



February 7, 2018

Mark Flowers
Davies Howe LLP
The Tenth Floor
425 Adelaide Street West
Toronto, ON M5V 3C1

Subject: Notice of Application Court File No: CV-18-591564

This will confirm receipt of your correspondence dated February 6, 2018 which was received in the Clerk's Department on February 6, 2018.

Your documents have been forwarded to the appropriate departments for review.

Yours truly,

Vicki Tytaneck
Town Clerk
TOWN OF OAKVILLE

cc: D. Carr, Town Solicitor, Legal Department
J. Clohecy, Commissioner, Community Development

RECEIVED
FEB 06 2018
CLERK'S DEPT

Court File No.: CV-18-591564

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

CLUBLINK CORPORATION ULC AND CLUBLINK HOLDINGS LIMITED

Applicants

- and -

THE CORPORATION OF THE TOWN OF OAKVILLE

Respondent



NOTICE OF APPLICATION

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicants. The claim made by the applicants appears on the following page.

THIS APPLICATION will come on for a hearing on a date to be fixed at a Civil Practice Court attendance, to be heard at 10:00 a.m., at 393 University Avenue, Toronto, ON.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the applicants' lawyer or, where the applicants do not have a lawyer, serve it on the applicants, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicants' lawyer or, where the applicants do not have a lawyer, serve it on the applicants, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

M. Simione
J. Clabney
D. Carr
P. Portia

Date: February 6th, 2018

Issued by

Local registrar

Address of
court office 393 University Avenue,
10th Floor,
Toronto, ON M5G 1E6

Myra M. Giesels

TO: The Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville ON L6H 0H3

Attention: Douglas Carr, Town Solicitor

APPLICATION

1. The applicants, ClubLink Corporation ULC and ClubLink Holdings Limited (collectively, "ClubLink") make application against the respondent, The Corporation of the Town of Oakville (the "Town") for:

- (a) an order quashing Cultural Heritage Landscape Conservation Plan By-law 2018-019 as enacted by the Town on January 30, 2018 (the "CHL By-law");
- (b) an order quashing Ontario Heritage Act Delegation Powers By-law 2018-020 as enacted by the Town on January 30, 2018 (the "OHA By-law"), in whole or in part;
- (c) an order quashing the resolution of the Town on January 30, 2018 to approve the Cultural Heritage Landscape Conservation Plan for the Glen Abbey Property, January 2018 (the "Conservation Plan");
- (d) an order quashing the resolution of the Town on January 30, 2018, to endorse proposed amendments to Site Alteration By-Law 2003-021, the Private Tree Protection By-law 2017-038, and the Property Standards By-law 2017-007 (collectively, the "Property-related By-laws");
- (e) if necessary, an interim order pursuant to s. 273(4) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "*Municipal Act*") directing that nothing shall be done under the CHL By-law, the OHA By-law or the Conservation Plan pending determination of this court;
- (f) costs to ClubLink on a substantial indemnity basis; and
- (g) such further and other relief as may seem just and appropriate to this Honourable Court.

2. The grounds for the application are:

SUMMARY

- (a) The CHL By-law is vague and overbroad; was enacted in bad faith in that it is aimed at ClubLink and is without a proper municipal purpose; is *ultra vires* the Town's jurisdiction; and is in conflict with or frustrates provincial legislation and other provincial instruments;
- (b) The CHL By-law is a manifestation of a series of actions taken by the Town to frustrate the proposed redevelopment of the Glen Abbey property, as described below, and was passed without regard for the procedural and substantive rights of ClubLink;

- (c) The Conservation Plan constitutes, *inter alia*, a misuse of municipal power in that it attempts to regulate land use in a manner not contemplated by, and inconsistent with provincial legislation;
- (d) Aspects of the OHA By-law and the proposed amendments to the Property-related By-laws rely on and incorporate reference to and elements of the CHL By-law, are inconsistent with provincial legislation and are improper and, as such, should be quashed in whole or in part;

BACKGROUND INFORMATION

Glen Abbey Property

- (e) ClubLink is the owner of the Glen Abbey property, which includes an 18-hole golf course that was constructed in the 1970s as well as several buildings of various ages and sizes. The Glen Abbey property is located within the Town's built boundary and consists of approximately 78 acres of valley lands adjacent to Sixteen Mile Creek, 151 acres of table lands and 3 acres containing the RayDor Estate house;

Proposed Redevelopment of the Glen Abbey Property

- (f) In or about 2015, ClubLink initiated a plan to redevelop the Glen Abbey property for a mix of residential, commercial and open space uses, by which 124 acres, or approximately 54% of the property would be conveyed to the Town or other public authority for permanent, publicly accessible green space;
- (g) On November 10, 2016, ClubLink filed redevelopment applications with the Town under the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") (consisting of applications for an Official Plan Amendment, a Zoning By-law Amendment and approval of a Plan of Subdivision), which included various plans and numerous detailed studies, including reports from a cultural heritage consultant (the "*Redevelopment Applications*"). The plans and studies submitted in support of the proposed redevelopment detail how the Redevelopment Applications meet provincial, regional and local policy and represent good planning;
- (h) Notwithstanding ClubLink had completed and submitted the required studies, the Town improperly denied that the Redevelopment Applications were complete and asserted that additional information and materials were required, causing ClubLink to refer the matter to the Ontario Municipal Board (the "OMB") by way of a preliminary motion for directions;

