

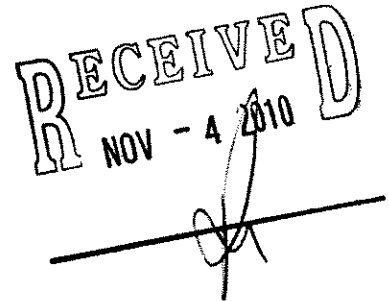
DAVID S. WHITE, Q.C.
PROFESSIONAL CORPORATION

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Unit 4
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L4N 0W5

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November 3, 2010

Via courier



The Clerk
Township of Tiny
130 Balm Beach Road West
RR # 1
Perkinsfield, On
L0L 2J0

Dear Sir:

Re: McMahan Woods Development Ltd.
Re: Rezoning Application
Re: Notice of Appeal

I represent McMahan Woods Development Ltd. and I have been instructed to appeal, pursuant to Section 34(11) of the Planning Act, the above noted rezoning application. Please find enclosed Appellant Form (A1) together with my cheque in the amount of \$125 payable to the Minister of Finance.

Yours truly

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

David S. White, Q.C.

DSW/lr
Encls.

Cc: McMahan Woods Development Ltd.
Mr. Darren Vella



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

Part of Lot 23, Concession 4
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: Township of Tiny, County of Simcoe

Part 3: Appellant Information

First Name: _____ Last Name: _____

McMAHAN WOODS DEVELOPMENT LTD.

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 #: 416-716-5509 _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: 20 La Rose Avenue _____ Unit 11 _____ Toronto _____
Street Address Apt/Suite/Unit# City/Town

Ontario _____ M9P 1A5 _____
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: David _____ Last Name: White _____

Company Name: DAVID S. WHITE, Q.C. PROFESSIONAL CORPORATION _____

Professional Title: Lawyer _____

E-mail Address: david@ davidwhite.ca _____

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 705-734-0100 _____ Alternate Telephone #: _____

Fax #: 705-734-1303 _____

Mailing Address: 229 Mapleview Drive East _____ Unit 4 _____ Barrie _____
Street Address Apt/Suite/Unit# City/Town

Ontario _____ L4N 0W5 _____
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: November 3, 2010

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)
Application to amend Township of Tiny Zoning By-law 2006-001, as amended, and Zoning By-law 30-77, as amended.

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)
The lands are currently zoned Future Development, Rural and Environmental Protection.
An application has been submitted to rezone the property to permit a residential Draft Plan of Subdivision.
The municipality has failed to make a decision on the rezoning application within 120 days.

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: AUGUST 14, 2008
(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.

See next page – part 9.

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)
An appeal of the Draft Plan of Subdivision has been submitted on this date.

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: _____

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

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):
Land Use Planner, Engineer, Environmental Consultant

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

If yes, why? _____

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

This is an appeal of non-decision on an application for rezoning the subject property from the Future Development (FD) Zone, Future Development (Holding Three) (FD(H3)) Zone, and Rural (Holding Three) (RU(H3)) Zone to the Shoreline Residential (SR) Zone, Open Space (OS) Zone and Open Space One (OS1) Zone under Zoning By-law 06-001 as amended and from the Holding-Future Development (D) Zone, Holding-Low Hazard (OS4) Zone, and Rural (A) Zone to the Residential Conversion (RC) Zone, Open Space (OS) Zone, and Open Space Type One (OS1) Zone under Zoning By-law 30-77.

Part 10: Required Fee

Total Fee Submitted: \$ 125.00

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.**