

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: June 17, 2016

CASE NO(S): PL111148

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: April 21, 2016 by telephone conference call

APPEARANCES:

Parties

Counsel

Block 40/47 Developers Group II Inc

K. Sliwa

City of Vaughan

B. Engell

Country Wide Homes (Pine Valley Estates) Inc.

J. Pepino

**MEMORANDUM OF ORAL DECISION DELIVERED BY JAMES R. MCKENZIE ON
APRIL 21, 2016**

[1] The matter before the Board is a motion by Block 40/47 Developers Group II Inc. (“Block 40/47”) to deal with its appeal of the City of Vaughan (“City”) Official Plan 2010 (“VOP 2010”) in a manner consistent development approvals secured subsequent to the filing of its VOP 2010 appeal.

[2] Block 40/47 is a corporation representing individual persons and corporations who own the majority of the 239.73 hectares of land located south of Teston Road, east and west of Pine Valley Drive, and north of Cold Creek (“subject lands”), legally described as Part of Lots 23, 24, and 25, Concessions 6 and 7, City of Vaughan.

[3] The subject lands are designated “Urban Area” by Official Plan Amendment No. 600, which was subsequently amended by Official Plan Amendment No. 744 (“OPA 744”) to provide more detailed policy with respect to the development of the subject lands.

[4] Country Wide Homes (Pine Valley Estates) Inc. (“Country Wide”) is a member landowner of Block 40/47 and the owner of lands municipally known as 10390 Pine Valley Drive (“Country Wide lands”). Five individuals appealed OPA 744 on a site-specific basis relating to the Country Wide lands; two other individuals—Gillian Evans and David Toyne, (“Evans/Toyne appeal”)—appealed OPA 744 on a global basis. On December 14, 2015, the Board, differently constituted, *sine die* adjourned the site-specific Country Wide lands appeal, dismissed the Evans/Toyne appeal, and approved OPA 744 save and except for those components relating to the site-specific Country Wide lands appeal.

[5] On March 7, 2016, the Board, differently constituted, approved six individual zoning by-law amendments and draft plans of subdivision (“Implementing Applications”) that implement the policies of OPA Nos. 600 and 744.

[6] Block 40/47 had appealed the VOP 2010 based on a concern about inconsistencies between the policies of the VOP 2010 and OPA Nos. 600 and 744. Block 40/47 and the City have since addressed that concern in a manner satisfactory to themselves as well as Country Wide, and Block 40/47 now seeks, via this motion, to fully settle its appeal of the VOP 2010 through a series of modifications that are consistent with the respective Board decisions on OPA No. 744 and the Implementing Applications.

[7] The motion is unopposed.

[8] Mark Yarranton is a Registered Professional Planner, and full member of the Ontario Professional Planners Institute, having over 27 years of professional planning experience, including extensive experience in the City of Vaughan relating to the creation of residential communities involving secondary plans and block plans.

[9] Mr. Yarranton's evidence was tendered by affidavit. He was not cross-examined, nor was the Board presented with any countervailing evidence to his analysis, conclusions, and professional planning opinion.

[10] Mr. Yarranton proposed five modifications ("Proposed Modifications") to the VOP 2010 that will ensure consistency between its policies and OPA Nos. 600 and 744. They include:

1. deleting Site Specific Policy 13.10 in its entirety from Section 13;
2. adding Area Specific Policy 12.13 to Chapter 12 of the VOP 2010, in accordance with Schedule F of his affidavit, (appended to Block 40/47 motion record tabled as Exhibit 101);
3. adding Area Specific Policy 12.13 to Schedule 14-B, entitled "Areas Subject to Site Specific Plans," substantially in accordance with Schedule G of his affidavit;

4. deleting Site Specific Policy 13.10 from Schedule 14-C, entitled "Areas Subject to Site Specific Plans," substantially in accordance with Schedule H to his affidavit; and,
5. modifying Schedules 1, 2, and 13 of Volume 1 of the VOP 2010 to reflect the limits of the land use designations in OPA No. 744, the Block Plan for the subject lands, and the approved Draft Plans of Subdivision.

[11] The Proposed Modifications incorporate OPA Nos. 600 and 744 into volume 2 of the VOP 2010. It is Mr. Yarranton's professional planning opinion that the Modifications are consistent with the Provincial Policy Statement, 2014; conform with and do not conflict with the Growth Plan for the Greater Golden Horseshoe, 2006; are recognized through the City's Greenbelt Plan, 2004, conformity exercise and are therefore transitioned under the Greenbelt Plan, 2014; conform with both the 1994 and 2010 Region of York Official Plan; and are in harmony with the balance of policies in the VOP 2010. It is also Mr. Yarranton's opinion that the Proposed Modifications represent good planning.

[12] The City supports the motion and the Proposed Modifications, noting that the latter represent a full, fair, timely, and appropriate resolution of the Block 40/47 VOP 2010 appeal. Country Wide also supports the motion and the Proposed Modifications.

[13] The Board accepts Mr. Yarranton's professional planning opinion and relies on them to find that the Proposed Modifications fulfil all legislative requirements.

DECISION

[14] The motion is allowed. The Block 40/47 appeal of the VOP 201 is allowed in part and to the extent necessary to implement the Proposed Modifications enumerated in Paragraph 10 above.

[15] The Board's Order is withheld and will issue upon receipt of schedules suitable for inclusion therewith.

"James McKenzie"

JAMES R. McKENZIE
VICE-CHAIR

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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