtown would set limits based on more careful consideration of actual site and context considerations such as lot sizes, adjacent uses, and right-of-way widths, and existing and desired character zones.

The Proposed Policies also introduce a 3 storey height limit for the area within 20 metres of both Brant Street and Lakeshore Road, which are designated as "main streets" in Schedule O-3. Proposed Policy 8.1.1(3.5.1 c)i.) provides that development shall "be in the form of low-rise buildings with a height not to exceed three (3) storeys within 20 metres of Lakeshore Road from Lower Hager Creek to Elizabeth Street." This policy serves to severely limit the redevelopment potential of the Subject Site and preclude appropriate forms of intensification. Whereas the purpose of this proposed policy change is explained in the context of Brant Street, it is not justified in the case of development on Lakeshore Road.

The explanatory text of Section 8.1.1(3.3) establishes that development in the Brant Main Street Precinct will "maintain and enhance the existing traditional low-rise, main street physical character along Brant Street. Along Brant Street, low-rise is considered 3 storeys or less." However, this justification is not relevant in the context of Lakeshore Road, which is different from Brant Street in many ways, including its built form context and right-of-way width. While the 20-metre low-rise zone on Brant Street could be justified as continuing the existing traditional main street streetwall, the north side of Lakeshore Road today features a mixed streetwall and building height condition. There is no established 3-storey character along Lakeshore Road in the Downtown. Establishing a 3-storey height limit for the first 20 metres of the Subject Site's frontage is arbitrary and would prevent the Site from contributing to the Growth Plan density targets for an Urban Growth Centre.

The right-of-way widths of the Brant Street and Lakeshore Road are also quite different. In the Adopted Official Plan, Lakeshore Road has a 30 metre right-of-way, whereas Brant Street's right-of-way between Lakeshore and Caroline is 18 metres. A 3-storey building wall along the subject site would be inappropriately under-sized relative to the 30 metre designated width of Lakeshore Road, without delivering any additional benefit with respect to main street character. Further, a 20 metre low-rise zone has no obvious relationship to the "main street" planning objectives. The stated objective of the Proposed Policies to create a vibrant retail environment along Lakeshore Road (8.1.1(3.5)) could be achieved with buildings of a greater development intensity and scale than would be permitted by the Proposed Policies. Mid-rise podiums for taller buildings are regularly used to establish well-framed main streets with consistent street walls, appropriate relationships to right-of-way widths, and active uses at grade. Additionally, main streets succeed when there is a critical mass of local residents to support shops and services. Imposing arbitrary low-rise zones on main street frontages would reduce the potential for local economic activity and for the creation of a complete community.

The Proposed Policies represent a significant change from the Council-approved policies in the Adopted Official Plan, without clear planning justification and without consideration for the unique characteristics and context of Lakeshore Road. Our analysis of the proposed policies suggests that, to more positively contribute to the Downtown's growth over time, height limits and built form policies should reflect considerations such as site dimensions, adjacent sensitive uses, relationship to built form and right-of way width.

If adopted, the Proposed Policies would impede appropriate intensification of 1447 Lakeshore Road and limit its ability to fully contribute to the achievement of the Growth Plan's density targets for the Downtown Burlington Urban Growth Centre. As such, the City's Proposed Policies for the downtown run contrary to the policy direction provided in the Growth Plan as well as its own Adopted Official Plan.

Other proposed policy language, Section 8.1.1(3.2) d), minimizes Provincial direction as a rationale for redevelopment. This policy provides that Provincial population and employment density targets will be applied City-wide and not on a site-by-site basis. By diminishing the use of Provincial density

targets as planning justification for individual development projects, this proposed policy obscures the fact that achieving density targets City-wide will require that some sites must strategically deliver needed density in order to make up for sites that cannot appropriately deliver intensification. This is particularly true in areas such as Downtown Burlington, where there is a clear objective to protect existing low-rise areas. It is not apparent how the City of Burlington's Official Plan can conform to the Growth Plan's policy direction to plan for the minimum density targets for Urban Growth Centres while not considering how proposed development helps to achieve those targets.

