



MISSISSAUGA

FOR IMMEDIATE ATTENTION AND ACTION

TO: Ed Sajecki, Commissioner of Planning & Building

FROM: Sacha Smith, Office of the City Clerk

DATE: November 14, 2017

RE: Appeal Pursuant to Sections 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13,
Application to Amend Zoning By-law 0225-2007
4005 Hickory Dr.
File: OZ 17/006 - Ward 3

Attached please find copy of a letter of appeal dated November 10, 2017 (received November 10, 2017) from Goodmans LLP, solicitors for 4005 Hickory Drive Ltd. Property located at 4005 Hickory Dr. in the City of Mississauga.

In accordance with Planning Act requirements, the City is required to submit the Notice of Appeal, Municipal Submission Form (including prescribed records) and appeal fee to the Ontario Municipal Board within 15 days after the Notice of Appeal is received. In order to meet this deadline, we request that you provide our office with the following information outlined on the attached Municipal Submission Form (R1) **no later than November 20, 2017**

- Part 4: Related Matters
- Part 5: Official Plan Information
- Part 6: Scheduling Information (including the estimated number of days for the hearing)
- Part 7: Municipal Representative Information (Legal or Planning)
- Part 8: Required Documentation (include the applicable documents and information indicated by a tick

Thank you for your co-operation

Sacha Smith, Deputy Clerk and
Manager Legislative Services
Corporate Services Department
905-615-3200 ext. 4516

:mj

Att.

cc: Michael Hynes, Planning and Building (via email)
Mary E. Bench, City Solicitor (via email)
Councillor, Ward 3 (via email)
Planning Notification List (via email)

November 10, 2017

Our File No.: 000011

Via Courier

City of Mississauga
Office of the City Clerk
300 City Centre Drive, 2nd Floor
Mississauga, Ontario
L5B 3C1

Attention: Diana Rusnov, City Clerk

Dear Ms. Rusnov:

**Re: Notice of Appeal Pursuant to Section 34(11) of the *Planning Act*
4005 Hickory Drive, City of Mississauga
City File No. OZ 10006 W3**

We are solicitors for 4005 Hickory Drive Ltd. in respect of the property known municipally in the City of Mississauga (the "City") as 4005 Hickory Drive (the "Site"). We write on behalf of our client to appeal its zoning by-law amendment application in respect of the Site (the "ZBA Application") to the Ontario Municipal Board (the "Board"), pursuant to section 34(11) of the *Planning Act*, for the failure of the City to make a decision on the Application.

Background

The Site is located just east of the major intersection of Dixie Road and Burnhamthorpe Road East, at the northeast corner of Burnhamthorpe Road East and Hickory Drive. With an area of approximately 7,937 square metres, the Site has approximately 72 metres of frontage on Burnhamthorpe Road East and 92 metres of frontage on Hickory Drive.

The Site is located within the Rathwood-Applewood Community Node in the City's Official Plan. As a designated intensification area, the Rathwood-Applewood Community Node contains a mix of land use designations including *Residential Medium Density* and *Residential High Density*. The Site itself is designated *Office*, and is currently occupied by a one-storey office building and surface parking. Under City of Mississauga Zoning By-law 0225-2007, the Site is zoned Office (O).

On May 26, 2017, our client filed the ZBA Application as well as an Official Plan amendment application (the "OPA Application", together with the ZBA Application, the "Applications").

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The Applications, which the City deemed complete, are required to permit the redevelopment of the Site with 102 horizontal multiple dwelling units, contained within five townhouse blocks. These blocks would be oriented around a central outdoor amenity space and would each be three and a half storeys in height. Vehicular access to the development would be accessed through a private road off of Hickory Drive. A total of 154 parking spaces would be provided, along with a total of 78 bicycle parking spaces.

Reasons for the Appeal

Our client believes the Applications are consistent with the Provincial Policy Statement, conform to the Growth Plan, appropriately implement the Regional and City Official Plans, represent good planning and are in the public interest. Further, since the filing of the Applications, our client has undertaken extensive consultation with City staff, the local Councillor and local residents, through multiple open houses and public meetings. These discussions have been productive and our client believes that continued consultation could lead to broad stakeholder support for the proposal.

Despite this momentum, in light of the current uncertainty regarding proposed amendments to the *Planning Act*, we have advised our client that it would be prudent to appeal the Applications to preserve its right to a hearing before the Board. Accordingly, on behalf of our client, we hereby appeal the ZBA Application to the Board pursuant to section 34(11) of the *Planning Act*.

Despite this appeal, our client looks forward to continuing to work with City staff, the local Councillor and local residents on the Applications, as we anticipate that many issues can be resolved through continued meaningful dialogue.

Please note that we expect to file a similar appeal of the OPA Application in due course. In doing so, we may seek to consolidate the appeals to facilitate an efficient Board process.

The Appellant Form is enclosed, along with a cheque in the amount of \$300.00. If any additional information is required, please contact the undersigned.