- (i) The OMB ruled that ClubLink had indeed provided the Town with all the required information and materials for the Redevelopment Applications, and that the Town's additional requirements were "unreasonable". As a result, the OMB has declared that ClubLink's Redevelopment Applications were complete as of November 10, 2016, which was the day that the Redevelopment Applications were received by the Town;
- (j) The Town sought leave to appeal to Divisional Court from the OMB's decision regarding the date that the Redevelopment Applications were complete. Leave to appeal was denied;
- (k) The Redevelopment Applications have been appealed to the OMB by ClubLink, based on the Town's refusal to adopt ClubLink's proposed Official Plan Amendment, the Town's refusal to approve ClubLink's Zoning By-law Amendment application, and the Town's failure to make a decision regarding ClubLink's Plan of Subdivision application for the Glen Abbey property within the time period set out in the *Planning Act*;

Notice of Intention to Designate and Subsequent Designation of the Glen Abbey as a Cultural Heritage Landscape

- (l) On August 24, 2017, the Town issued a Notice of Intention to Designate the Glen Abbey property as having significant cultural heritage value or interest as a "cultural heritage landscape", pursuant to s. 29 of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 16 (the "OHA");
- (m) The OHA requires that a Notice of Intention to Designate include a description of "heritage attributes" of the property that is intended for designation. The description of heritage attributes identified by the Town with respect to the Glen Abbey property are extremely and overly broad, including for example "the spatial organization of every tee, hazard, plantings, fairway and green". They are also vague and subjective, including for instance the "carefully-designed visual unfolding of each hole as a part of the golfing experience, both aesthetic and functional";
- (n) The Town's heritage attributes for the Glen Abbey property also refer to the "ongoing ability of the property to be used for championship, tournament and recreational golf", as well as the "ongoing ability to host championship and other major tournaments, such as the Canadian Open";

- (o) On December 20, 2017, the Town enacted Heritage Designation By-law 2017-138 to designate the Glen Abbey property under s. 29, Part IV of the *OHA*;
- (p) ClubLink has repeatedly expressed its opposition to this heritage designation. The heritage attributes identified by the Town and the requirements of the Conservation Plan drafted and imposed by the Town are designed to force ClubLink, as private landowners, to permanently maintain at significant expense a golf course of a particular design on the Glen Abbey property to a standard suitable for championship golf, whether or not it is open for business as a golf course, at a cost of approximately \$2 million annually;

ClubLink's S. 34 Application under the OHA

- (q) On September 25, 2017, following the Town's issuance of the Notice of Intention to Designate, ClubLink advised the Town of its intention to make an application pursuant to s. 34 of the *OHA* to demolish/remove the golf course and demolish all of the buildings on the Glen Abbey property other than those proposed to be retained as part of ClubLink's redevelopment proposal;
- (r) The proposed removal of the golf course from the Sixteen Mile Creek valley would enable that portion of the Glen Abbey property to be re-naturalized and conveyed to a public authority and be available for public use, as opposed to private use as it currently is;
- (s) In September and October, 2017, ClubLink repeatedly requested a pre-consultation meeting in accordance with the Town's guide entitled "*Notice of Intention to Demolish – Submission Requirements*" to ensure that its s. 34 application would meet the requirements of the Town;
- (t) Ultimately, the Town refused to meet with ClubLink regarding the s. 34 application. Instead, it issued a Notice of Application (Court File No. CV-17-585698) in which it takes the position that ClubLink cannot make an application under s. 34 of the *OHA* to demolish or remove the "Glen Abbey Golf Course" but can only make an application under s. 33 to alter the property. Further, the Town alleges that s. 34 of the *OHA* "does not apply to the demolition or removal of a building or structure that is likely to affect the property's heritage attributes" and that s. 33 of the *OHA* applies in the circumstance. The owner's statutory procedural and substantive protections under the two provisions are significantly different; whereas a refusal by the Town under s. 34 has a right of appeal to the OMB (whose decision is binding on the Town), a refusal by the Town under s. 33 does not;

- (u) In light of the Town's refusal to meet with ClubLink despite the Town's own guide on submission requirements, ClubLink proceeded to deliver an application to the Town under s. 34 of the *OHA* on November 21, 2017. ClubLink then issued a Notice of Application (Court File No. CV-17-587268) on November 27, 2017, seeking an order that ClubLink has the right to make an application pursuant to s. 34(1) of the *OHA* to the Town for the demolition and removal of buildings and structures on the Glen Abbey property and that the s. 34 application that ClubLink submitted to the Town constitutes a valid application;
- (v) The Applications brought by both the Town and ClubLink are scheduled to be heard in the Superior Court on July 16 and 17, 2018;
- (w) Key among the issues in those Applications is the meaning of the word "structure" for the purposes of s. 34 of the *OHA*. The CHL By-law and the amendments to the Property-related By-laws purport to define "structure" in a self-serving manner consistent with its Application, calculated to frustrate the decision of the OMB on ClubLink's appeals of its redevelopment applications;

