

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: March 25, 2015

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 Official Plan Amendment No. New Official Plan
Municipality:	City of Vaughan
OMB Case No.:	PL111184
OMB File No.:	PL111184

Heard: February 24, 2015 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel*/Representative

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON
FEBRUARY 24, 2015 AND PARTIAL ORDER OF THE BOARD**

[1] At this pre-hearing conference, the Board was provided with an update on the status of the multiple appeals of the Vaughan 2010 Official Plan ("VOP 2010"). The Board also dealt with certain administrative issues and disposed of five motions – two brought by the City of Vaughan ("City") and three brought by individual appellants.

[2] Bruce Engell, counsel for the City, provided a status update on the remaining appeals against the VOP 2010. He advised that there are now 145 appeals filed and to date 32 appeals have been either withdrawn or settled. Negotiations with appellants and Board-led mediations continue and good progress is being made.

[3] Mark Flowers, counsel for H & L Tile Inc. and Ledbury Investments Ltd. (Appeal #75), provided a status update on the joint motion to partially consolidate its appeals of the VOP 2010 with their corresponding appeals of the Vaughan Mill Centre Secondary Plan ("VMCSP"). The other appellants involved in this motion are Anland Developments Inc. (Appeal #83), and 281187 Ontario Ltd. (Appeal #64). Appellants 64, 75, and 83 own lands west of Highway 400 within the VMCSP.

[4] Mr. Flowers advised the Board that all parties in these proceedings were contacted with respect to this motion for partial consolidation and only those parties expressing an interest in the matter will be served with motion materials. There were no objections with this truncated method of service which had been used previously (with Board approval) by other appellants in service of motion materials.

[5] As noted in the previous Board disposition, due to the large number of parties in these matters, this truncated process will increase efficiency, while ensuring that those parties with an interest in a particular motion will be properly served.

[6] Dawne Jubb, counsel for the City, raised a similar issue with respect to finding the most efficient way of serving notice on procedural matters for the outstanding appeals which are focussed or site specific. The Board, in principle, agreed that a truncated form of notice requirements which have been used previously would be acceptable and left it with the City and the Board's case co-ordinator to establish a mutually agreeable process. There were no objections to the City's request.

City Motions

[7] The Board heard submissions from Ms. Jubb on two motions brought by the City. The first motion sought the Board's approval of certain policies in Vol.1 and 2 of the VOP 2010. The second motion sought the Board's approval of the Woodbridge Centre Secondary Plan ("WCSP").

[8] With respect to the motion for approval of certain policies in Vol.1 and 2 of the VOP 2010 the Board had the affidavit planning evidence of Steven Dixon. Mr. Dixon

was present at these proceedings and gave oral evidence. These policies relate to the Natural Heritage Network, Intensification Areas, and Heritage Conservation Districts. These policies are no longer the subject of City-wide appeals, although they may be subject to an outstanding appeal on an Area or Site-Specific basis. It was Mr. Dixon's planning opinion that the policies found in Schedule A of Exhibit 70B, conformed/are consistent with the Provincial Plans, had due regard for matters of provincial interest and represented good planning.

[9] Jeffrey Streisfield, counsel for several appellants, submitted that the granting of a partial order by this Board on the said policies does not mean that appellants cannot challenge these policies on a site specific basis. This concern was noted by the Board. Ms. Jubb submitted that there is appropriate language in the draft Board Order that addresses Mr. Streisfield's concerns. The Board will review the draft order to be submitted by the City.

[10] The Board adopted and relied on Mr. Dixon's planning evidence. The Board granted the motion and approved the policies found in Schedule A of Exhibit 70B.

[11] With respect to the motion for the approval of the modified WCSP, the Board had the motion and supplementary motion filings, the response to motion filings of the Ministry of Municipal Affairs and Housing ("MMAH"), Antonia and Bertilla Taurasi (Appeal #138), and FCF (Appeal #140) and the affidavit planning evidence of Steven Dixon, Tony Iacobelli, and Laurie Nelson. Representatives of the MMAH were present at the hearing and they were in support of the motion. There were no objections to the motion for the approval of the WSCP.

