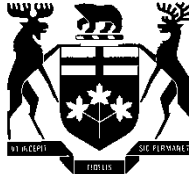


ISSUE DATE:

**December 24, 2013**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL111184

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1042710 Ontario Limited (aka Royal Centre)  
Appellant: 1191621 Ontario Inc.  
Appellant: 1529749 Ontario Inc.  
Appellant: 1541677 Ontario Inc.; and others  
Subject: Failure to announce a decision respecting Proposed New Official Plan Amendment  
Municipality: City of Vaughan  
OMB Case No.: PL111184  
OMB File No.: PL111184

## **APPEARANCES:**

### **Parties**

### **Counsel\*/Agent**

See Attachment 1 for Parties and Representatives.

## **MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON DECEMBER 2, 2013 AND ORDER OF THE BOARD**

[1] At this pre-hearing conference (“PHC”), the Board dealt with a number of matters including the granting of Appellant and party status to various entities, settlement motions and the draft procedural order for the hearing of the City of Vaughan (“City”) wide appeals of Phase 1, Volume 1 of the Vaughan Official Plan (“OP”) 2010.

[2] The Board noted some minor corrections to its decision issued on October 3, 2013 including the following:

Para. 4 - 588701 Ontario Limited is also an Appellant (Appeal No.124) in these proceedings.

Para. 6 - Appellant for Appeal No.123 is formally recognized as Teresa Marando.

Para. 8 - The list of settlements is to include Appeal No.101 (1693143 Ontario Inc. /1693144 Ontario Inc.). The Board allowed the appeal in part and amended the OP in accordance with Schedule B of the motion record (Exhibit 19).

Page 3 - The Vaughan 400 Landowners Group is identified as Party "N".

Para.14 - The Appellants were to provide their proposed policy language to the City by October 18, 2013.

[3] The City provided a status update on the outstanding appeals. The Board led mediations on the Vaughan Metropolitan Centre ("VMC") appeals which commenced on November 25, 2013 are continuing. Blue Sky Entertainment Corp. (Appeal No.126) has withdrawn its appeal. As such, the City's motion to dismiss Appeal No.126 without a hearing has been withdrawn. Appeal No. 118 has been withdrawn.

[4] Appellants David and Kathy Lundell (Appeal No. 42) asked the Board to set a hearing date on their site specific appeal (Appeal No. 42). Citing the fact that this appeal was filed over a year ago, it is their position that the City should be moving faster in dealing with this appeal. While the Board acknowledges the Lundells' frustration, it accepts the City's explanation that settlement discussions are being held with Appellants who filed appeals even before the Lundell's. Additionally the Lundell lands are within the Yonge-Steeles Secondary Plan Area which has yet to be considered by City Council. The Board denied the Lundell request.

[5] Alan Heisey advised the Board that the lands that are the subject of Appeal No. 102 ("Mr. Alex and Mrs. Michelle Marrero") has recently change ownership. As such, he will be seeking instructions from the new owners.

[6] With respect to Appeal No. 95 (Weston Downs Ratepayers Association), Messrs. Ferri (Counsel) and Francesucci (President) will be the spokespeople for this association when communicating with the City.

### **Appellant and Party Requests**

[7] The appeal of Sisley Honda has been added to the list of appeals as Appeal No.133.

[8] LTF Real Estate Company Canada (“LTF”) has been added as an Appellant to Appeal No. 24. LTF has entered into a conditional purchase of the Blackwood lands which are the subject of Appeal No. 24. The City did not object but has asked and LTF has agreed to the scoping of its appeal to be submitted to the City forthwith.

[9] Thirteen landowners (part of the Block 59 Landowners Group) represented by S. Turney were granted party status as individuals in connection with the appeals of the West Vaughan Employment Area Secondary Plan (“WVEASP”). Ms. Turney’s clients will be bringing a motion for partial approval of the WVEASP. Concerns with this proposed motion were raised by representatives of Appellants within this secondary plan area. There was agreement that Ms. Turney will only bring the motion for partial approval on consent. If there is no consent then Ms. Turney will still have an opportunity to address the Board on this matter.