### **Appropriate Intensification of the Subject Site**

The Subject Site represents a significant opportunity for the City. It is located within walking distance of several significant destinations including the waterfront, City Hall, the Burlington Performing Arts Centre, Brant Street Pier and the Art Gallery of Burlington, among many others. Also, and unlike many other Downtown infill development sites, the Subject Site is relatively large (at 0.3 hectares), has no adjacent sensitive land uses, is very close to transit service and is situated at a prominent intersection that can establish a gateway to the Downtown along the Burlington waterfront. Development of this site could help achieve Provincial objectives for strategic growth areas while supporting Burlington's goals for preserving the historic character of the Downtown area.

Another important distinction between the Subject Site and other infill development sites is the lack of adjacent historic main street character. Existing and planned development along Lakeshore Road is not characterized by a consistent low-rise built form. Rather, development on Lakeshore Road includes many taller buildings, appropriate given the wide right-of-way, that help define and complement the Burlington waterfront. Because of this, the Subject Site is uniquely able to deliver high-quality mixed-use and transit-oriented development while respecting and complementing the Downtown Burlington urban fabric. In our opinion, the Subject Site could accommodate heights that are greater than those contemplated in the Proposed Policies, while remaining compatible with the existing context and helping to achieve the City's development objectives for the Downtown area.

Properties like 1447 Lakeshore Road are critical for the achievement of Provincial and Regional growth planning as they offer the opportunity to appropriately introduce mixed-use intensification in an area with a mix of land uses, access to transit and a variety of amenities. The Proposed Policies would significantly hamper this site's potential and reduce the City's ability to meet the minimum density targets. The Proposed Policies that limit the intensification potential of sites such as 1447 Lakeshore Road do not conform with the Growth Plan "intensification first" policies (2.1) and should therefore be rejected by Council.

### **Provincial Policy with Respect to Creating Complete Communities and Providing Housing Options**

The Growth Plan supports the creation of complete communities that "provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes" (2.2.1.4.c). It further directs municipalities to "support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan" (2.2.6.1 a) and to "identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a)" (2.2.6.1.b). The Proposed Policies for Downtown do not conform to these Growth Plan policies, as they limit the redevelopment potential of sites such as 1447 Lakeshore Road and, in turn, limit the range of housing types, sizes and tenures that could be delivered with new development. In particular, the City's proposal to amend its own Council-approved policies for maximum height permitted on the Subject Site, as well as the required 3-storey maximum

height within 20 metres of Lakeshore Road substantially limit the range of housing options that could potentially be provided on this site.

### Conclusion

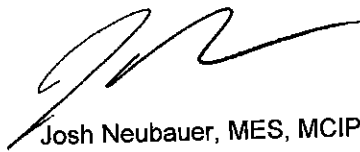
Due to the above concerns, we request that Council reject the proposed Official Plan policies that would limit the potential for transit-supportive intensification within the Downtown Burlington Urban Growth Centre. Specifically, we urge Council to reject the height schedules and built form policies, including (8.1.1.(3.5)c) and 8.1.1(3.19.3)c) and d).

We also urge Council reject the language in 8.1.1(3.2) d) that provides that density targets will not be applied on a site-by-site basis, or to require that they be amended to recognize the importance of key sites in meeting averaged density targets.

We further urge Council to direct Staff to develop land use policies that will support the growth and success of Downtown Burlington, in a manner that conforms with Provincial planning policy. Downtown Burlington has been identified as an Urban Growth Centre by the Province and must be planned to achieve at least the minimum density targets set out in Growth Plan. The City of Burlington Official Plan must reflect and support the important role that the Downtown plays in the regional growth strategy, and encourage appropriate intensification.

Sincerely,

URBAN STRATEGIES INC.