Yours truly,

Goodmans LLP



David Bronskill
DJB/MXL

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.elto.gov.on.ca

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)
Planning Act Matters		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input 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	
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input checked="" 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	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
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	53(14)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	
Plan of Subdivision	<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 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	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

Subject of Appeal	Type of Appeal	Act Reference (Section)
Development Charges Act Matters		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
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)
Aggregate Resources Act Matters		
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)	
Municipal Act Matters		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
Ontario Heritage Act Matters		
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Matters

Subject of Appeal	Act/Legislation Name	Section Number
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2. Location Information

Address and/or Legal Description of property subject to the appeal *
4005 Hickory Drive

Municipality *
City of Mississauga

Upper Tier (Example: county, district, region)
Region of Peel

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	First Name
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Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) *
4005 Hickory Drive Ltd.

Professional Title

Email Address
rob@sierra.ca

Daytime Telephone Number * 416-642-0032 ext. 224	Alternate Telephone Number	Fax Number
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Mailing Address

Unit Number 23A	Street Number * 156	Street Name * Duncan Mill Road	PO Box
City/Town * Toronto	Province * Ontario	Country * Canada	Postal Code * M3B3N2

4. Representative Information

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

Last Name Bronskill	First Name David
------------------------	---------------------

Company Name
Goodmans LLP

Professional Title
Partner

Email Address
dbronskill@goodmans.ca

Daytime Telephone Number 416-597-4299 ext.	Alternate Telephone Number	Fax Number
---	----------------------------	------------

Mailing Address

Unit Number	Street Number 333	Street Name Bay Street	PO Box
City/Town Toronto	Province Ontario	Country Canada	Postal Code M5H2S7

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)

OZ ~~16-006-W3~~ 02 17-006

Outline the nature of your appeal and the reasons for your appeal *

Please see the attached letter.

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 ▼

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s)

A related official plan amendment application (with the same municipal file number) may be appealed in due course.

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

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

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

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)
David Bronskill	Per: 	2017/11/10

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.



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

Municipal/Approval Authority Submission

Reference Number (OMB Office Use Only)

Instructions

- Material and information is to be forwarded to the Ontario Municipal Board (OMB) by the Municipality/Approval Authority **within 15 days after the last day for filing a notice of appeal (or as otherwise directed by legislation). Please check the section of the Act under which the appeal(s) has/have been filed.**
- 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 include e-mail addresses for all contacts in the space provided on this form.
- The checklist(s) of required supplementary documentation is included at the end of the form and **must** be submitted in the **order** listed in the checklist(s) with the appeal form(s) and fee(s) that the municipality/approval authority received.
- To assist in the timely processing of the appeal package, please prepare the package in the following manner:
 - Single-sided only.
 - No staples. Please keep the documents held together with a clip or elastic only.
 - No binding.
 - Letter size (8 ½ x 11") and legal size (8 ½ x 14") documents only.
- Submit your completed Municipal/Approval Authority Submission Form with the checklist(s) and the required documents including the appeal form(s) or letter(s) and filing fee(s) to the OMB by the filing deadline.
- The *Planning Act* and the *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.

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

Subject of Appeal	Type of Appeal	Reference (Section)
Planning Act Matters		
Official Plan or Official Plan Amendment (Use R1 checklist)	<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 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	
Zoning By-law or Zoning By-law Amendment (Use R2 checklist)	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input checked="" 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	
Interim Control Zoning By-law (Use R2 checklist)	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Minor Variance (Use R3 checklist)	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance (Use R4 checklist)	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision (Use R5 checklist)	<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 approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions – after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
<input type="checkbox"/> Appeal changed conditions	51(48)	
Development Charges Act Matters		
Development Charge By-law (Use R6 checklist)	<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 (Use R6 checklist)	<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 (Use R6 checklist)	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50

Subject of Appeal	Type of Appeal	Reference (Section)
Education Act Matters		
Education Development Charge By-law (Use R6 checklist)	<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 (Use R6 checklist)	<input type="checkbox"/> Appeal school board'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)
Aggregate Resources Act Matters		
Aggregate Removal Licence (Use R7 checklist)	<input type="checkbox"/> Objection(s) to an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> Objection(s) to 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)	
Municipal Act Matters		
Ward Boundary By-law (Use R8 checklist)	<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	
Ontario Heritage Act Matters		
Heritage Conservation District (Use R9 checklist)	<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 (Use R10 checklist)		
Subject of Appeal	Act/Legislation Name	Section Number

2. Location Information

Address and/or Legal Description of property subject to the appeal *
4005 Hickory Dr.

