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July 28, 2014

Our File No.: 092624

Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Ontario
777 Bay Street, Floor 13
Toronto Ontario
M5G 2E5

RECEIVED
MUNICIPAL SERVICES OFFICE

JUL 28 2014

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Attention: Louis Bitonti

Dear Sir:

**Re: Notice of Appeal pursuant to Section 17(36) of the *Planning Act*
Ministry Reference Number 20-OP-146732-231 & EBR Registry Number: 012-0841
City of Toronto Official Plan Amendment No. 231
Parc Downsview Park Inc. and Canada Lands Company CLC Limited**

We are the solicitors for Parc Downsview Park Inc. ("PDPI") and Canada Lands Company CLC Limited ("CLC"), owners of employment lands within the Downsview Area Secondary Plan, and also subject to the Municipal Comprehensive Review for the City of Toronto, being Official Plan Amendment Number 231 ("OPA 231").

We are hereby appealing the Ministry of Municipal Affairs and Housing's Decision (the "Decision") regarding OPA 231 to the Ontario Municipal Board pursuant to Subsection 17(36) of the *Planning Act*.

Background

On November 20, 2013, prior to adoption of OPA 231, we made a written submission to Toronto City Council indicating our client's concerns with the proposed Official Plan Amendment. On December 18, 2013, the City of Toronto passed By-law 1714-2013 to adopt OPA 231.

The Decision dated July 9, 2014, which approved OPA 231, with some modifications, has not addressed our client's concerns. It is on this basis that we are filing our appeal to the Ontario Municipal Board.

Reasons for the Appeal

OPA 231 would designate certain lands within the Downsview Secondary Plan area as Core Employment. In our view, it would be more appropriate to designate these lands as General Employment, for a variety of reasons, including:

- the General Employment designation is more consistent with the planning history leading to the approval of the Downsview Secondary Plan;
- the General Employment designation would provide for appropriate transition and land use compatibility, especially with permission for residential uses in close proximity to these lands;
- the proposed Core Employment designation would compromise the vision to redeveloping and strengthening the employment areas within the Downsview Secondary Plan as a gateway from the new subway station south to Downsview Park, with pedestrian-related activities along a new street linkage; and,
- the proposed Core Employment designation is inconsistent with the policies of the Downsview Secondary Plan requiring enhanced streetscapes to reinforce the importance of a new public street connection as a pedestrian corridor.

In conclusion, and for reasons to be expanded upon at any hearing regarding this appeal, our client believes that the proposed designation of these employment lands as Core Employment would hinder the vision and goals of the recently approved Downsview Secondary Plan.

The Appellant Form is enclosed, along with a cheque in the amount of \$125.00. If any further information is required, please contact the undersigned.

Yours truly,

Goodmans LLP



David Bronskill
DB/st

cc: Client

**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elfo.gov.on.ca

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

Commission des affaires municipales
de l'Ontario

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



Instructions for preparing and submitting the Appellant Form (A1)

- Complete one form for each type of appeal you are filing.
- Please print clearly.
- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee must be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- If you are represented by a solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Do not send cash.
- Professional representation is not required but please advise the Board if you retain a representative after the submission of this form.
- Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority as applicable.
- The Municipality/Approval Authority will forward your appeal(s) and fee(s) to the Ontario Municipal Board.
- The *Planning Act* and the *Ontario Municipal Board Act* are available on the Board's website.



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**APPELLANT FORM (A1)
 PLANNING ACT**

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

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(19)
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

Downsview Area Secondary Plan
 Address and/or Legal Description of property subject to the appeal:
 Municipality/Upper tier: City of Toronto

Part 3: Appellant Information

First Name: _____ Last Name: _____

Parc Downsview Park Inc. & Canada Lands Company CLC Limited
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

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

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office.)

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

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

Part 4: Representative Information (if applicable)

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

First Name: David Last Name: Bronskill

Company Name: Goodmans LLP


Professional Title: Partner

E-mail Address: dbronskill@goodmans.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: (416) 597-4299 Alternate Telephone #: _____

Fax #: (416) 979-1234

Mailing Address: 333 Bay Street Suite 3400 Toronto
Street Address Apt/Suite/Unit# City/Town
ON M5H 2S7
Province Country (if not Canada) Postal Code

Signature of Appellant:  Date: JULY 28 / 2014

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

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

Part 5: Language and Accessibility

Please choose preferred language: English French

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

Part 6: Appeal Specific Information

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

(Please print)

City of Toronto Official Plan Amendment No. 231

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

(Please print)

Please see cover letter.

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

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

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

[Empty box for explanatory note]

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

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

(Please print)

[Empty box for OMB Reference Number(s) and/or Municipal File Number(s)]

Part 8: Scheduling Information

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

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

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

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

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

If yes, why? To narrow and identify issues for hearing.

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

Please see cover letter.

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

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

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