THE CONSERVATION PLAN and IMPUGNED BY-LAWS SHOULD BE QUASHED

- (x) On January 30, 2018, despite the objections of ClubLink, Council for the Town approved the Conservation Plan. In conjunction with the CHL By-law, the Conservation Plan requires that ClubLink maintain its property in a manner that ensures that it can be utilized for championship level golf, regardless of whether ClubLink, as property owner, wishes or chooses to continue its golf business at Glen Abbey. The Conservation Plan also purports to require ClubLink to seek the consent of the Town for certain alterations to the Glen Abbey property that may not otherwise trigger an application under s. 33 of the *OHA*;
- (y) In addition, and despite submissions by ClubLink and interested industry associations which raised significant concerns about the content of, and legal authority for the CHL By-law, the *OHA* By-law and the proposed amendments to the Property-related By-laws, the Town's Council passed the CHL By-law and *OHA* By-law on January 30, 2018, and endorsed, through resolution, the amendments to the Property-related By-laws;
- (z) The CHL By-law requires owners of "protected heritage property" that include a cultural heritage landscape, to implement a cultural heritage landscape conservation plan approved by the Town. The Town alone is given the power to approve the terms of reference for the conservation plan; approve the initial conservation plan; and approve

any amendments to the conservation plan, all without any apparent recourse by the owner. The CHL By-law imposes stringent and costly obligations to retain or improve heritage attributes, under threat of significant financial penalty;

- (aa) By its terms, the CHL By-law purports, erroneously and without jurisdiction, to rely on provincial legislation and/or provincial policy instruments to give priority to the conservation of the cultural heritage value or interest of cultural heritage landscapes over other provincial interests and policy objectives, except for health and safety. These errors are repeated in the OHA By-law and the amendments to the Property-related By-laws;

The Impugned By-laws are ultra vires the Town, contrary to statute, and are vague and overbroad

- (bb) The CHL By-law is *ultra vires* the Town as it imposes obligations on private land owners beyond the jurisdiction and authority afforded to municipalities;
- (cc) The CHL By-law purports to regulate services or things provided by private landowners, including ClubLink in relation to the Glen Abbey property, contrary to s. 11(8) of the *Municipal Act*;
- (dd) The CHL By-law frustrates the purposes of the *Planning Act* and other provincial instruments, including the Provincial Policy Statement ("PPS") and the Growth Plan for the Greater Golden Horseshoe (the "Growth Plan"), by prioritizing cultural heritage conservation over, and potentially at the expense of, other provincial planning objectives. The Town ignores the clear direction of the PPS and various provincial plans, including the Growth Plan, that the policies are to be read as a whole, in the context of all other relevant policies. These other provincial instruments are relevant to the various development appeals before the OMB, which is required to evaluate the proposed redevelopment in light of these provincial instruments;

- (ee) The CHL By-law restricts an owner of a "protected heritage property" with a cultural heritage landscape who wishes to alter that property, regardless of whether the alteration is likely to affect the heritage attributes, beyond the authority of the *Municipal Act* and in conflict with s. 33 of the *OHA*;
- (ff) The CHL By-law conflicts with and purports to override the requirements in the *Building Code Act, 1992*, S.O. 1992, c. 23 and s. 35.3 of the *OHA*, which allows a municipality to pass by-laws prescribing "minimum standards" for the maintenance of heritage attributes;
- (gg) For example, the CHL By-law and the amendments to the Property Standards By-law rely erroneously on section 35.3 of the *OHA*, which is not applicable to properties subject to a notice of intention to designate under s. 29 of the *OHA*;
- (hh) The CHL By-law places a positive obligation on owners to retain or improve the heritage condition of the property at all times, thereby imposing significant maintenance obligations on the owner. The Town lacks the statutory authority to impose such heightened positive obligations;
- (ii) Standards must be sufficiently specific to provide the owner with notice of the compliance requirements to avoid financial or penal consequences. The provisions of the CHL By-law and Property Standards By-law fail to provide this required specificity;
- (jj) In particular, the proposed amendments to the Property Standards By-law include "minimum maintenance standards" which are vague, subjective and not capable of reasonable enforcement;
- (kk) Provisions in the OHA By-law are similarly contrary to and inconsistent with the *OHA*;

The CHL By-law and Conservation Plan are vague and uncertain, and provide no procedural and substantive protections

- (ll) The CHL By-law prohibits any alteration of a cultural heritage landscape in or on a protected heritage property unless in accordance with a conservation plan or any other Town requirements imposed by the Town pursuant to s. 33 of the *OHA* or any applicable by-law;

- (mm) Though the Town has stated that a conservation plan for properties designated under Part IV of the OHA is intended to be analogous to Heritage Conservation District ("HCD") plans under Part V, the CHL By-law does not include the strict statutory requirements or provide for procedural protections, including a binding right of appeal to the OMB, that is available for HCD plans;
- (nn) Instead, the CHL By-law leaves the substance of regulation to the conservation plans, which are adopted in the sole discretion of the Town with potentially little or no input from the landowner, and without any independent oversight;
- (oo) By providing no content to guide the Town in its consideration of applications to alter heritage properties or to guide a landowner as to how to maintain or improve a heritage property or its heritage attributes, the CHL By-law is vague, uncertain and fails to provide adequate information as to the duties of both the landowner and the Town;
- (pp) By leaving the regulation to conservation plans, the CHL By-law is not sufficiently intelligible to provide an adequate basis for legal debate and reasoned analysis of its terms;
- (qq) The Conservation Plan for the Glen Abbey property is itself vague and internally inconsistent and predetermines whether possible alterations to the Glen Abbey property would likely affect its heritage attributes;

