



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: 416-212-6349  
Toll Free: 1-866-448-2248  
Fax: 416-326-5370  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

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

- **Important: Do not send your appeal directly to the Ontario Municipal Board (OMB).** 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 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 OMB.
- 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 OMB. 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 of \$300 is required for each type of appeal you are filing.  
Example: An appeal of an official plan and a zoning by-law would be \$300 + \$300 for a total fee of \$600.
- To view the Fee Schedule, visit the OMB's website [<http://elto.gov.on.ca/omb/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 solicitor the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the OMB if you retain a representative after the submission of this form.
- The *Planning Act*, *Development Charges Act*, *Education Act* and *Ontario Municipal Board Act* are available on the OMB's website [<http://elto.gov.on.ca/omb/legislation-and-regulations/>].
- Fields marked with an asterisk (\*) are mandatory.



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# Appellant Form (A1)

Receipt Number (OMB Office Use Only)
Date Stamp - Appeal Received by Municipality

## 1. Appeal Type (Please check all applicable boxes) \*

Subject of Appeal	Type of Appeal	Act 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 180 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused 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 120 days	34(11)
	<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	38(4)
<b>Minor Variance</b>	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
<b>Consent/Severance</b>	<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)
<b>Plan of Subdivision</b>	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that <b>approved</b> a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did <b>not approve</b> 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)	
	<input type="checkbox"/> Appeal changed conditions	

Subject of Appeal	Type of Appeal	Act Reference (Section)
<b>Development Charges Act Matters</b>		
<b>Development Charge By-law</b>	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
<b>Development Charge Complaint</b>	<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)
<b>Front-ending Agreement</b>	<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>		
<b>Education Development Charge By-law</b>	<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)
<b>Education Development Charge Complaint</b>	<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>		
<b>Aggregate Removal Licence</b>	<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>		
<b>Ward Boundary By-law</b>	<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	
<b>Ontario Heritage Act Matters</b>		
<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 Matters**

Subject of Appeal Official Plan	Act/Legislation Name Planning Act	Section Number 17(36)
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**2. Location Information**

Address and/or Legal Description of property subject to the appeal \*  
See Schedule A attached.

Municipality * The United Counties of Stormont, Dundas and Glengarry
Upper Tier (Example: county, district, region) The United Counties of Stormont, Dundas and Glengarry

**3. Appellant/Objector Information**

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

Last Name McDonald	First Name Alison
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Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)  
The United Counties of Stormont, Dundas and Glengarry

Professional Title  
Manager of Planning

Email Address  
amcdonald@sdgcounties.ca

Daytime Telephone Number * 613-932-1515 ext. 219	Alternate Telephone Number	Fax Number 613-936-2913
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**Mailing Address**

Unit Number 223	Street Number * 26	Street Name * Pitt Street	PO Box
City/Town * Cornwall	Province * Ontario	Country * Canada	Postal Code * K6J 3P2

**4. Representative Information**

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

Last Name Moon	First Name Joshua
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Company Name  
Perley-Robertson, Hill & McDougall LLP/s.r.l.

Professional Title  
Partner, Lawyer

Email Address  
jmoon@perlaw.ca

Daytime Telephone Number 613-566-2801 ext.	Alternate Telephone Number 613-238-2022	Fax Number 613-238-8775
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**Mailing Address**

Unit Number 1400	Street Number 340	Street Name Albert St.	PO Box
City/Town Ottawa	Province ON	Country CAN	Postal Code K1R 0A5

**Note:** If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB'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 Specific Information

Municipal Reference Number(s)

Outline the nature of your appeal and the reasons for your appeal \*  
See Schedule A attached.

### Oral/written submissions to council

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

Oral submissions at a public meeting       Written submissions to council

### Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes       No

## 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

## 7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

1 day       2 days       3 days       4 days       1 week

More than 1 week ► Please specify number of days 6-10

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
5-10 depending on the outcome of mediation and scoping.

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

Land Use Planners, Agrologist, Land Economist, Sourcewater Protection Expert, Karst Expert, Aggregate Resource Expert,

Do you believe this matter would benefit from mediation?

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes     No

## 8. Required Fee

Total Fee Submitted \*    \$ 300

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

## 9. 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)
Alison McDonald		

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.

# Schedule A

## Notice of Appeal regarding a new Official Plan

### United Counties of Stormont, Dundas and Glengarry

#### Section 2. Location Information

Various legal descriptions found within the schedules of the Official Plan. These properties are located outside of the Settlement Areas and are generally within the rural and agricultural designations. The specific properties impacted by land use designation changes that will be subject to appeal can be narrowed in a scoping exercise if the Board accepts our recommendation for a mediation process.