[10] S. Isenberg is accorded party status as an individual in connection with Appeal No. 129-131.

[11] Liberata Daversa is accorded party status in connection with Appeal No. 113.

[12] The draft procedural order for the upcoming hearing of the City-wide appeals (Phase 1, Volume 1) set for February 3, 2014 was received. It will be further refined to include the Issues List well in advance of the scheduled hearing.

### **Settlement Motions and Board Orders**

[13] The City’s motion for partial approval of Volume 1 and Volume 2 of the OP, and an order to scope certain appeals from City-wide to site-specific as detailed in its motion record (Exhibit 28) was granted. The draft Board Order submitted (Exhibit 31) will be subject to some minor refinements and submitted to the Board for approval. There were no objections to the City’s motion.

[14] Settlement Motions were heard by the Board. The motions were uncontested. Affidavit planning evidence in support for each settlement with the City was included in the individual motion filings. The Board adopted the sworn affidavit planning evidence for the following appeals:

Appeal No. 23 – Longyard Properties Inc.

- The Board orders that the appeal is allowed in part and amends Volume 2 of the Vaughan OP 2010 to include the site specific policy as shown in Schedule “A” of Exhibit 23.

Appeal No. 26, 27 – Adidas et al.

- The Board orders that the appeal is allowed in part and modifies the Land Use Schedule 13 in the Vaughan OP 2010 as shown in Schedule “1” of the motion record (Exhibit 32) and affecting certain lands located in the City of Vaughan, north of Regional Road (formerly Highway) 7, east of Highway 427 and its extension, south of Langstaff Road, and west of Regional Road (formerly Highway) 27, and also modifying all other relevant schedules accordingly, as a full and final settlement of the Appellants’ appeals of the Vaughan Official Plan 2010; and
- Further orders that the Appellants are maintained as parties for the purpose of receiving all materials distributed in this hearing, so that the Appellants may monitor the hearing and make representations in any hearing or with respect to any settlement that may affect the settlement reached herein and/or the Prestige Employment policies, including the outdoor storage policies, in the Vaughan Official Plan 2010.

Appeal No. 37 – Ronni Rosenberg

- The Board Orders that the appeal is allowed in part and amends Volume 1 of the City of Vaughan Official Plan, 2010, as follows:
  1. By amending Schedule 1 – “Urban Structure”, to include a “Community Area” designation for the portion of the property municipally described as 11211 Weston Road that is outside of the Greenbelt, as shown on Attachment 1 of Exhibit 33;
  2. By amending Schedule 2 – “Natural Heritage Network”, to remove the “Core Features” designation from the portion of the subject

property that is outside of the Greenbelt, as shown on Attachment 2 of Exhibit 33; and

3. By amending Schedule 13 – “Land Use”, to include a “Lands Subject to Approved Area Specific Secondary Plans” designation for the portion of the Subject Property that is outside of the Greenbelt, as shown on Attachment 3 of Exhibit 33.
- The Board further amends Volume 2 of the New OP, by deleting policies 11.4.1 to 11.4.11, including Map 11.4.A, and inserting into section 11.4 the text and schedules of Official Plan Amendment No. 637, which is already in force as shown on Attachment 4 of Exhibit 33.
  - The Board will withhold its order pending the execution of minutes of settlement and receipt of the draft order from the Appellant.

Appeal No. 80 – Nine-Ten West Limited

- The Board orders that the appeal is allowed in part and brings the Carville Centre Secondary Plan (being a chapter in Volume 2 of the City of Vaughan Official Plan 2010) as proposed to be modified, into full force and effect.

**FUTURE HEARING DATES**

[15] Settlement motions will be heard on **Monday, January 20, 2014**, commencing at **10 a.m.**

[16] The next PHC is set down for **Wednesday, March 26 - 27, 2014**, commencing at **10 a.m.** to be held at:

**Vaughan City Hall  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1**

[17] The City will inform the Parties and Participants of the venue by e-mail. No further notice of these hearing events is required.