The Impugned By-laws are enacted in bad faith and for an improper purpose

- (rr) The CHL By-law, the OHA By-law (to the extent it relies on the CHL By-law) and the related amendments to the Property-related By-laws were enacted in bad faith and for an improper purpose; in this case, to attempt to regulate the use of the Glen Abbey property or, more specifically, to mandate one specific use and to frustrate the Redevelopment Applications, all of which are properly evaluated through the various *Planning Act* applications which have been filed with the Town and appealed to the OMB;
- (ss) In enacting these By-laws, the Town acted unreasonably and arbitrarily and without the degree of fairness, openness, and impartiality required of a municipal government. The conduct and statements of the Town and its representatives support that the true intention of the CHL By-law, in particular, is to specifically target ClubLink and the Glen Abbey property, by seeking to impede ClubLink's redevelopment proposal and to attempt to

compel ClubLink to maintain the Glen Abbey property as an operating golf course to a standard capable of hosting the Canadian Open golf tournament forever;

(tt) The OHA By-law and the proposed amendments to the Property-related By-laws rely upon and incorporate references to the CHL By-law and, on their face, are contrary to the provisions of the *OHA*;

(uu) The relevant statutory and other provisions in:

(i) the *Municipal Act, 2001*, S.O. 2001, C.25;

(ii) the *Ontario Heritage Act*, R.S.O. 1990, c.O.18;

(iii) the *Building Code Act, 1992*, S.O. 1992, c. 23;

(iv) the Provincial Policy Statement, 2014;

(v) the Growth Plan for the Greater Golden Horseshoe, 2017;

(vi) the *Planning Act*, R.S.O. 1990, c.P.13;

(vii) Rules 14 and 38 of the *Rules of Civil Procedure*; and

(viii) the *Courts of Justice Act*, 1990, chap. C. 43; and

(vv) Such further and other grounds as counsel may advise and this Honourable Court may permit.

3. The following documentary evidence will be used at the hearing of the application:

(a) Affidavit evidence, to be sworn and filed in accordance with the timetable set by this Honourable Court; and

(b) Such further and other evidence as counsel may advise and this Honourable Court may permit.

February 6, 2018

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Lawyers for the Applicants

Clublink Corporation ULC et al.
Applicants

and

The Corporation of the Town of Oakville
Respondent

Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at Toronto

NOTICE OF APPLICATION

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Lawyers for the Applicants

February 16, 2018

By Courier

Corporation of the Town of Oakville
Oakville Town Hall
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Attention: Vicki Tytaneck, Town Clerk

Dear Ms. Tytaneck:

**Re: Notice of Appeals to the Ontario Municipal Board
Town-Initiated Official Plan Amendment 24 and Zoning By-law No. 2018-016
Town File Nos. 42.24.019 and Z.1519.10**

RECEIVED
FEB 16 2018
CLERK'S DEPT

We are counsel to ClubLink Corporation ULC and ClubLink Holdings Limited ("ClubLink"), the owners of the properties municipally known as 1313 and 1333 Dorval Drive in the Town of Oakville, which is commonly referred to as the Glen Abbey Golf Club property. ClubLink Holdings Limited is also the owner of a portion of the rear yard of the adjacent residential property at 1301 Greeneagle Drive, which was purchased in 2016 and has no association with the Glen Abbey Golf Club. Collectively, these properties are referred to herein as the "Lands".

By way of background, following a pre-application consultation process that commenced in October 2015, ClubLink submitted Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision applications (Application Nos. OPA 1519.09, Z.1519.09 and 24T-17003/1519) (the "Applications") to the Town of Oakville (the "Town") on November 10, 2016, to permit the proposed redevelopment of the Lands for a mix of residential, commercial and open space uses. The Applications have since been appealed to the Ontario Municipal Board ("OMB"), have been assigned OMB Case No. PL171084, and those appeals are the subject of an OMB prehearing conference that has been scheduled for April 27, 2018.

On December 20, 2017, Town Council passed By-law No. 2017-138 to designate the Lands under Part IV of the *Ontario Heritage Act* (the "OHA"), based on the Town's identification of the Lands as a "cultural heritage landscape". Meanwhile, ClubLink applied to the Town on November 21, 2017, under section 34 of the OHA, for consent to the demolition or removal of the existing golf course and several buildings on the Lands,

excluding: (i) the RayDor Estate house and (ii) the main Stables building and two adjacent sheds, which are proposed to be retained as part of the redevelopment of the Lands (the "Section 34 Application").

At its meeting on February 12, 2018, Town Council refused the Section 34 Application, and ClubLink will be appealing this refusal to the OMB. Notwithstanding its refusal, the Town alleges that the Section 34 Application is not a valid application, and this matter is the subject of applications to the Superior Court of Justice, commenced by both the Town and ClubLink, which are scheduled to be heard on July 16 and 17, 2018.

In the meantime, at its meeting on January 30, 2018, Council adopted Town-initiated Official Plan Amendment 24 ("OPA 24") by By-law No. 2018-015 and passed Zoning By-law No. 2018-016 ("ZBL 2018-016").

