


April 9, 2019



Mrs. Pihulak:

Please find enclosed the following documents:

- Letter of Appeal
- Zoning appeal form (Appellant Form)
- Kenora Condominium Corporation #2
(Northshore Ridge Condominium Corporation)
Declaration, indicating incorporation
pursuant to the Condominium Act.
- \$300.00 bank draft
- USB flashdrive, with the above information.
(It can also be sent to you as a PDF, if you request)

Yours truly,


Linda Delamere

for Kenora Condominium Corporation #2
(Northshore Ridge Condominium Corporation)

Northshore Ridge Condominium Corporation
(Kenora Condominium Corporation #2)
35 Nash St. Unit 5. Kenora.ON. P9N 3V3

April 8th, 2019

City of Kenora
Office of the City Clerk
One Main St. South
Kenora, ON
P9N 3X2

Attn: Heather Pihulak, City Clerk

Re: NOTICE OF APPEAL: Zoning By-Law Amendment File No. D14-19-02 (Anchor Inn)

Dear Ms. Pihulak;

Further to the **Notice of Decision** of zoning by-law amendment 41-2019 (Planning File# D14-19-02), the Northshore Ridge Condominium Corporation hereby appeals Council's decision for the following reasons:

- (i) The request for relief from set-back requirements on all abutting property lines, including the height, clearly indicates density of the proposed development exceeds the intent of the Tourist Recreational zone. This application fails the compatibility tests set out in **Section 3.15.5 - Compatibility Criteria, and is not in conformity with the City of Kenora Official Plan**. The height and massing are out of scale for the area, the proposed development is out of character with the surrounding neighbourhood and it is lacking in outdoor amenity areas for a development of this size.
- (ii) The proposed zoning makes no provision for the creation of 35 new residential units. Multi-Unit Residential zoning is required as a permitted use, and this is not a permitted use in the proposed Tourist Recreational Zone.

In summary, this application to amend the zoning by-law to permit a thirty-five unit (35) unit residential development is not desirable and appropriate, given the proposed density, and lack of buffering and amenities between higher density and lower density residential areas.

Thank you for the opportunity to submit this appeal.

Respectfully;



Linda Delamere
Northshore Ridge Condominium Corporation
(Kenora Condominium Corporation #2)



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.elto.gov.on.ca

Appellant Form (A1)

Instructions for preparing and submitting the Appellant Form (A1)

- **Important: Do not send your appeal directly to the Local Planning Appeal Tribunal (LPAT).** Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the Municipality/Approval Authority / School Board will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the LPAT.
- We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at:
Toll free: 1-866-448-2248; or
TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the LPAT. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee of \$300 is required for each type of appeal you are filing.
Example: An appeal of an official plan and a zoning by-law would be \$300 + \$300 for a total fee of \$600.
- To view the Fee Schedule, visit the LPAT's website [<http://elto.gov.on.ca/lpat/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- **Mediation:** The *Planning Act* sets out that the Tribunal shall consider the use of mediation in appropriate circumstances. The Tribunal may also use mediation for matters under other legislation.
 - Mediation is a voluntary activity. A party or parties in a matter may request mediation or the Tribunal on its own initiative may propose mediation. Any decision about whether mediation is pursued will be determined through a mediation assessment. The assessment will consider the issues defining the matter, the respective interests of the parties engaged in the matter, and any other relevant information.
 - Information about the mediation assessment process will be provided at the time the idea of mediation is introduced to the parties. In anticipation of giving consideration to mediation, parties are encouraged to reflect on their interests.
- If you are represented by a lawyer the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the LPAT if you retain a representative after the submission of this form.
- **Provide both an electronic copy (.pdf) and hard copy of all document submissions.**
- The *Planning Act*, *Development Charges Act*, *Education Act*, *Local Planning Appeal Tribunal Act*, and others, are available on the LPAT website [<http://elto.gov.on.ca/lpat/legislation-and-rules/>].
- Fields marked with an asterisk (*) are mandatory.



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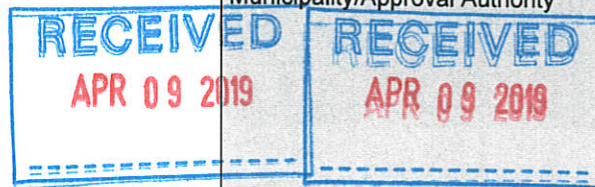
Website: www.elto.gov.on.ca

Appellant Form (A1)

Receipt Number (LPAT Office Use Only)

LPAT Case 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 210 days, or within 300 days if Approval Authority extended the appeal up to 90 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 210 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input checked="" 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 150 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 210 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)

Subject of Appeal	Type of Appeal	Reference (Section)
Site Plan	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)
	<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 type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<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)

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).

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		
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
Subject of Appeal	Act/Legislation Name	Section Number
Subject of Appeal	Act/Legislation Name	Section Number

2. Location Information

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

Area of 543 Lakeview Drive, otherwise known as Anchor Inn.

Municipality *

City of Kenora

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 *

Delamere

First Name *

Linda

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Kenora Condominium Corporation #2 (Northshore Ridge Condominium Corporation)

Email Address

Ljdelamere@icloud.com

Daytime Telephone Number *

(807) 467-8701

ext.

Alternate Telephone Number

(807) 466-7328

Mailing Address

Unit Number

5

Street Number *

35

Street Name *

Nash Street West

PO Box

—

City/Town *

Kenora

Province *

ON

Country *

CANADA

Postal Code *

P9N3V3

4. Representative Information

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

Last Name

First Name

Company Name

Professional Title

Email Address

Daytime Telephone Number

ext.

Alternate Telephone 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 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. Subject Information

Municipal Reference Number(s) *

D14-19-02

For appeals of Official Plans, Official Plan Amendments, Zoning Bylaws and Zoning By-law Amendments, please see information on the LPAT website [<http://elto.gov.on.ca/tribunals/lpat/lpat-process/>] detailing the requirement to set out the nature of your appeal and the reasons for your appeal based on requirement A **or**, for some appeal types, both A and B:

A: If you are appealing a **decision** of a Council or Approval Authority, outline which part of the decision 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

Please explain:

And

B: If you are appealing a **non-decision or decision to refuse** of a Council for Subsection 22(7) or 34(11), outline how your application brings the Official Plan [22(7)] or Zoning By-Law [34(11)] into:

- ☐ 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

Please explain:

For all other appeal types

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

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

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 LPAT Case Number(s) and/or Municipal File Number(s)

7. Case Information

For *Planning Act* appeals selected in Section 1A for Subsections 17(24), 17(36), 17(40), 22(7), 34(11), 34(19), and 51(34):

Detail the nature and/or expertise of witnesses you will have available should the Tribunal Member require oral evidence at the proceeding. (For example: land use planner, architect, engineer, etc.)

For all other appeal types :

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

8. Required Fee

Total Fee Submitted * \$ 300.00

Payment Method * ☒ Certified cheque ☐ Money Order ☐ Lawyer'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)
<u>Linda Delamere</u>	<u>Linda Delamere</u>	<u>2019/04/09</u>

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.