[18] The City will update the List of Appellants, Parties and Participants in accordance with the Board's dispositions.

[19] This panel of the Board will continue with the case management of these appeals. This panel of the Board is not seized of the motion hearing or the main hearings into these appeals.

“Jason Chee-Hing”

JASON CHEE-HING  
MEMBER

ATTACHMENT 1

<u>Appellants</u>	<u>Appeal No.</u>	<u>Representative</u>	
1042710 Ontario Ltd.	1	Patricia A. Foran & Patrick Harrington	
Briardown Estates Inc.	33		
Amar Transport Inc.	81		
Highway 7 Langstaff GP Ltd.	2	Kim Beckman & Susan Rosenthal	
Highway 7 Langstaff GP Ltd.	22		
Longyard Properties Inc.	23		
Solmar Inc.	3	Michael Melling, Meaghan McDermid, Jason Lewis & Katarzyna Sliwa	
Tesmar Holdings Inc.	4		
<del>1668872 Ontario Inc.</del>	<del>5</del>		
<del>77 Woodstream Inc.</del>	<del>25</del>		
Block 40/47 Developers Group Inc.	28		
<del>York Major Holdings Inc.</del>	<del>55</del>		
1539253 Ontario Inc.	68		
Celebration Estates Inc.	96		
Block 66 West Landowners Group Inc.	125		
<del>2264319 Ontario Inc.</del>	<del>6</del>		Ira T. Kagan
Block 41-28E Developments Limited, Block 41-28W Developments Ltd., 1212765 Ontario Ltd., and 1212763 Ontario Ltd.	35		
7040 Yonge Holdings Ltd., and 72 Steeles Holdings Ltd.	38		
2 Steeles Avenue West Ltd.	39		
Auto Complex Ltd.	40		
<del>Castlepoint Huntington Ltd.</del>	<del>49</del>		
Salz & Son Ltd.	51		
Haulover Investments Ltd.	7	Jeffrey Streisfield	
David and Kathy Lundell	42		
Portside Developments (Kipling) Inc.	116		
Mario Tedesco and Fifthshire Homes	117		
Baif Developments Limited	8	Roslyn Houser, Michael Stewart & Jennifer Drake	
Costco Wholesale Canada Ltd.	9		
Wal-Mart Canada Corp.	10		
First Vaughan Investments Inc., Ruland Properties Inc., and Skyrange Investments Inc.	72		
Calloway REIT (Sevenbridge) Inc.	73		
LTF Real Estate Company, Canada Inc.	134		
TDL Group Corp.	11		Michael S. Polowin & Denise Baker
McDonald's Restaurants of Canada Ltd.	12		

A&W Food Services of Canada Inc.	13	
Wendy's Restaurants of Canada Inc.	14	
Ontario Restaurant Hotel & Motel Association	15	
West Rutherford Properties Ltd.	16	Bruce C. Ketcheson
Ozner Corporation	17	
836115 Ontario Inc.	18	Barry Horosko & Caterina Facciolo
1191621 Ontario Inc.	19	
Granite Real Estate Inc. (formerly MI)	20	
1834375 Ontario Ltd.	29	
1834371 Ontario Ltd.	30	
Delisle Properties Ltd.	34	
1541677 Ontario Inc.	43	
Novagal Development Inc.	52	
2159645 Ontario Ltd. (Liberty)	56	
<del>Kau and Associates L.P.</del>	74	
Centre Street Properties Inc.	78	
Vogue Investments Ltd.	79	
Nine-Ten West Ltd.	80	
Cedarbrook Residential	103	
Trimax on Islington Avenue	104	
<del>Allegra on Woodstream Inc.</del>	112	
588701 Ontario Limited	124	
Eugene and Lillian Iacobelli	21	Quinto M. Annibale & Steven Ferri
Hollywood Princess Convention and Banquet Centre Ltd.	50	
MCN (Pine Valley) Inc.	57	
785345 Ont. Ltd and I & M Pandolfo Holdings	59	
Kirbywest Ltd.	66	
Royal 7 Developments Limited	84	
Mr. Antonio Di Benedetto	109	
<del>Maple Industrial Landowners Group</del>	118	
<del>Blue Sky Entertainment Corp.</del>	126	
Holcim (Canada) Inc.	129	
2203012 Ontario Limited	130	
Blair Building Materials Inc.	131	
Blackwood Realty Fund I Limited Partnership	24	Jeffrey L. Davies & Aaron I. Platt
Lucia Milani and Rizmi Holdings Ltd.	62	
H&L Title Inc. and Ledbury Investments Ltd.	75	



