

# Turkstra Mazza

Hamilton London Toronto

**Scott Snider**

Professional Corporation

15 Bold Street

Hamilton Ontario Canada L8P 1T3

Direct Line 905 526-6183 ext. 289

Receptionist 905 529 3476 (905 LAW-FIRM)

Facsimile 905 529 3663

[ssnider@tmalaw.ca](mailto:ssnider@tmalaw.ca)

**Via Same Day Courier**

December 20, 2016

City of Guelph

**Attention: Stephen O'Brien, City Clerk**

1 Carden Street

Guelph, ON N1H 3A1

Dear Mr. O'Brien:

**Re: Notice of Decision with Respect to a Proposed Official Plan Amendment for  
75 Dublin Street North, Guelph (OP1603)  
Rykur Holdings Inc.  
Appeal to Ontario Municipal Board Pursuant to s. 22(7) of the *Planning Act*  
Our File No. 13573**

---

We are counsel to Rykur Holdings Inc. ("Rykur") in this matter. Rykur is the owner of the subject site: 75 Dublin Street North in Guelph.

On November 30, 2016, the City of Guelph refused a proposed Official Plan Amendment for the subject site that would have permitted a maximum building height of 5 storeys whereas a maximum building height of 4 storeys is currently permitted for the lands.

While the Official Plan Amendment was characterized as a "City-initiated" OPA, in fact the application was in the nature of a joint application. Rykur is not only the owner of the subject lands, it requested the amendment and provided all of the applicable studies and reports that constituted a complete application.

Rykur hereby appeals the decision of the City of Guelph to refuse the OPA to the Ontario Municipal Board. The proposed OPA was instrumental to facilitating the proposal before Council which included affordable housing and housing for older persons. Council's decision to refuse the amendment will frustrate the provision of affordable housing and housing for older

---

The contents of this letter are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this letter and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

Attn: Mr. S. O'Brien  
December 20, 2016

Page 2

persons, contrary to the Provincial Policy Statement and applicable policies of the City's official plan.

We are attaching the related appeal of Guelph Zoning By-law (2016)-20113 which provides more detailed reasons for the appeals.

We are also attaching a completed Appellant Form (A1) as well as the applicable fee made payable to the Minister of Finance. In our view the appeals of the zoning bylaw and the refusal of the official plan amendment should be consolidated.

Yours truly,

Scott Snider

cc. Tom Lammer, client  
A. Clos, Astrid J. Clos Planning Consultants

SSnd 13573/2  
Encls.

---

The contents of this letter are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this letter and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

TURKSTRA MAZZA ASSOCIATES, LAWYERS

**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.eltto.gov.on.ca](http://www.eltto.gov.on.ca)

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

**Commission des affaires municipales  
de l'Ontario**

655 rue Bay, suite 1500  
Toronto ON M5G 1E5  
Téléphone: (416) 212-6349  
Sans Frais: 1-866-448-2248  
Télécopieur: (416) 326-5370  
Site Web: [www.eltto.gov.on.ca](http://www.eltto.gov.on.ca)



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

**NOTICE – APPEAL FEE CHANGE**

Effective July 1, 2016, Ontario Municipal Board (OMB) appeal fees are changing from \$125 to \$300. Appeals received and date-stamped by the municipality/approval authority on or after July 1, 2016, are subject to the new appeal fee.

- The fee of \$25 for each additional consent appeal filed by the same appellant against connected consent applications does not change.
- The fee of \$25 for each additional variance appeal filed by the same appellant against connected variance applications does not change.

OMB appeal fees are still \$125 for appeals with date-stamps from before July 1, 2016.

- **Complete one form for each type of appeal you are filing.**
- **Please print clearly.**
- **A filing fee of \$300 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. Do NOT send directly to the Ontario Municipal Board.**
- **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.**



Environment and Land Tribunals Ontario  
**Ontario Municipal Board**  
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5  
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248  
 FAX: (416) 326-5370  
 www.elto.gov.on.ca

# 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)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input 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 checked="" 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

75 Dublin Street North, Guelph, Ontario

Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Guelph

### Part 3: Appellant Information

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Rykur Holdings Inc.  
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 #: 519-221-6359 Alternate Telephone #: \_\_\_\_\_

Fax #: 1-888-847-8102

Mailing Address: 24 Crestwood Place Guelph  
Street Address Apt/Suite/Unit# City/Town  
Ontario NH1E 4M3  
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: Scott Last Name: Snider

Company Name: Turkstra Mazza Associates

Professional Title: Lawyer

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

Daytime Telephone #: 905-529-3476 Alternate Telephone #: \_\_\_\_\_

Fax #: 905-529-3663

Mailing Address: 15 Bold Street Hamilton  
Street Address Apt/Suite/Unit# City/Town  
Ontario L8P 1T3  
Province Country (if not Canada) Postal Code

Signature of Appellant: \_\_\_\_\_ Date: December 20, 2016

**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)

OPA – OP1603

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 attached 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.

## Bill 73 - This question applies only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016.

1. Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?
- a. No ☒
- b. Yes

## 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)

Zoning By-law (2016)-20113

## 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: 8 - 10

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
Four (4)

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

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? (Prehearing conferences are generally not scheduled for variances or consents)	YES	NO

If yes, why? To co-ordinate exchange of materials/identify parties

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

[illegible]

#### Part 10: Required Fee

Total Fee Submitted: \$ 300.00

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.**