Municipality *
Mississauga, ON

Upper Tier (Example: county, district, region)

Approval Authority (if different than above)

3. Municipal/Approval Authority Contact Information

Last Name *		First Name *	
Smith		Sacha	
Professional Title *			
DEPUTY CLERK			
Email Address		Telephone Number *	Fax Number
_sacha.smith@mississauga.ca		905-615-3200 ext. 4516	905-615-4181
Mailing Address			
Unit Number	Street Number *	Street Name *	PO Box
	300	CITY CENTRE DR. 2ND FLOOR	
City/Town *		Province *	Postal Code *
Mississauga		Ontario	L5B 3C1

4. Municipal/Approval Authority Representative Information (Legal or Planning)

Last Name		First Name	
TAGGART		MARCIA	
Company Name			
CITY OF MISSISSAUGA			
Professional Title			
DEPUTY CITY SOLICITOR			
Email Address			
marcia.taggart@mississauga.ca			
Daytime Telephone Number *		Alternate Telephone Number	Fax Number
905-615-3200 ext. 3743			905-896-5106
Mailing Address			
Unit Number	Street Number *	Street Name *	PO Box
	300	CITY CENTRE DR, 4th FLOOR	
City/Town *		Province *	Country *
MISSISSAUGA		ONTARIO	Canada
			Postal Code *
			L5B 3C1

5. Subject Information

Municipal Reference Number(s) *
OZ 17 006

Outline of the purpose of the matter and the nature of the issues raised in the appeal(s)/objection(s) *

Did this matter start with a request/application?

Yes No

Date of Decision/Notice of Passing (yyyy/mm/dd)

Date Notice of Decision/Passing was issued/provided (yyyy/mm/dd)

6. Related Matters

Are there other matters related to this appeal?

Yes No

7. Scheduling Information

Estimated number of days needed for hearing this appeal

Expected number of witnesses at the hearing

Describe witness(es)' area of expertise

Do you believe this matter would benefit from mediation?

Yes No

If yes, do you believe all parties would consent to participating in mediation?

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

Yes No

8. Declaration

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

I confirm that I have included applicable checklist(s) with required documents in the order listed in the checklist(s).

Name of Clerk/Representative

Signature of Clerk/Representative

Date (yyyy/mm/dd)

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.



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 Website: www.elto.gov.on.ca

Checklist (R2)
Zoning By-laws and
Amendments
Planning Act

Required Documentation (Please check boxes below to indicate that the document is included)

Appeal

- Original or certified copy of each notice of appeal received and reasons for appeal with indication of the date on which each notice was filed.
- Board fee paid by each appellant made payable to the Minister of Finance. The appeal will not be processed without this fee being paid by each appellant. Ensure that cheque/fee payment is affixed to each appeal.

Application

- If applicable, the original or a certified copy of the application for amendment to the by-law that includes name, e-mail address, address and telephone number of the applicant and lawyer or agent.

Notice of Passing/Refusal

- A copy of the notice of passing of the zoning by-law or interim control by-law [Sections 34(19) or 38(4)]
- A copy of Council's refusal, including the date that the giving of notice was completed, or an affidavit or declaration duly sworn certifying that Council refused or neglected to make a decision on the complete application within 120 days and an indication that notice of the refusal was given in accordance with the provisions of the Act. [Section 34(11)]

Explanatory Note

- An explanation of the purpose and effect of the by-law/proposed by-law.

List

- List of names, e-mail addresses and mailing addresses of all parties (including the applicant) and persons and agencies to be notified of OMB hearing.
- Where notice of a decision/refusal was issued by e-mail, a list of all names and e-mail addresses and an indication of the date that the e-mail was sent.

Zoning By-law

- An explanation of the purpose and effect of the by-law/proposed by-law.

Map

- A map of the land under appeal or a description of the subject land.

Affidavit

- An affidavit or sworn declaration from an employee of the municipality or planning board certifying, as applicable:
 - a) The statutory requirements for the giving of notice and the holding of public meetings and open houses, if required, or the alternative measures for informing and obtaining the views of the public as set out in the official plan have been complied with;
 - b) The statutory requirements for the giving of notice of passing or refusal of the by-law have been complied with. Include date written notice was given. Attach a copy of the notice, explanatory note and key map;
 - c) A typed list of all persons and public bodies that made oral submissions at the public meeting, including their full names, e-mail addresses, mailing addresses and telephone numbers; and
 - d) If subsection 34(10.7) of the Act applies, a certificate that the requirements of clause 34(10.7)(a) of the Act have been complied with.

- A statement from an employee of the municipality or planning board as to whether the decision of the council or planning board,
 - i. is consistent with the policy statements issued under subsection 3(1) of the Act,
 - ii. conforms to or does not conflict with any applicable provincial plan or plans, and
 - iii. conforms to the official plan of the municipality or planning board.
- Report on the position taken by Council in response to each appeal, including conformity with official plan.
- A statement addressing whether or not the 2-year no application restriction under section 34(10.0.0.2) is applicable. If a restriction is applicable, please provide a copy of any notice that was provided.

Notice of Public Meeting

- Where a public meeting has been held, a copy of the Notice.

Minutes

- Where a public meeting has been held, a copy of the minutes of the public meeting (printed format).

Planning Report

- A copy of any planning report considered by the council or planning board.

Oral/Written Submissions

- All information and material that the municipal council or approval authority considered in making their decision and/or received in relation to the matter such as any written or oral submissions from the public relating to the planning matter.

Examples:

- Hard copies of any written submissions
- Minutes containing oral submission records
- Electronic/Video (Thumb drive)
- Other

Other Information

- The original or a certified copy of the prescribed information and material received by the council or planning board under subsection 34(10.1) of the Act.
- The original or a certified copy of any other information and material that is required to be provided by the official plan of the municipality or planning board.
- Original or true copy, if any, of each written withdrawal of appeal.