<del>Roybridge Holdings Ltd., Vaughan West II Ltd., and Squire Ridge Investment Ltd.</del>	26	Susan D. Rogers
<del>Adidas Canada Ltd., 2029832 Ontario Inc., and Conair Consumers Products Inc.</del>	27	
John Duca	113	
RioCan Holdings Inc. (Coulter's Mills Marketplace)	31	Joel D. Farber
RioCan Holdings Inc.(Springfarm Marketplace)	32	
<del>Riotrin Properties (Langstaff) Inc.- SRF Vaughan Property Inc., and SRF Vaughan Property II Inc.</del>	36	
Riotrin Properties (Vaughan) Inc., Riotrin Properties (Vaughan2) Inc., and Riotrin Properties (Vaughan3) Inc.	48	
RioCan Holdings Inc. (Centre Street Corridor)	82	
Sisley Honda	133	
<del>Ms. Ronni Rosenberg</del>	37	Amber Stewart
Canadian Petroleum Products Institute Imperial Oil Ltd.	41 71	N. Jane Pepino
Home Depot Holdings Inc. Granite Real Estate Inc., and Magna International Inc.	44 110	Steven A. Zakem
Casertano Development Corporation and Sandra Mammone	45	Mary Flynn-Guglietti & Annik Forristal
Danlouton Holdings Ltd.	46	
1529749 Ontario Inc. (the "Torgan Group")	47	
Suncor Energy Products Partnership	54	
1885135 Ontario Ltd.	85	
2157160 Ontario Inc.	99	
<del>Woodbridge Farmers Co. Ltd., 1510904 Ontario Ltd., and 1510905 Ontario Ltd.</del>	100	
<del>1693143 Ontario Inc. and 1693144 Ontario Inc.</del>	101	
165 Pine Grove Investments Inc.	53	Adam J. Brown & Jessica Smuskowitz
1525233 Ontario Inc.	97	
Overriver Holdings Ltd.	98	

<del>Estate of Gladys Smith</del>	58	Robert Miller & Vanessa Bacher
Palmerston Properties Limited	122	
2090396 Ontario Ltd.	60	Mark R. Flowers
Arthur Fisch & 1096818 Ontario Inc.	61	
Teefy Developments Inc.	63	Chris Barnett & Alexis Alyea
281187 Ontario Ltd.	64	Gerard C. Borean
L-Star Developments Group	65	
Kipco Lands Development Inc.	86	
Lanada Investments Limited	87	
Market Lane Holdings Limited	88	
Gold Park (Woodbridge) Inc.	89	
Mrs. Anna Greco	90	
Luigi Bros. Paving Company Ltd.	91	
Mr. Silvio Di Giammarino	94	
1034933 Ontario Ltd.	120	
Bellaterre Corporation	121	
Luigi Bros. Paving Company Ltd. (Maplecrete)	128	
Blue Water Ranch Development Inc.	67	Daniel Artenosi & Christopher J. Tanzola
Berkley Commercial (Jane) Inc.	119	
Teresa Marando	123	
2058258 Ontario Ltd. (Forest Green Homes)	69	Christopher J. Williams & Andrea Skinner
Royal Group Inc.	70	Robert J. Gray
Ms. Traci Shatz	76	Aynsley L. Anderson
Langvalley Holdings	77	Nicholas T. Macos
<del>K &amp; K Holdings Limited</del>	132	
Anland Developments Inc.	83	Jason Gabriele
United Parcel Service Canada Ltd.	92	Tim Bermingham
Camelot on 7 Inc. and Elia Breda	93	Paul R. Bottos
Weston Downs Ratepayers Association	95	Anthony Francescucci
Mr. Alex and Mrs. Michelle Marrero	102	Alan Heisey
PERLS Inc.	105	Bruce McMinn