1. We are appealing the following schedules:

Land Use Schedule A1 - Township of North Dundas

Land Use Schedule A2 - Municipality of South Dundas

Land Use Schedule A3 - Township of North Stormont

Land Use Schedule A4 - Township of South Stormont

Land Use Schedule A5 - Township of North Glengarry

Land Use Schedule A6 - Township of South Glengarry

#### Section 5. Appeal Specific Information

The County prepared a detailed agricultural land review which informed the adopted rural and agricultural land designations throughout all the County. Extensive review and engagement with the Province took place prior to the Official Plan submission. The Ministry Decision changed thousands of properties from what was supported by the qualified professional retained by the County and adopted by County Council. The Province has not provided any rationale for the modifications of all amended Rural District and Agricultural Resource Lands designations from the submission. Similarly, to the best of our knowledge, no public consultation or notice regarding the modifications took place.

While no rationale has been given for the changes, the County will raise its interpretations of the relevant sections of the Provincial Policy Statement with respect to the Rural District and Agricultural Resource Lands.

Staff have also identified a number of errors in the schedules which we believe are related to overlapping layers in GIS files. For example, the rural designation appears to overlap a number of salvage yard districts. As a result, the approved schedules eliminated the salvage yard district. We believe this happened unintentionally. As such, the County is appealing these schedules in their entirety with the intention of scoping all errors and omissions through mediation.

2. Constraints Schedule B5 - Geology

We are appealing the Bedrock SDG constraint on the above-noted schedule.

Pursuant to a string of emails occurring between Stephanie Morin (SDG), Lyn Garrah (MNRF), Richard Dyer (MNDM) and Prabin Sharma(MMA/MHO), the downloadable data from the province for the Bedrock Constraint on Constraints Schedule B5 - Geology was found to be incorrect one week prior to the decision. Some corrections have been made but at this time there are still errors within this layer. The County would like to ensure that the correct bedrock constraint is included within the schedules.

### 3. Schedule A4b - St. Andrew's West and Schedule A4 - South Stormont

We are appealing the MTO Encroachment Zone of Control as shown on both schedules noted above.

The zone of control noted in this schedule is not the most updated version from the Ministry of Transportation.

### 4. Section 3.5.2.9 Shoreline Development and Lake Development, Paragraph 2 in its entirety

The County worked with the Ministry closely on the development of this policy. While the County supports the principle, the County and its local Municipal partners have concerns regarding the implementation of this policy in local zoning by-laws. The County would like to clarify the intent of this wording to ensure that future development is adequately evaluated and controlled.

### 5. Section 3.5.4.1 Land Supply for Housing and Affordability, Ministry Decision Modification #8

The County objects to the affordability target set by this modification and the assumed Ministry interpretation of the Provincial Policy Statement and the Planning Act.

### 6. Section 4.3.3.7 Source Water Protection, Ministry Decision Modification #10 a) and b)

The County submits that the requirements of this modification are not based on the best available science and are also not well defined. Based on recent discussions with local Source Protection experts, and other evidence, the County submits this policy is too prescriptive given the unreliable mapping and data for these areas.

### 7. Section 5.3.4 Lot Sizes, Ministry Decision Modification # 13

The County appeals the requirement for new agricultural lots created through consent be “generally 40 ha”. The County has provided all rationale and requested information to OMAFRA to support a local size constraint for new lots. OMAFRA has not provided any policy guidance to support this prescriptive number proposed by the Ministry. The County appeals the Ministry’s interpretation of the relevant Provincial Policy Statements.

### 8. Section 5.4.4 Zoning, Ministry Decision Modification #14 a)

The County appeals modification a) as it removes the local Municipalities ability to appropriately restrict the areas of extraction to protect sensitive uses and natural features.

### 9. Section 6.2.6 Karst, Ministry Decision Modification #18

The County submits the word 'may' is more appropriate given the need for local ground-truthing for karst formations.

### 10. Section 9.0 Introduction, Ministry Decision Modification #23 b)



The County opposes the use of the term "legal non-conforming uses" at modification #23 b) in relation to the list of special land-use districts.

11. The SDG Development Corridor contained on Schedules A2, A4, and A6

The SDG Development Corridor includes all lands located south of the 401 highway as described in policy 3.2. The County will present its interpretation of this policy as it relates to the lands which were changed from Rural District to Agricultural Resource Land designation on Schedules A2, A4, and A6.