OPA 24 is described by the Town as an amendment to the Livable Oakville Plan that is intended:

"to provide the framework to recognize special policy areas for heritage conservation districts and cultural heritage landscapes protected under the Ontario Heritage Act, and to provide land use designations and policies to support the protection, management and use of the Glen Abbey Golf Course cultural heritage landscape in a manner that ensures its cultural heritage value or interest and heritage attributes are retained".

Although OPA 24 proposes to add a new Section 26.6 to the Livable Oakville Plan, which would pertain to *Special Policy Areas* for "Heritage Conservation Districts and Cultural Heritage Landscapes" within the Town of Oakville, the only *Special Policy Area* proposed to be identified through OPA 24 is in relation to the Lands, as set out in a proposed new Section 26.6.1.

OPA 24 also proposes to delete the existing site-specific exception policies in Sections 27.3.4 and 27.3.5 of the Livable Oakville Plan, which currently apply to the portions of the Lands described by the Town as the "Glen Abbey Golf Club property".

In addition, OPA 24 proposes various amendments to Schedules H and I in the Livable Oakville Plan, all in relation to the Lands, including a proposed redesignation of a portion of the Lands from the current "Low Density Residential" designation to "Private Open Space".

It is noted that OPA 16 is listed among the various items identified by the Town as the "basis" for OPA 24. However, OPA 16 is not currently approved and in effect. Rather, OPA 16 was adopted by Town Council on September 26, 2017, but is currently being considered for approval by Halton Region. Thus, it is not known if and when OPA 16

will be approved, nor is it known what modifications may be made to this proposed amendment either by Halton Region, or the OMB on appeal, if it is ultimately approved.

ZBL 2018-016 is a Town-initiated site-specific zoning by-law amendment for the Lands. According to the by-law, it is:

“required to implement the Official Plan and regulate the use of the property, and the erection, location and use of buildings and structures thereon, to ensure that the cultural heritage value or interest of the property and its heritage attributes are retained”.

It is unclear whether ZBL 2018-016 is, according to the Town, required to implement the existing Official Plan policies, or whether it is required to implement the Official Plan as proposed to be amended by OPA 24 and/or OPA 16.

Among other things, ZBL 2018-016 would further restrict the permitted uses on the Lands; would prohibit any new buildings or structures on the Lands, with the exception of temporary buildings or structures related to golf tournaments; and would place additional restrictions on the potential for a hotel/conference centre on the Lands, a use which has been permitted for several decades.

ClubLink actively participated in the public planning process that preceded the adoption of OPA 24 and passage of ZBL 2018-016. More specifically, on behalf of ClubLink, we made written submissions to Council dated December 5, 2017 and January 29, 2018, copies of which are enclosed, and we also made oral submissions at the Planning and Development Council meeting on January 30, 2018. In doing so, we identified a number of significant concerns with the draft versions of OPA 24 and ZBL 2018-016.

Unfortunately, only minor amendments were made to the zoning by-law, and neither OPA 24, as adopted, nor ZBL 2018-016, as enacted, has addressed the concerns identified by ClubLink.

Accordingly, ClubLink hereby appeals OPA 24 and ZBL 2018-016 to the OMB pursuant to subsections 17(24) and 34(19) of the *Planning Act*.

The reasons for these appeals include the concerns identified in the enclosed written submissions as well as the following:

1. OPA 24 should await the outcome of OPA 16, which is identified by the Town as being among the matters that form the “basis” of OPA 24.
2. Section 26.6.1 of OPA 24 purports to apply to the “Glen Abbey Golf Course”, but would actually also apply to adjacent lands that have no association with the existing golf course.

3. OPA 24 is not consistent with the *Provincial Policy Statement* ("PPS"), and does not conform to the *Growth Plan for the Greater Golden Horseshoe* (the "Growth Plan"), as it purports to ensure that the "heritage attributes" of the Town's identified cultural heritage landscape for the Lands are retained. By contrast, the definition of "conserved" in the PPS and the Growth Plan speaks only to the "cultural heritage value or interest" being retained, and does not reference heritage attributes. The problem is compounded in this case given that the Town's description of the heritage attributes for the Lands, as reflected in By-law No. 2017-138, is fundamentally flawed.
4. OPA 24 is also not consistent with the PPS, nor does it conform to the Growth Plan, as it seeks to impose improper and unnecessary restrictions on the use of the Lands, both for the continued use of the existing golf course and for potential other uses of the Lands. Meanwhile, the Lands are located within the built boundary of the Town, are well served by existing infrastructure and public service facilities, are within the "Urban Area" of the Halton Region Official Plan, and are identified as a "Residential Area" within the Livable Oakville Plan.
5. OPA 24 is based on a misapprehension of the PPS and Growth Plan policies; in particular, the Town seems to elevate the cultural heritage policies of these provincial documents above all other planning policy objectives. However, this is contrary to the explicit wording of the PPS and the Growth Plan, both of which direct that all relevant policies are to be applied in each situation and that there is no implied priority among the various policies.
6. OPA 24 proposes to modify portions of the Livable Oakville Plan that apply to the Lands in the absence of any sound planning justification.
7. To the extent that ZBL 2018-016 is intended to implement OPA 24, ZBL 2018-016 should likewise await the outcome of both OPA 16 and OPA 24.
8. ZBL 2018-016 would inappropriately impose unnecessary and excessive restrictions on the potential for new buildings or structures, or additions to existing buildings or structures, even where such buildings or structures are directly associated with the existing golf course use. In that regard, the proposed by-law is even more restrictive than the Town's Interim Control By-law No. 2016-024, as amended by By-law No. 2016-115, which applied to the Lands since February 1, 2016.
9. ZBL 2018-016 would inappropriately eliminate various existing land use permissions for the Lands without any sound planning justification. In fact, some of the use permissions proposed to be eliminated are for uses that the Town's

Planning Director and planning consultant previously advised were of no particular concern from a planning perspective.