2117969 Ontario Inc.	106	John Alati & Alexander Suriano
Midvale Estates Ltd.	107	
Potestas Properties Inc.	108	
Covenant Chapel	115	
Bentall Kennedy (Canada) LP	111	Patrick Duffy & Maggie Chien
Toromont Industries Ltd.	114	Michael Arbutina & Michael Miller
Monica Murad	127	Michael Simaan

<b><u>Parties</u></b>	<b><u>Party No.</u></b>	<b><u>Representative</u></b>
Region of York	A	Pitman Patterson, Ajay Gajarla Gabriel Szobel & Frank Santaguida
Ministry of Municipal Affairs and Housing	B	Kenneth G. Hare & J. Flynn Paquin
Toronto and Region Conservation Authority	C	June Little & Jonathan H. Wigley
<del>PERLS Inc.</del>	<del>D</del>	<del>Bruce McMinn</del>
<del>UPS Canada</del>	<del>E</del>	<del>Tim Bermingham</del>
611428 Ontario Ltd.	F	David Bronskill & Nick Staubitz
York Region Catholic District School Board	G	Peter C. Williams & C. Hyde
York Region District School Board	H	Jessica Peake
FCHT Holdings (Ont) Corp	I	Steven A. Zakem
<del>Magna International Inc. and Granite Real Estate Inc.</del>	<del>J</del>	
CNR	K	Alan Heisey
<del>Alex &amp; Michelle Marrero</del>	<del>L</del>	
<del>1233389 Ontario Inc.</del>	<del>O</del>	
Ivanhoe Cambridge Inc.	M	Jeffrey L. Davies
<del>Vaughan 400 Landowners Group Inc.</del>	<del>N</del>	
Sustainable Vaughan	P	Michael Melling, Jason Lewis & Katarzyna Sliwa
		Stephen Roberts

<del>RioCan Holdings Inc.</del>	Q	Joel Farber
<del>Brownridge Ratepayers Association</del>	R	Mario G. Racco
<del>Joseph &amp; Teresa Marando</del>	S	Carmine Marando
Velmar Centre Property Ltd.	T	Michael Melling & Jason Lewis
Argo Lumber Inc. & Alpa Trusses Inc.	U	Sarah J. Turney & Thomas Barlow
One-Foot Developments Inc.	AA	
Two Seven Joint Venture Limited	AB	
Anatolia Capital Corp.	AC	
Di Poce Management Limited	AD	
Toromont Industries Ltd.	AE	
John Simone	AF	
Domenic Simone	AG	
Silvia Bellissimo	AH	
Enza Cristello	AI	
Maria Simone	AJ	
Anthony Simone	AK	
Annarita Guida	AL	
Cole Engineering Group Ltd.	AM	
Roybridge Holdings Ltd., Vaughan West II Ltd., Squire Ridge Investment Ltd.	V	Susan D. Rogers
Adidas Canada Ltd., 2029832 Ontario Inc., Conair Consumers Products Inc.	W	
Sidney Isenberg (Medallion Fence)	Y	Shelley Isenberg
Liberata D'Aversa	Z	Gegory T. A. Gryguc

**Participants**

**No.**

**Representative**

City of Brampton	i	Robert Zuech & David Waters
Block 27 Landowners' Group	ii	Michael Melling & Katarzyna Sliwa
<del>Antonio DiBenedetto</del>	iii	
Americo Ferrari	iv	
Crown Hts Coop Housing	v	Ellen Schacter Inc.