

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** February 16, 2017

**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)

**Heard:** in Vaughan, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON  
DECEMBER 12, 2016 AND ORDER OF THE BOARD**

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[1] This was a further pre-hearing conference ("PHC") event into the multiple appeals filed against the City of Vaughan ("City") Official Plan ("VOP") 2010.

[2] The Board was provided with a status update on the outstanding appeals. At this PHC, Board disposed of several motions for partial approval of the VOP 2010.

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[3] Bruce Engell, counsel for the City advised that to date 164 appeals had been filed. Sixty-two appeals have been fully resolved. An additional six appeals have been resolved save and except for the parkland dedication related policies.

[4] The Board dealt with the following motions:

**RioCan Motion (Appeal 48):**

[5] Riotrin Properties (Vaughan) Inc., Riotrin Properties (Vaughan2) Inc., Riotrin Properties (Vaughan3) Inc., and 1493130 Ontario Ltd. (collectively "RioCan") sought an Order modifying and partially approving the VOP 2010 for its lands at the southeast quadrant of Weston Road and Highway 7 and referred to as the "Colossus Centre". RioCan's motion filing is found in Exhibit 106. RioCan is the owner of the Colossus Centre, save and except for the lands owned by Costco Wholesale Canada Ltd. ("Costco"). Costco also appealed the VOP 2010 (Appeal 9) and filed a response to motion in support of the RioCan motion. The City was in support of the proposed modifications contained in the motion. RioCan's motion was unopposed.

[6] RioCan sought certain modifications in the form of a site specific policy which would remain in force until the secondary plan for this area is approved. These modifications include: enabling and expansion of existing uses; permitting the ongoing development within the Colossus Centre of commercial buildings with a maximum height of two storeys; and exempting the lands from the polices for the High Rise and Mid Rise Mixed Use designation restricting low rise buildings. A complete list of the proposed modifications is found in Exhibit 106.

[7] The Board had the sworn affidavit evidence of David McKay in support of the proposed modifications. The Board adopted and relied on the planning opinion evidence of Mr. McKay. The Board granted the motion and allowed the appeal in part. The Board withheld its Order pending receipt of a draft Board Order from the City.

**City's Motion:**

[8] The Board granted the City's motion for partial approval of the VOP 2010 for the lands subject to the appeals of Market Lane Holdings Ltd. (Appeal 88), and Gold Park (Woodbridge) Inc. (Appeal 89). The Board relied on the affidavit planning evidence of Steve Dixon, senior planner for the City (Exhibit 108). The Board also had the letters of withdrawal of appeals from Appellants 88 and 89. There were no objections to the City's motion for partial approval.

[9] The proposed Order would contain similar provisions to the City's previous partial approval motions, which were agreed to by the parties and approved by the Board. The Board will withhold its Order pending receipt of a draft Board Order to be prepared by the City.

**Next PHC:**

[10] The next PHC into these matters is set for two days, **March 29-30, 2017 commencing at 10 a.m.** The venue will be:

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

[11] The purpose of that PHC would be to review the status of the outstanding appeals of the VOP 2010 and also to serve as a PHC for the Yonge-Steeles appeals and the Centre Street appeals.

[12] I will continue with the overall case management of the VOP 2010 appeals process but am not seized of any individual hearings on site specific appeals.

*"Jason Chee-Hing"*

JASON CHEE-HING  
MEMBER

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If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**  
A constituent tribunal of Environment and Land Tribunals Ontario  
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## ATTACHMENT 1

## ONTARIO MUNICIPAL BOARD

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

Appellant: 1042710 Ontario Limited  
 Appellant: 1191621 Ontario Inc.  
 Appellant: 1529749 Ontario Inc.  
 Appellant: 1541677 Ontario Inc. and others  
 Subject: Failure to announce a decision respecting the proposed new Official Plan of the Regional Municipality of York for the City of Vaughan  
 Municipality: City of Vaughan  
 OMB Case No.: PL111184  
 OMB File No.: PL111184

**VAUGHAN METROPOLITAN CENTRE SECONDARY PLAN  
 PRE-HEARING CONFERENCE – NOVEMBER 18, 2016**

## SIGN IN SHEET

		<b>COUNSEL/ REPRESENTATIVE(S)</b>	<b>ATTENDEE(S)</b>
City of Vaughan		Claudia Storto Deputy City Manager, City of Vaughan  Michael Toshakovski Legal Counsel, City of Vaughan  Steven Dixon Planner, City of Vaughan	
<b>APPELLANTS</b>	<b>APPEAL</b>	<b>COUNSEL/ REPRESENTATIVE(S)</b>	<b>ATTENDEE(S)</b>
1042710 Ontario Ltd.	1	Steven Zakem Aird & Berlis LLP	
Wal-Mart Canada Corp.	10	Mary Flynn-Guglietti	
First Vaughan Investments Inc., Roland Properties Inc. and Skyrange Investments Inc.	72	Roslyn Houser Goodmans LLP	
Calloway REIT (Sevenbridge) Inc. (SmartCentres)	73		
2128475 Ontario Corp.	146		
1930328 Ontario Inc.	147	Barry Horosko	
Hollywood Princess Convention and Banquet Centre Ltd.	50	Quinto M. Annibale & Steven Ferri Loopstra Nixon LLP	
785345 Ont. Ltd and I & M Pandolfo	59		

Holdings			
Royal 7 Developments Ltd.	84		
Luigi Bros. Paving Company Ltd.	91	Gerard C. Borean Parente Borean LLP	
1034933 Ontario Ltd.	120		
Luigi Bros. Paving Company Ltd. (Peelar)	128		
Concetta Marciano	135		
Pro Catering Ltd.	136		
Michael Termini, Salvatore Termini and Rosa Bancheri	145		
2117969 Ontario Inc.	106	Matthew DiVona Davies Howe Partners LLP	
Midvale Estates Ltd.	107		
Potestas Properties Inc.	108		
Bentall Kennedy (Canada) Ltd.	111	Patrick Duffy Stikeman Elliott LLP	
Berkley Commercial (Jane) Inc.	119	Daniel Artenosi Overland LLP	
York Region Condominium Corporation 730	137		
York Condominium Corporation 499	139	Robert Miller Scargall Owen-King LLP	
350 Creditstone Investments Inc.	143	Steven A. Zakem Aird & Berlis LLP	
Lorwood Holdings Incorporated	158		
<b>PARTIES</b>	<b>PARTY</b>	<b>COUNSEL/ REPRESENTATIVE(S)</b>	
Region of York	A	Pitman Patterson Borden Ladner Gervais LLP	
Toronto and Region Conservation Authority	C	June Little TRCA	
York Region District School Board	G	Thomas McRae Shibley Righton LLP	
York Region Catholic District School Board	H	Joseph Pacione YRCDSB	
Canadian National Railway	I	James Quigley Papazian Heisey Myers	
Appellants 38/39/40	J	Alexandra DeGasperis Kagan Shastri LLP	