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**Ontario Land Tribunals**  
 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.olt.gov.on.ca](http://www.olt.gov.on.ca)

## Appellant Form (A1)

### Instructions for preparing and submitting the Appellant Form (A1)

For help navigating the LPAT appeals process, practices and procedures, please see information on the LPAT website <http://olt.gov.on.ca/tribunals/lpat/lpat-process/>

- **Important: Do not send your appeal directly to the Local Planning Appeal Tribunal (LPAT).** Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the Municipality/Approval Authority/School Board will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the LPAT.
- We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at:  
 Toll free: 1-866-448-2248; or  
 TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the LPAT. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee is required for each type of appeal you are filing. Please see the Tribunal's Fee Schedule to calculate the correct amount due.
- To view the Fee Schedule, visit the LPAT's website [<http://olt.gov.on.ca/lpat/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- If you are represented by a lawyer the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the LPAT if you retain a representative after the submission of this form.
- Should you need more room to provide a further explanation to any sections throughout this form, please attach a separate letter to the back of the form.
- Provide both an electronic copy (.pdf) and paper copy of all document submissions. The electronic submissions are to be provided by USB key.
- The *Planning Act, Development Charges Act, Education Act, Local Planning Appeal Tribunal Act*, and others, are available on the LPAT website [<http://olt.gov.on.ca/lpat/legislation-and-rules/>].





**Ontario Land Tribunals**  
 Local Planning Appeal Tribunal  
 655 Bay Street, Suite 1500  
 Toronto ON M5G 1E5  
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## 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)
<b>Planning Act Matters</b>		
<b>Official Plan or Official Plan Amendment</b>	<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	
<b>Zoning By-law or Zoning By-law Amendment</b>	<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	
<b>Interim Control Zoning By-law</b>	<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)
<b>Site Plan</b>	<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	53(27)
	<input type="checkbox"/> Appeal changed conditions	
	<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	51(39)
	<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	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	51(43)
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(48)
	<input type="checkbox"/> Appeal changed conditions	

**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)
<b>Planning Act Matters</b>		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal of a <b>decision</b> 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 <b>decision</b> 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 <b>refusal</b> within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12)
	<input type="checkbox"/> Appeal of a <b>non-decision</b> within 90 days by Council following a LPAT decision	
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal of a <b>refusal</b> within 90 days by Council following a LPAT decision	34(11) and 34(26.5)
	<input type="checkbox"/> Appeal of a <b>non-decision</b> within 90 days by Council following a LPAT decision	
	<input type="checkbox"/> Appeal of a <b>decision</b> 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)
<b>Development Charges Act Matters</b>		
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
<b>Education Act Matters</b>		
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)
<b>Aggregate Resources Act Matters</b>		
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)	
<b>Municipal Act Matters</b>		
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	

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	

**Ontario Heritage Act Matters**

<b>Designation of Property</b>	<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)
<b>Heritage Conservation District</b>	<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  
1447 Lakeshore Road, City of Burlington

Municipality  
City of Burlington

Upper Tier (Example: county, district, region)  
Halton 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)  
Mac's Convenience Stores Inc.

Email Address  
carmine.caravaggio@circlek.com

Daytime Telephone Number	ext.	Alternate Telephone Number
--------------------------	------	----------------------------

### Mailing Address

Unit Number 400	Street Number 305	Street Name Milner Ave.	PO Box
City/Town Toronto	Province ON	Country Canada	Postal Code M1B 3V4

**4. Representative Information**

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

Last Name  
Laskin

First Name  
Max

Company Name  
Goodmans LLP

Professional Title  
Associate

Email Address  
mlaskin@goodmans.ca

Daytime Telephone Number  
416-849-6938

ext.

Alternate Telephone Number

**Mailing Address**

Unit Number  
3400

Street Number  
333

Street Name  
Bay Street

PO Box

City/Town  
Toronto

Province  
ON

Country  
Canada

Postal Code  
M5H2S7

**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: 505-08 and Halton Region Decision re: Same

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

Please see the attached letter.

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:  
Please see the attached letter.

**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)

**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 planning.

**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)
Max Laskin		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.