

From: Patrick Harrington
To: Tammie Ryall; Rocco Tullio
Cc: Scott Stoll; Steve Zakem; Piero Aleo; Truper McBride; Krystal Kalbol; Tom Bain; Kristen Newman; Aaron Hair
Subject: RE: Manning Road - Sewage Storage Reservoir
Date: December 30, 2020 3:25:47 PM

Hi Tammie:

As you are aware, Aird & Berlis LLP is counsel to Rock Developments / Manning Developments in respect of their lands within the Town of Lakeshore. I write in response to your e-mail outlined below.

We are pleased to see that the Town will be providing a timely response (week of January 4) to our client's holding tank proposal, which we confirmed in our letter dated December 18, 2020 does not require MECF approval. Please ensure our office is copied on the Town's response.

You have also noted that staff is working to bring our client's rezoning application to the February 2, 2021 meeting. Please ensure our office is copied on any notices or reports respecting this meeting.

Finally, you have set out a timeline respecting our client's application. On this point, I am compelled to remind you of the Divisional Court's findings concerning complete applications and appeal timelines in *The Corporation of the Town of Oakville v. Clublink corporation ULC, ClubLink Holdings Limited, 2018 ONSC 589*, which can be found here:

<https://www.canlii.org/en/on/onsc/doc/2018/2018onsc589/2018onsc589.html#>

The key passage concerning the commencement of the relevant appeal period (in our client's case, 90 days for a rezoning appeal) is found at para. 32 of the Decision:

... the date that triggers the period for filing an appeal is the date that the applications are received... While subsection (6) suspends that time period until further material is received by the Town pursuant to a request under subsection (5), in this case no such further material was received and thus the suspension provided for in subsection (5) does not arise. Nowhere does the *[Planning Act]* contain a provision that time periods in paragraphs 1 and 2 of subsection (7.02) are suspended until such time as the Board has made a determination under subsection (6.2). **As the Board has pointed out, the focus of the *[Planning Act]* for the purposes of triggering the time period for appeal to the Board is on when the Town receives all of the information it is entitled to receive.** In this case that happened on November 10, 2016. Thus, as Board found in its Review Decision, its interpretation is consistent with the plain wording of the *[Planning Act]*..

As confirmed in your timeline below, the Town "received" the information it was entitled to receive on October 1, 2020. The application fee was paid as of October 14, 2020. No further information was required or received before the Town itself declared the application to be complete in November.

Applying the relevant sections of the *Planning Act* (ss. 34(10.3) and (11)) and the Divisional Court's decision in *ClubLink* to our client's rezoning application, our client will be in a position to appeal its application for non-decision as of January 12, 2021. Having our client's application considered by Council on February 2, 2021 would accord a three-week extension to the statutory time period. Under the circumstances, we believe this is agreeable; however, our client's intention would be to appeal to the LPAT on grounds of non-decision if the matter is not considered at the February 2 meeting.

Thanks and Best Regards,

Patrick Harrington

From: Tammie Ryall <tryall@lakeshore.ca>
Sent: December 23, 2020 4:55 PM

To: Rocco Tullio <rtullio@rockdevelopments.ca>

Cc: Scott Stoll <sstoll@airdberlis.com>; Patrick Harrington <pharrington@airdberlis.com>; Steve Zakem <szakem@airdberlis.com>; Piero Aleo <paleo@aleoassociates.com>; Truper McBride <tmcbride@lakeshore.ca>; Krystal Kalbol <kkalbol@lakeshore.ca>; Tom Bain <tbain@lakeshore.ca>; Kristen Newman <knewman@lakeshore.ca>; Aaron Hair <ahair@lakeshore.ca>

Subject: Manning Road - Sewage Storage Reservoir

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good evening Rocco:

Unfortunately we will not be able to respond to the sewage holding tank aspect of the proposal until the week of January 4, at the earliest.

We are on track to take the rezoning application to Council for the meeting scheduled for February 16th. I respectfully remind you that further information was submitted on December 10 which triggered further circulation and review of the proposal. As I mentioned in a previous email, we will attempt to bring this to the February 2nd regular Council meeting, but I cannot guarantee that we will meet that date.

Tammie

Here is a brief timeline of the project.

- Application Received on October 01, 2020
- Payment was receipted on October 14, 2020
- Notified on November 02, 2020, that the application was deemed complete.
- Notice of Complete was circulated to adjacent landowners within 120m and Tecumseh on November 09, 2020.
- Site Plan & ZBA were circulated on November 03, 2020 with comments being requested back by November 17, 2020.
- Comments were received by November 26, 2020.
- Status Report was prepared on November 30, 2020, and was sent to you and authorized agent on December 02, 2020.
- Further information as requested in the status report was submitted by Zelinka Priamo – December 10, 2020.
- As per the Section 34(11) of the Planning Act a decision is required within 90 days or the applicant can appeal the non-decision. (December 30, 2020).

From: Rocco Tullio [<mailto:rtullio@rockdevelopments.ca>]

Sent: December 22, 2020 6:51 PM

To: Tammie Ryall <tryall@lakeshore.ca>

Cc: Scott Stoll <ssstoll@airdberlis.com>; Patrick Harrington <pharrington@airdberlis.com>; Steve Zakem <szakem@airdberlis.com>; Piero Aleo <paleo@aleoassociates.com>; Truper McBride <tmcbride@lakeshore.ca>; Krystal Kalbol <kkalbol@lakeshore.ca>; Tom Bain <tbain@lakeshore.ca>; Kristen Newman <knewman@lakeshore.ca>

Subject: Re: Manning Road - Sewage Storage Reservoir

Thank you!

