

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 16, 2015

CASE NO.: 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

BEFORE:

J. CHEE-HING)	Thursday, the 16th
MEMBER)	
)	day of April, 2015

THIS MATTER having come on for a public hearing and having heard the submissions of counsel for the City of Vaughan (the "City") and Seven 427 Developments Inc. (the "Moving Party" or "Seven 427") relating to the appeal of the Moving Party, Appellant 144 to these proceedings, of the City of Vaughan Official Plan (2010) (the "Plan"), as adopted by the City on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, as modified and endorsed by the Regional Municipality of York (the "Region") on June 28, 2012;

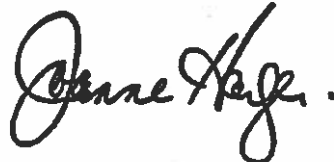
AND THE BOARD having heard the submissions of counsel of certain other parties and considered the planning evidence of Michael Bissett regarding proposed modifications to Schedule 14-C and the addition of a site-specific policies to Chapter 13 of Volume 2 of the Plan as set out in Schedule A hereto, pertaining to the lands of the Moving Party located on the North side of Regional Road 7, West of Highway 427, currently zoned C5, in the City of Vaughan. A location map is attached as Schedule B hereto;

THE BOARD ORDERS that

- a) That in accordance with the provisions of section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the “Act”), in respect of the Plan, as adopted by the City on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, as modified and endorsed by the Region on June 28, 2102, those proposed modifications to Schedule 14-C and the addition of site specific policies to Volume 2, Chapter 13 as set out in Schedule A attached to and forming part of this Order, are hereby approved.
- b) That in accordance with the provisions of section 17(50) of the Act, the Moving Party’s appeal is resolved in full. Notwithstanding this, Seven 427 maintains its party status in this proceeding for the purpose of monitoring the hearing and making representations at any hearing event or with respect of any settlement that may affect Seven 427’s interests in the Plan, as modified by this Order. As a party to this proceeding, Seven 427 shall continue to be entitled to receive all materials in this proceeding.
- c) That the partial approval ordered herein, is without prejudice to the positions taken by the parties to the appeals to the Plan, such that if those appeals proceed to a subsequent hearing or motion, either on their own or as may be consolidated with other site-specific appeals, the City will not take the position that the Board ought not to approve site-specific or area-specific modifications to the affected policies, schedules, maps, figures, definitions, tables and associated text of the Plan on the mere basis that they deviate from or are inconsistent with such policies, schedules, maps, figures, definitions, tables and associated text on a City-wide basis (or as approved in respect of other lands which are subject to the same policies, schedules, maps, figures, definitions, tables and associated text). However, this does not affect the City’s right to assert that the approved policies, schedules, maps, figures, definitions, tables and associated text should be applied to the specific sites or areas without modification on the basis that doing so is consistent with the Act, provincial policies, conform to provincial plans and/or constitutes good planning.

Notwithstanding the above, the Board hereby retains jurisdiction to consider and approve modifications or exceptions to any policies, schedules, maps, figures, definitions, tables and associated text approved herein, as may be appropriate to dispose of any of the outstanding appeals before the Board.

The Board may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

A handwritten signature in black ink, appearing to read "Joanne Hage". The signature is written in a cursive style with a period at the end.

SECRETARY

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

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Proposed Modifications

Volume 1, Schedule 14-C

- Modify Schedule 14-C to identify a new Site Specific Area with the appropriate sequential number.

Volume 2, Section 13

- Add a new subsection to Section 13 with the following text:

13.XX.1 General

13.XX.1.1 *The following policies shall apply to the lands identified on Map 13.X.X*

13.XX.1.2 *Notwithstanding policy 9.2.2.7 Employment Commercial Mixed-Use or anything else in this Plan, in addition to the existing permitted uses, Major Retail uses are permitted.*

13.XX.1.3 *Notwithstanding policy 9.2.2.7 Employment Commercial Mixed-Use or anything else in this Plan, Retail units exceeding a gross floor area of 3,500 square metres are permitted.*

13.XX.1.4 *Policy 9.2.2.7 (d) shall not apply, and notwithstanding policy 5.2.3.4(a) or policy 2.2.5 or anything else in this Plan, retail uses are not required to be part of a mixed-use development.*

13.XX.1.5 *Notwithstanding policy 9.2.2.7(e)(i) or anything else in this Plan, Low Rise Buildings are permitted.*

13.XX.1.6 *Policy 5.2.3.6 shall not apply.*

MAP 13.X X
North West Corner of Regional Road 7 & Highway 427