[12] Mr. Dixon testified that the WSCP is one of several secondary plans contained in Volume 2 of the VOP 2010. There are currently seven site-specific appeals within the WSCP area. The City is not seeking approval of the WSCP for those lands that are subject to site-specific appeals.

[13] The WSCP contains specific land use designation policies and recognizes certain areas of the City that are subject to a Special Policy Area ("SPA") in respect of

flood plain management and areas with historic development within the floodplain. The SPA policies had been updated and received approval from the Ministers of MMAH and Natural Resources. The Board was advised that the modified SPA was the product of extensive discussions among City, TRCA and MMAH staff. The modified WSCP is found in Tab F of Exhibit 73B.

[14] While there were no objections to the partial approval of the modified WSCP, counsels for Appellants Antonia and Bertilla Taurasi and FCF re-iterated that the partial approval of the WSCP does not apply to their respective properties and that this approval will not prejudice their appellants' rights to seek changes to any unapproved portion of the VOP 2010 or the WSCP. Further, that the City will not take the position that the Board ought not to approve site-specific or area-specific changes to policies on the basis that they are different from the policies of the WSCP. The Board noted their concerns as reflected in the respective response to motion filings.

[15] The Board adopted and relied upon the affidavit planning evidence of Steven Dixon, Tony Iacobelli, and Laurie Nelson.

[16] The Board granted the City's motion requesting an Order to bring the modified WSCP as set out in Tab F of Exhibit 73B, into full force and effect, save and except those lands that are still subject to a site-specific appeal as identified in Tab C of the same Exhibit.

Appellant Motions

LTF Real Estate Company (Appellant #134)

[17] The Board granted a motion for the approval of modifications to the VOP 2010 brought by LTF Real Estate Company, Canada Inc. ("LTF") as it affects the subject lands located at the northeast corner of Weston road and Century Place. The proposed modifications found in Tab K of Exhibit 71B would expand the permitted uses on the subject lands to include a health and fitness centre and service and office uses. Joseph Hoffman, counsel for LTF, provided submissions to the Board. The City supported the

proposed modifications. The Board adopted and relied on the affidavit planning evidence of David McKay and allowed the appeal in part of LTF.

Seven 427 Developments Inc. (Appellant #144)

[18] The Board granted the motion of Seven 427 Developments Inc. (“Seven”) for partial approval of the VOP 2010 to implement the proposed modifications as it affects the subject lands. The Board had before it the affidavit and supplementary affidavit planning evidence of Michael Bissett (Exhibits 72C and 72D). The proposed modifications are found in Exhibit A of the supplementary affidavit evidence of Mr. Bissett. The subject lands are located north of Highway 7 just west of Highway 427.

[19] The proposed modifications permits major retail uses and retail uses are not required to be part of a mixed-use development. Joanna Shapira, counsel for Seven, provided submissions to the Board. The Board granted Ms. Shapira’s request for her client to remain as a party in these proceedings. The City supported the proposed modifications. Joel Farber, counsel for other appellants, noted that the proposed modifications are site specific and applies only to Seven’s lands.

[20] The Board adopted and relied upon the affidavit planning evidence of Mr. Bissett and allowed in part the appeal of the Appellant.

Cityzen (Pine Grove) Inc. (Appellant #53)

[21] The Board granted the motion for partial approval of the VOP 2010 brought by Cityzen (Pine Grove) Inc. (“Cityzen”) to implement the proposed modifications found in Exhibit 76. The Board had the affidavit planning evidence and *viva voce* evidence of Kurt Franklin (Exhibit 75B). Adam Brown provided submissions on behalf of Cityzen. The subject lands are known as 165, 170, 180, 192, 201 and 229 Pine Grove Road which are located at the intersection of Pine Grove and Islington Avenue.