Sent from my iPhone

On Dec 22, 2020, at 6:45 PM, Tammie Ryall <tryall@lakeshore.ca> wrote:

Hello Rocco-thank you for your response. I will confirm the timing tomorrow. Tammie

Sent from my iPhone

On Dec 22, 2020, at 5:43 PM, Rocco Tullio <rtullio@rockdevelopments.ca> wrote:

Tammie in speaking with our legal team the town is obligated to respond to our application 90 days from October 1, 2020 which brings this to end of December for the rezoning application

I'm fine with early January as long as we are committed to the February 2, 2021 council date

Please confirm

Sincerely
Rock

Rocco Tullio **I President/Owner**
<image001.jpg>
<image002.jpg>
2015 MEMORIAL CUP CHAMPIONS
<image003.jpg> <image004.jpg>
<image005.png>

OSHAWA GENERALS HOCKEY CLUB
Tel: 519.739.3900 I Cell: 519.566.7625
19 Amy Croft Dr. Unit 201
Lakeshore, ON N9K 1C7
Email: rtullio@rockdevelopments.ca
Web: www.oshawagenerals.com
Web: www.rockdevelopments.ca

From: Tammie Ryall <tryall@lakeshore.ca>
Sent: Tuesday, December 22, 2020 5:34 PM
To: Rocco Tullio <rtullio@rockdevelopments.ca>
Cc: Scott Stoll <ssoll@airdberlis.com>; Patrick Harrington <pharrington@airdberlis.com>; Steve Zakem <szakem@airdberlis.com>; Piero Aleo <paleo@aleoassociates.com>; Truper McBride <tmcbride@lakeshore.ca>; Krystal Kalbol <kkalbol@lakeshore.ca>; Tom Bain <tbain@lakeshore.ca>; Kristen Newman <knewman@lakeshore.ca>
Subject: Manning Road - Sewage Storage Reservoir

Good evening Rocco – I can advise that we are still reviewing the information.
Tammie

From: Rocco Tullio [<mailto:rtullio@rockdevelopments.ca>]
Sent: December 22, 2020 10:42 AM
To: Tammie Ryall <tryall@lakeshore.ca>; Kristen Newman <knewman@lakeshore.ca>; Krystal Kalbol <kkalbol@lakeshore.ca>; Tom Bain <tbain@lakeshore.ca>
Cc: Scott Stoll <sstoll@airdberlis.com>; Patrick Harrington <pharrington@airdberlis.com>; Steve Zakem <szakem@airdberlis.com>; Piero Aleo <paleo@aleoassociates.com>
Subject: RE: Manning Road - Sewage Storage Reservoir

Tammi just checking in to get an update on the letter and Towns position if we can move this forward?

Rocco Tullio | **President/Owner**
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2015 MEMORIAL CUP CHAMPIONS
<[image003.jpg](#)> <[image004.jpg](#)>
<[image005.png](#)>

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19 Amy Croft Dr. Unit 201
Lakeshore, ON N9K 1C7
Email: rtullio@rockdevelopments.ca
Web: www.oshawagenerals.com
Web: www.rockdevelopments.ca

From: Tammie Ryall <tryall@lakeshore.ca>
Sent: Monday, December 21, 2020 9:21 AM
To: Rocco Tullio <rtullio@rockdevelopments.ca>; Kristen Newman <knewman@lakeshore.ca>; Krystal Kalbol <kkalbol@lakeshore.ca>; Tom Bain <tbain@lakeshore.ca>
Cc: Scott Stoll <sstoll@airdberlis.com>; Patrick Harrington <pharrington@airdberlis.com>; Steve Zakem <szakem@airdberlis.com>; Piero Aleo <paleo@aleoassociates.com>
Subject: Manning Road - Sewage Storage Reservoir

Good morning Rocco:

Further to our call this morning, I can confirm that staff are reviewing the letter, including our Chief Building Official. I appreciate the timely response of your team.
Tammie

From: Rocco Tullio [<mailto:rtullio@rockdevelopments.ca>]
Sent: December 18, 2020 12:00 PM
To: Tammie Ryall <tryall@lakeshore.ca>; Kristen Newman <knewman@lakeshore.ca>; Krystal Kalbol <kkalbol@lakeshore.ca>; Tom Bain <tbain@lakeshore.ca>
Cc: Scott Stoll <sstoll@airdberlis.com>; Patrick Harrington <pharrington@airdberlis.com>; Steve Zakem <szakem@airdberlis.com>; Piero Aleo <paleo@aleoassociates.com>
Subject: FW: Manning Road - Sewage Storage Reservoir
Importance: High

Tammie see attached letter
I believe this now clarifies and confirms we are good here

Please advise next steps
thanks Rock

Rocco Tullio | President/Owner
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TAMMIE RYALL

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Director of Community and Development Services
Town of Lakeshore
519-728-1975-292

g, By-law and Engineering departments continue to operate at another location and are not available for counter inquiries.
[For further information about the pandemic](#), its impact on Town services and to receive emails on updates, [subscribe](#) to our webpage or check out our [Facebook](#) and [Twitter](#) accounts.

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TAMMIE RYALL

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Director of Community and Development Services
Town of Lakeshore
519-728-1975-292

NOTICE: Due to COVID-19, Our Town hall is open to the public with limited services. In-person payments for municipal bills including tax, water, permits and applications will now be permitted with a limit of 1 customer at the counter at a time. The Building, By-law and Engineering departments continue to operate at another location and are not available for counter inquiries.

[For further information about the pandemic](#), its impact on Town services and to receive emails on updates, [subscribe](#) to our webpage or check out our [Facebook](#) and [Twitter](#) accounts.

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**TAMMIE
RYALL**

Director of
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and
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**Town of
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