10. ZBL 2018-016 would inappropriately impose unnecessary restrictions on permitted uses on the Lands that the Town's Planning Director has acknowledged would "support the golf course use, and enhance its economic and tourism role for the Town". In doing so, ZBL 2018-016 is contrary to the Town's economic development objectives and various provincial planning policies supporting economic prosperity.
11. ZBL 2018-016 represents a significant "down-zoning" of the Lands in comparison to the existing zoning, for which there is no sound planning justification. Further, the proposed restrictions, both for the existing use of the Lands and for potential future uses, are contrary to numerous provincial planning policies, as reflected in the PPS and Growth Plan, as well as various municipal official plan policies. Again, the Lands are located within the built boundary of the Town, are well served by existing infrastructure and public service facilities, are within the "Urban Area" of the Halton Region Official Plan, and are identified as a "Residential Area" within the Livable Oakville Plan.

Enclosed with this notice is a completed OMB Appellant Form (A1) for each of the two appeals. Also enclosed is our firm cheque in the amount of \$600.00, payable to the Minister of Finance, representing the total of the prescribed filing fees for these appeals.

We request that these appeals be added to the list of appeals by ClubLink that are to be considered at the OMB prehearing conference on April 27, 2018.

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: Robert Howe, Goodmans LLP
Client
Glen Schnarr / Colin Chung / Mark Bradley, Glen Schnarr & Associates Inc.

December 5, 2017

By Email to townclerk@oakville.ca

Mayor Rob Burton and Members of Council
Town of Oakville
Oakville Town Hall
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

COPY

Attention: Vicki Tytaneck, Town Clerk

Dear Ms. Tytaneck:

**Re: Public Meeting Report – Proposed Town-initiated Zoning By-law
Amendment, Glen Abbey Golf Course
Town File No. Z.1519.10**

We are counsel to ClubLink Corporation ULC and ClubLink Holdings Limited ("ClubLink"), the owners of the lands municipally known as 1313 and 1333 Dorval Drive in the Town of Oakville, and commonly known as the Glen Abbey Golf Club (the "Lands").

We are writing in response to the Public Meeting Report prepared by the Planning Services Department, dated November 21, 2017, regarding the proposed Town-initiated Zoning By-law Amendment for the Lands (the "Staff Report"). We understand that the Staff Report, which recommends that comments from the public regarding this matter be received, will be considered by Planning and Development Council at its meeting later today.

As Council is aware, ClubLink submitted a Zoning By-law Amendment application to the Town on November 10, 2016 (File No. Z.1519.09), together with Official Plan Amendment and Plan of Subdivision applications, to permit the redevelopment of the Lands for a mix of residential, commercial and open space uses (the "Applications"). The Applications have since been appealed to the Ontario Municipal Board ("OMB") and have been assigned OMB Case No. PL171084.

ClubLink maintains that an appropriate rezoning for the Lands is reflected in the zoning by-law amendment submitted with the Applications, which will be determined by the OMB.

In the meantime, there is no need, nor would it be appropriate, to amend the zoning applicable to the Lands in the manner proposed through the draft zoning by-law amendment that is appended to the Staff Report.

Having compared the proposed zoning by-law amendment prepared by Town staff to the existing zoning permissions for the Lands, it is apparent that the draft zoning by-law amendment proposes to eliminate a number of currently permitted uses, and does so in the absence of any sound planning justification. In fact, the proposed zoning by-law amendment would remove permissions for many uses that both Town planning staff and a planning consultant retained by the Town have confirmed are of no particular concern, including uses that could support the existing golf course operations.

In addition, the proposed zoning by-law amendment would restrict the ability to construct new buildings and structures on the Lands, including those that are directly associated with the existing golf course operations. The draft zoning by-law amendment would also impose further restrictions on the ability to establish a hotel on the Lands, a use that the Town's Planning Director has stated would "support the golf course use, and enhance its economic and tourism role for the Town".

These proposed restrictions, which would represent a "down-zoning" of the Lands, are neither necessary nor justified. Moreover, they contradict previous statements made by various representatives of the Town that claimed that the municipality supports the ongoing use of the existing golf course.

On behalf of ClubLink, we maintain that the proposed zoning by-law amendment would not be consistent with the Provincial Policy Statement, would not conform to the Growth Plan for the Greater Golden Horseshoe, would not conform to the Region of Halton or Livable Oakville Official Plans, and is neither appropriate nor necessary. Accordingly, Council should not proceed to approve the draft zoning by-law amendment appended to the Staff Report.

