

March 6, 2020

By Courier

M. Rick O'Connor, City Clerk
City of Ottawa
Ottawa City Hall
110 Laurier Avenue West
Ottawa, Ontario K1P 1J1

Dear Mr. O'Connor:

**Re: Notice of Appeals to the Local Planning Appeal Tribunal
Zoning By-law Amendment and Plan of Subdivision Applications
7000 Campeau Drive, City of Ottawa
City File Nos. D02-02-19-0123 and D07-16-19-0026
Applicant / Appellant: ClubLink Corporation ULC**

We are counsel to ClubLink Corporation ULC ("ClubLink"), the owner of lands municipally known as 7000 Campeau Drive, Ottawa, which is currently the site of the Kanata Golf & Country Club (the "Lands").

On October 8, 2019, through its planning consultant, Bousfields Inc., ClubLink submitted Zoning By-law Amendment (City File No. D02-02-19-0123) and Plan of Subdivision applications (City File No. D07-16-19-0026) to the City of Ottawa (the "City") to permit the redevelopment of the Lands for residential and open space uses, including 1,502 residential units in a range of detached, townhouse and mid-rise apartment dwellings (the "Applications").

By letter dated October 17, 2019, City Planning staff confirmed that the Applications were "complete" for the purposes of the *Planning Act*, regulations under the *Planning Act*, and the City's submission requirements as of the date they were submitted.

The Lands are designated *General Urban Area* on Schedule B of the Ottawa Official Plan, which permits "many types and densities of housing". Further, in accordance with Policy 3.6.1.5 of the Official Plan, "the City supports intensification in the General Urban Area where it will complement the existing pattern and scale of development and planned function of the area". The Applications conform to and implement the Official Plan and, accordingly, no Official Plan Amendment is required to permit the proposed redevelopment of the Lands.

The Lands are currently zoned O1A, Parks and Open Space Zone, Subzone A, under the City's Zoning By-law 2008-250. The Zoning By-law Amendment application proposes to rezone the Lands to various residential zone categories, including R1T (Residential First Density Zone), R3V (Residential Third Density Zone), and R5A (Residential Fifth Density Zone), as well as O1 (Parks and Open Space Zone).

On November 25, 2019, the City hosted a public meeting to consider the Applications. The Applications have also been subject to other public meetings hosted by the City Councillor and the community, to which ClubLink was not invited.

Despite the passage of more than 120 days since the Applications were submitted to the City, the City has failed to make a decision on either of the Applications. Accordingly, pursuant to subsections 34(11) and 51(34) of the *Planning Act*, ClubLink hereby appeals the Applications to the Local Planning Appeal Tribunal ("LPAT").

The reasons for these appeals include the following:

1. City Council failed to make a decision regarding the Zoning By-law Amendment application within 90 days of the date upon which the complete application was submitted;
2. The City failed to make a decision regarding the Plan of Subdivision application within 120 days of the date upon which the complete application was submitted;
3. The Applications propose a redevelopment of the Lands that is consistent with the *Provincial Policy Statement* and conforms to the relevant policies of the Ottawa Official Plan, as set out in the Planning Rationale report prepared by Bousfields Inc., dated September 2019, which was submitted to the City in support of the Applications. Among other things, the proposed redevelopment would appropriately intensify the Lands in a manner that would implement provincial planning policies, including those promoting residential intensification and a broad mix of housing types across neighbourhoods, the efficient use of land and infrastructure, and increased densities in proximity to public transit. The proposed redevelopment also conforms to the City's Official Plan, recognizing that the proposed residential dwelling types are permitted by the *General Urban Area* designation and the form of development proposed would complement the existing pattern and scale of development and the planned function of the surrounding area; and
4. The requested zoning amendments and proposed plan of subdivision would permit a redevelopment of the Lands that is appropriate, in the public interest, and constitutes good planning.

Enclosed with this notice of the appeals is a completed LPAT Appellant Form (A1) for the two appeals, together with our firm cheque in the amount of \$600.00, payable to the Minister of Finance, representing the prescribed filing fee for these appeals.

We trust that this is satisfactory. However, please do not hesitate to contact us if you have any questions or if you require anything further.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

Encls.

copy: Client
Peter Smith and Mike Dror, Bousfields Inc.



Environment and Land Tribunals Ontario
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.elfto.gov.on.ca

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)
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 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	
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 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	
Interim Control Zoning By-law	<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)
Site Plan	<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	
	<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	<input checked="" 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)	
	<input type="checkbox"/> Appeal changed conditions	51(48)

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

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

Designation of Property	<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)
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 Act Matters

Subject of Appeal	Act/Legislation Name	Section Number

2. Location Information

Address and/or Legal Description of property subject to the appeal
7000 Campeau Drive

Municipality
City of Ottawa

Upper Tier (Example: county, district, 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)
ClubLink Corporation ULC

Email Address

Daytime Telephone Number

ext.

Alternate Telephone Number

Mailing Address

Unit Number

Street Number
15675

Street Name
Dufferin Street

PO Box

City/Town
King City

Province
Ontario

Country
Canada

Postal Code
L7B 1K5

4. Representative Information

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

Last Name
Flowers

First Name
Mark

Company Name
Davies Howe LLP

Professional Title
Lawyer

Email Address
markf@davieshowe.com

Daytime Telephone Number
416-263-4513

ext.

Alternate Telephone Number
416-843-4884

Mailing Address

Unit Number
10th Fl.

Street Number
425

Street Name
Adelaide Street West

PO Box

City/Town
Toronto

Province
Ontario

Country
Canada

Postal Code
M5V 3C1

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)
File Nos. D02-02-19-0123 and D07-16-19-0026

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

Please see the attached covering 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 covering 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.

For all other appeal types :

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

To be determined based on issues of parties

9. Required Fee

Total Fee Submitted \$ 600

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)
Mark R. Flowers, Davies Howe LLP		2020/03/06

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.