[22] The proposed modifications are to the WCSP which re-designates the subject lands to permit the development of a 105 stacked townhomes residential project with a maximum height of four storeys and a density of 1.0 times the area of the lot. The

modifications to the WDSP are found in Exhibit 76. The City is in support of the proposed modifications to permit the development of this residential proposal. The City will review the modifications to ensure consistency with its drafting standards.

[23] The Board adopted and relied upon the planning evidence of Mr. Franklin. The Board allowed the appeal in part and approve the proposed modifications of the WCSP. The Board withheld its Order pending confirmation by the City that the final form of the proposed modifications is acceptable.

[24] The next PHC is set for **June 15-16, 2015 commencing at 10 a.m. at:**

**Multipurpose Room
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1**

[25] No further notice is required and I remain seized of the case management of these matters.

ORDERS

[26] The Board granted the City's motions with respect to approval of certain policies in Vol.1 and 2 of the VOP 2010 and approval of the modified Woodbridge Centre Secondary Plan. The Board withheld its order pending receipt of the suggested wording of certain clauses to be submitted to the Board.

[27] The Board granted the motion brought by LTF (Appellant #134) and the appeal was allowed in part.

[28] The Board granted the motion brought by Seven (Appellant #144) and the appeal was allowed in part.

[29] The Board granted the motion brought by Cityzen (Appellant #53) and the appeal was allowed in part. The Board withheld its order pending written confirmation from the City that the final form of the proposed modifications is acceptable.

“Jason Chee-Hing”

JASON CHEE-HING
MEMBER

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

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ATTACHMENT 1

VAUGHAN OP 2010 (PL111184)

**LIST OF PARTIES IN ATTENDANCE AT PRE-HEARING CONFERENCE
ON FEBRUARY 24, 2015**

City of Vaughan

PL111184
Dawne Jubb, Claudia Storto, Bruce Engell,
(Stephanie Arias, Stefanie Valente, Mary
Caputo, Steven Dixon, Tony Iacobelli)

<u>Appellants</u>	<u>Appeal No.</u>	<u>Representative</u>
1042710 Ontario Ltd.	1	Patrick Harrington
Briardown Estates Inc.	33	
Amar Transport Inc.	81	
Solmar Inc.	3	Kataryzna Sliwa
Tesmar Holdings Inc.	4	
1668872 Ontario Inc.	5	
77 Woodstream Inc.	25	
Block 40/47 Developers Group Inc.	28	
York Major Holdings Inc.	55	
1539253 Ontario Inc.	68	
Celebration Estates Inc.	96	
Block 66 West Landowners Group Inc.	125	
Haulover Investments Ltd.	7	
David and Kathy Lundell	42	
Portside Developments (Kipling) Inc.	116	
Mario Tedesco (Fifthshire Homes Ltd.)	117	
York Region Condominium Corporation 730	137	
Baif Developments Limited	8	Roslyn Houser & Joseph Hoffman & David McKay
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. ("Life Time")	134	
836115 Ontario Inc.	18	
1191621 Ontario Inc.	19	
Granite Real Estate Inc. (formerly MI)	20	
1834375 Ontario Ltd.	29	
1834371 Ontario Ltd.	30	
Delisle Properties Ltd. (Rutherford Land Development Corp.)	34	
1541677 Ontario Inc.	43	