Please ensure that we receive notice of any future public meetings and/or staff reports concerning this item, and that we receive formal notice of any decision made by Council regarding this matter.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Client

Glen Schnarr / Colin Chung / Mark Bradley, Glen Schnarr & Associates Inc.

January 29, 2018

By Email to townclerk@oakville.ca

Mayor Rob Burton and Members of Council
Town of Oakville
Oakville Town Hall
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

COPY

Attention: Vicki Tytaneck, Town Clerk

Dear Ms. Tytaneck:

**Re: Public Meeting and Recommendation Report – Town-initiated Official Plan Amendment: Cultural Heritage Special Policy Areas including Glen Abbey Golf Course – By-law 2018-015 (OPA 24), and Town-initiated Zoning By-law Amendment, Glen Abbey Golf Course – By-law 2018-16
Town File Nos. 42.24.019 and Z.1519.10
Planning and Development Council Meeting Agenda Item 1 - January 30/18**

Introduction

We are counsel to ClubLink Corporation ULC and ClubLink Holdings Limited ("ClubLink"), the owners of the lands municipally known as 1313 and 1333 Dorval Drive in the Town of Oakville, which is commonly referred to as the Glen Abbey Golf Club property ("Glen Abbey").

ClubLink Holdings Limited is also the owner of a portion of the rear yard of the adjacent residential property at 1301 Greeneagle Drive, which is subject to the Town's recently enacted heritage designation by-law (By-law No. 2017-138). However, these lands were purchased in 2016 and have no association with the Glen Abbey Golf Club.

On behalf of ClubLink, we are writing to provide comments in response to the proposed Town-initiated Official Plan Amendment Number 24 ("OPA 24") for "Cultural Heritage Special Policy Areas including Glen Abbey Golf Course" and the proposed Town-initiated site specific Zoning By-law 2018-016, both of which are discussed in the report from the Town's Planning Services Department dated January 22, 2018 (the "Staff Report") and are to be considered by Planning and Development Council at its meeting on January 30, 2018.

As Council is aware, ClubLink submitted Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision applications to the Town on November 10, 2016 to permit the redevelopment of the lands for a mix of residential, commercial and open space uses (the "Applications"). The Applications have since been appealed to the Ontario Municipal Board ("OMB") and have been assigned OMB Case No. PL171084.

ClubLink maintains that the appropriate Official Plan and zoning provisions for the lands are reflected in the proposed Official Plan and zoning by-law amendments submitted with the Applications, which will be determined by the OMB. In the meantime, and without prejudice to that position, we are providing the following comments on the proposed Town-initiated OPA 24 and By-law 2018-016.

Comments Regarding Proposed OPA 24

As noted in the Staff Report, Council adopted OPA 16 at its meeting on September 26-27, 2017 to update the Town's cultural heritage policies and associated definitions in the Livable Oakville Plan. However, OPA 16 has not yet been approved by Halton Region and, in any event, it will be subject to an appeal period following any approval by the Region. Among other things, OPA 16 proposes to replace existing definitions and create new definitions for various cultural heritage related terms, some of which appear in OPA 24, and OPA 16 also proposes to establish new policies that would apply to Heritage Conservation Districts and cultural heritage landscapes. Thus, it appears that OPA 24 should await the outcome of OPA 16, as the latter may impact the interpretation of the former.

Proposed policy 26.6.1 indicates that a "Special Policy Area" applies to lands municipally known as 1333 Dorval Drive, and the policy states that these lands "contain the Glen Abbey Golf Course". Although we understand that Town staff has used the municipal address of "1333 Dorval Drive" for convenience purposes to describe the lands subject to OPA 24, recognizing that the lands actually consist of multiple municipal addresses, we reiterate that the portion of the lands identified as part of 1301 Greeneagle Drive has no association whatsoever with the golf course.

We also note that Town staff has recently amended the draft OPA 24 by adding reference to ensuring that the "heritage attributes" of the Town's designated cultural heritage landscape for Glen Abbey are retained. As Council is well aware, ClubLink has repeatedly expressed its opposition to the Town's description of heritage attributes for the property. However, even putting its opposition aside, ClubLink has concerns with the proposed addition of reference to the "heritage attributes" in the proposed policy, as it is not consistent with the definition of "conserved" in the *Provincial Policy Statement, 2014* ("PPS"), nor the proposed definition of that term in OPA 16, neither of which reference "heritage attributes".

Reading the proposed new policy 26.6.1(a) together with the proposed deletion of the existing site specific exception in policy 27.3.4, it appears that the proposed OPA 24 would eliminate the existing permissions for "publication facilities" and uses otherwise permitted in the "Private Open Space" designation for the property, but no planning justification has been provided for these proposed deletions. Nor has any planning justification been provided for the proposed redesignation of the "Low Density Residential" lands adjacent to Golfview Court to "Private Open Space" on Schedule H – West Land Use.

ClubLink also has concerns with respect to the manner in which proposed OPA 24 addresses the potential for future building additions or new buildings, either for uses associated with the golf course or a potential hotel / conference centre. In both cases, the proposed policies would require that the Town be satisfied that the alteration of the lands has met the "applicable requirements of section 33 of the *Ontario Heritage Act*".

