

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: July 18, 2016

CASE NO(S): PL111184

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1042710 Ontario Limited (aka Royal Centre)
Appellant: 1096818 Ontario Inc.
Appellant: 11333 Dufferin St et al
Appellant: 1191621 Ontario Inc.; and others
Subject: Failure to announce a decision respecting
Proposed New Official Plan
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184
OMB Case Name: Duca v. Vaughan (City)

PROCEEDING COMMENCED UNDER section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended, and Rule 34 of the Board's Rules of Practice and Procedure

Request by: Block 40/47 Developers Group II Inc.
Request for: Request for Directions

Heard: July 11, 2015 in Vaughan, Ontario

APPEARANCES:

Parties

Argo Lumber Inc.
Alpha Roof Trusses Inc.

City of Vaughan

Region of York

Counsel

T. Barlow

F. Coburn

P. Patterson

CRH Canada Inc.
2203012 Ontario Limited
Blair Building Materials

Q. Annibale and S. Ferri

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR JULY 11,
2016 AND ORDER OF THE BOARD**

INTRODUCTION

[1] This matter was originally set down for a 10 day hearing.

[2] In the lead up to the hearing, there was a motion, and thereafter a request for review pursuant to s. 43 of the *Ontario Municipal Board Act* of an August 2013 Decision and Order of the Ontario Municipal Board (“Board”).

[3] By letter dated June 28, 2016, the Associate Chair of the Board adjourned the hearing on the merits, directed that written submissions on a specific schedule should be made with regard to the s. 43 review request, and directed that there be a Prehearing on July 11, 2016 to receive submissions with regard to a new hearing date, and with regard to exchange dates for a revision to the Procedural Order.

[4] The parties, having received the Associate Chair’s communication, had had discussions and had a joint recommendation for the Board’s consideration.

PREHEARING

[5] Counsel advised the Board that pending the result of the s. 43 review request they felt that 10 days was appropriate for the hearing, and provided the Board with a three week window that was acceptable to all parties. Counsel also requested a further Prehearing during the middle of August, 2016 at which time the Board could be provided with an update on the status of matter. Finally the Board was provided with a draft revised Procedural Order (Exhibit 1).

[6] Mr. Barlow cautioned that the setting of tentative dates etc. was on a without prejudice basis to other litigious steps that his clients may direct.

DECISION

[7] Contingent on the completion of the s. 43 review, the Board tentatively set down a 10 day hearing commencing on **Monday, November 28, 2016 at 10 a.m.** at:

**Municipal Building (Vaughan)
2141 Major Mackenzie Drive
Vaughan, Ontario**

[8] In the event that the November 28, 2016 date cannot be utilized, the Board also tentatively set an alternative hearing for 10 days commencing **Monday, February 6, 2017 at 10 a.m. at the same venue as above.**

[9] At the request of the parties, the Board has set another Prehearing by telephone conference call for **Thursday August 25, 2016** at 12 p.m. Individuals are directed to call **416-212-8012 or Toll Free 1-866-633-0848 and at the prompt enter code 4779874#**. It is hoped that the Board will then be in a position to finalize the revisions to the Procedural Order and also to confirm the hearing date.

[10] There will be no further notice.

[11] I am not seized.

[12] Scheduling permitting, I may be available for case management purposes.

[13] Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

[15] Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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