2159645 Ontario Ltd. (Liberty)	56	Barry Horosko	
Centre Street Properties Inc.	78		
Vogue Investments Ltd.	79		
Cedarbrook Residential	103		
Allegra on Woodstream Inc.	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		
Maple Industrial Landowners Group	118		
Blue Sky Entertainment Corp.	126		
Holcim (Canada) Inc.	129		
2203012 Ontario Limited	130		
Blair Building Materials Inc.	131		
RioCan Holdings Inc. (Coulter's Mills Marketplace)	31		Joel D. Farber
RioCan Holdings Inc. (Springfarm Marketplace)	32		
Riotrin Properties (Langstaff) Inc., SRF Vaughan Property Inc., and SRF Vaughan Property II Inc.	36		
Riotrin Properties (Vaughan) Inc., Riotrin Properties (Vaughan2) Inc. and Riotrin Properties (Vaughan3) Inc.	48		
RioCan Holdings Inc. (Centre Street Corridor)	82		
1306497 Ontario Inc. (Sisley Honda)	133		
Home Depot Holdings Inc.	44		
Granite Real Estate Inc. and Magna International Inc.	110	Steven A. Zakem	
350 Creditstone Investments	143		
Casertano Development Corporation and Sandra Mammone	45		
Danlauton Holdings Ltd.	46	Mary Flynn-Guglietti & Annik Forristal	
1529749 Ontario Inc. (the "Torgan Group")	47		
Suncor Energy Products Partnership	54		
CST Canada Co.	85		
2157160 Ontario Inc.	99		
Woodbridge Farmers Co. Ltd., 1510904 Ontario Ltd., and 1510905 Ontario Ltd.	400		
1693143 Ontario Inc. and 1693144 Ontario Inc.	401		
Antonia & Bertilla Taurasi	138		
165 Pine Grove Investments Inc.	53		Adam J. Brown
1525233 Ontario Inc.	97		

Overriver Holdings Ltd.	98	
2090396 Ontario Ltd.	60	Mark R. Flowers
H&L Title Inc. & Ledbury Investments Ltd.	75	
Arthur Fisch & 1096818 Ontario Inc.	61	
281187 Ontario Ltd.	64	
L-Star Developments Group	65	Gerard C. Borean and Rosemarie Humphries (Apps. 88 & 64)
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	
Belleterra Corporation	121	
Luigi Bros. Paving Company Ltd.	128	
Concetta Marciano	135	
Pro Catering Ltd.	136	
Michael Termini, Salvatore Termini and Rosa Bancheri	145	
Royal Group Inc.	70	Frank Torchia
Anland Developments Inc.	83	Laura Bisset and Rosemarie Humphries
Weston Downs Ratepayers Association	95	Anthony Francescucci & Elisa Decarolis
Mr. Alex Marrero	102	Alan Heisey
Tien De Religion Lands	141	
Monica Murad	127	Micheal Simaan
Seven 427 Developments Inc.	144	Johanna Shapira and Michael Bissett
Kau & Associates LP	74	Caterina Facciolo
Nine-Ten West Ltd.	80	
Novagal Development Inc.	52	
Ivanhoe Cambridge II Inc.	142	Jason Lewis and Matthew Di Vona
Blue Water Ranch Developments Inc.	67	Christie Gibson
Berkley Commercial (Jane) Inc.	119	
Teresa Marande	123	
FCF Old Market Lane 2013 Inc.	140	
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38	Ryan Mino-Leahan (for Ira Kagan)
2 Steeles Avenue West Ltd.	39	
Auto Complex Ltd.	40	
Salz & Son Ltd.	51	
Trimax on Islington	104	Barry Horoske

<u>Parties</u>	<u>Party No.</u>	<u>Representative</u>
Region of York	A	Pitman Patterson, Augustine Ko
Ministry of Municipal Affairs and Housing	B	Kenneth G. Hare, Flynn Paquin and Carolyn Poutiainen
Toronto and Region Conservation Authority	C	Laurie Nelson, Carolyn Woodland & Jeff Rosekat
York Region Catholic District School Board	G	Christine Hyde
FCHT Holdings (Ont) Corp	I	Steven A. Zakem
Magna International Inc. and Granite Real Estate Inc.	J	
CNR	K	Alan Heisey
Alex & Michelle Marrero (5859 Rutherford)	L	
Vaughan 400 North Landowners Group Inc.	N	Katarzyna Sliwa
1233389 Ontario Inc.	O	Alan Heisey
RioCan Holdings Inc.	Q	Joel Farber
Velmar Centre Property Ltd.	T	Katarzyna Sliwa
<u>Participants</u>	<u>No.</u>	<u>Representative</u>
Block 27 Landowners	ii	Katarzyna Sliwa