As long as the property is subject to Designation By-law No. 2017-138, section 33 of the *Ontario Heritage Act* ("OHA") would apply to any alteration that is "likely to affect the property's heritage attributes". Thus, if a proposed new building or building addition would likely affect the property's heritage attributes, it would trigger a separate application process for consent under section 33 of the OHA, and it does not require reference in the Official Plan for that purpose. Conversely, if it was determined that the proposed alteration would not likely affect the property's heritage attributes, section 33 of the OHA would not apply and, accordingly, there would be no "applicable requirements".

Comments Regarding Proposed Zoning By-law 2018-016

Similar to our concerns with the proposed OPA 24, and the concerns we previously expressed regarding an earlier draft of the proposed zoning by-law, we strongly disagree with the manner in which the proposed by-law seeks to restrict potential new buildings or additions. In fact, it appears that the proposed zoning by-law would go even further, by prohibiting any new or expanded "structure" on the property, with the exception of temporary structures related to golf tournaments. The term "structure" is broadly defined in the Town's Zoning By-law 2014-014 as "anything that is erected, built, or constructed of parts joined together". As a result, this proposed restriction has the potential to adversely impact the existing uses on the property.

As noted above, as a result of the Town's recent designation of the entirety of the property under Part IV of the OHA, an alteration consisting of a new or expanded building or structure that would likely affect the property's heritage attributes would trigger the requirement for the Town's consent under section 33 of the OHA. Thus, there is no apparent need to also trigger the potential requirement for a zoning by-law amendment or minor variance application or, in the case of a hotel or public hall on Block 2, an application to remove the proposed holding "H" symbol. These additional

zoning-related requirements would have the potential to add significant time and expense to the approvals process, not to mention the uncertainty associated with the potential for appeals under the *Planning Act*.

Thus, whereas the proposed Town-initiated Conservation Plan for the property indicates that the Town's heritage review process for "Category B" alterations, which include the erection of new or additions to existing buildings or structures, should be completed in no more than five (5) business days, it appears that the proposed zoning by-law restriction would trigger a much more extensive application process under the *Planning Act*. In our view, this is completely unwarranted.

Finally, with respect to the proposed permitted uses, we reiterate the comments in our December 5, 2017 submission that there is no sound planning justification for the proposed elimination of any permitted uses from the existing zoning applicable to the property. This concern also applies to the proposed restriction on the permitted uses for Block 2 prior to the removal of the proposed holding "H" symbol.

Conclusion

The above comments are not intended to be an exhaustive list of ClubLink's concerns with the proposed OPA 24 and Zoning By-law 2018-016. Nevertheless, these comments illustrate that there are numerous problems with both of the proposed planning instruments. Further, we dispute the assertion made by Town staff that the proposed instruments are consistent with the PPS, conform to the applicable Provincial Plans, the Region of Halton Official Plan and the Livable Oakville Plan, have appropriate regard for matters of provincial interest, and represent good planning. Accordingly, we urge Council to reject the recommendations in the Staff Report to adopt OPA 24 and to pass Zoning By-law 2018-16.

Kindly ensure that we receive notice of Council's decisions regarding this agenda item. In the meantime, please do not hesitate to contact us if you have any questions or if you otherwise wish to discuss the contents of this submission.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Client
Glen Schnarr / Colin Chung / Mark Bradley, Glen Schnarr & Associates Inc.



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

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 checked="" 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 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	
	<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 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 *
1313 and 1333 Dorval Drive and part of 1301 Greeneagle Drive

Municipality *
Town of Oakville

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

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
-----------	------------

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) *
ClubLink Corporation ULC and ClubLink Holdings Limited

Professional Title

Email Address

Daytime Telephone Number *	ext.	Alternate Telephone Number	Fax Number
----------------------------	------	----------------------------	------------

Mailing Address

Unit Number	Street Number *	Street Name *	PO Box
-------------	-----------------	---------------	--------

City/Town *	Province *	Country *	Postal Code *
-------------	------------	-----------	---------------

4. Representative Information

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

Last Name	First Name
-----------	------------

Company Name
Davies Howe LLP

Professional Title
Lawyer

Email Address
markf@davieshowe.com

Daytime Telephone Number	ext.	Alternate Telephone Number	Fax Number
--------------------------	------	----------------------------	------------

Mailing Address

Unit Number	Street Number	Street Name	PO Box
-------------	---------------	-------------	--------

City/Town	Province	Country	Postal Code
-----------	----------	---------	-------------

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)

Official Plan Amendment 24 - Town File No. 42.24.019

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

See 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)

Zoning By-law No. 2018-016 - Town File No. Z.1519.10

OMB Case No. PL171084

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

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

TBD

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

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)
Mark R. Flowers, Davies Howe LLP		2018/02/16

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
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Last Name	First Name
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Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) *
ClubLink Corporation ULC and ClubLink Holdings Limited

Professional Title

Email Address

Daytime Telephone Number * 905-841-5360	ext.	Alternate Telephone Number	Fax 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	Fax Number 416-977-8931
--	------	--	----------------------------

Mailing Address

Unit Number Floor 10	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** 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.

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☒ Yes ☐ No ▼

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

Official Plan Amendment 24 - Town File No. 42.24.019

OMB Case No. PL171084

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

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

TBD

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

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)
Mark R. Flowers, Davies Howe LLP		2018/02/16

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.