

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: May 27, 2019

CASE NO(S): PL111184

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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: March 6, 2019 in Vaughan, Ontario

APPEARANCES:

Parties

City of Vaughan (“City”)

Parties in attendance

Counsel

Bruce Engell,
Effie Lidakis

See Schedule 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON MARCH 6,
2019 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This proceeding was a further Pre-hearing Conference (“PHC”) to address appeals to the 2010 Vaughan Official Plan (“VOP”). The 168 appeals have been managed according to various categories by area or subject matter. This proceeding addressed appeals in several categories: “Other Site-Specific,” “Other Development Applications,” “Parkland” and “Yonge-Steeles.”

OUTSTANDING APPEALS

[2] The City of Vaughan (“City”) advised that several appellants responded to the Tribunal’s direction from the October 17, 2018 PHC and have been in contact with the City regarding resolutions or advancing their Issues List (“IL”). The City requested a similar direction on another set of appeals listed in the attached Schedule 2 and requested that appellants show progress on their appeals through discussions or submissions to the City by **Friday, June 28, 2019**. To maximize the appellants’ time to respond, the City will advise each of the listed appellants of this request forthwith, in the event that the release of this disposition is delayed. The Tribunal ordered the request as set out in the Order below.

SCHEDULED HEARINGS

[3] For Appeal #3, Solmar Inc. advised that the Parties are close to finalizing a Procedural Order (“PO”) with IL and requested a Telephone Conference Call (“TCC”) in April 2019 to finalize the PO and to schedule a 10-day hearing. The other Parties consented to the request, being Canadian National Railway, the City, West Rutherford Properties Ltd./Caldari Land Development Corporation and Regional Municipality of York (“Region”). A TCC was held with the Parties on April 26, 2019 during which an agreed PO and IL were discussed and the Tribunal agreed to schedule the requested hearing , now set out in the Order below.

[4] For Appeals #151 and #57, Block 42 Landowners Group Inc. (Appeal #151) submitted a draft PO with consent of the City and MCN (Pine Valley) Inc. ("Pine Valley") (Appeal #57) in support of requesting that a 10-day hearing be scheduled. However, after the Toronto and Region Conservation Authority, the Region, and Pine Valley itself requested additional time to consider the IL, the Parties requested the Tribunal to accept a consented PO within three weeks for review, and if approved, to schedule the requested hearing and post the dates in the Order. The PO as received is approved and the hearing is scheduled as set out in the Order below.

PARKLAND APPEALS

[5] The City sought a direction from the Tribunal to the appellants of the parkland policies to provide their issues and possible policy wording suggestions to the City in an effort to identify, narrow or resolve issues. Several counsel on behalf of numerous Appellants responded that they require time to organize as a group to prepare a collective case for a hearing, and that they prefer to identify issues as a first step and only later, if appropriate, contemplate possible suggested policy wording. In the end, the Parties agreed, and the Tribunal ordered, as set out below, that, collectively or individually, the Appellants will provide their IL to the City by **Friday, June 28, 2019**, and, optionally if they wish, any suggested policy wording on a without prejudice basis. Similar to the direction on Outstanding Appeals earlier, the City will advise each of the listed appellants of this direction forthwith.

APPEALS #29 and #99 PARTIAL APPROVAL

[6] Prior to the PHC, the City filed a motion seeking partial approval of the VOP as it applies to the lands subject to Appeal #29, which appeal is now withdrawn, and to the lands subject to Appeal #99, now settled by way of a special policy and subject to a minor modification correcting the property address in the policy. No responses to the motion were received.

[7] On the sworn Affidavit of David Marcucci, Registered Professional Planner, the Tribunal found the VOP, as it pertains to the lands affected by Appeals #29 and #99 and subject to the requested minor modification, to have regard to matters of provincial interest under s. 2 of the *Planning Act* (the “Act”), to conform with the Growth Plan for the Greater Golden Horseshoe, to be consistent with the Provincial Policy Statement, to conform with the Region Official Plan and to represent good planning in the public interest. The VOP is approved for these lands as set out in the Order below.

NEXT TWO PHCs

[8] At the request of City, without objection from other counsel, the next two PHCs were scheduled for September 11, 2019 and January 8, 2020 as set out in the Order below.

OTHER MATTERS

[9] Jeffrey Streisfield, for Appeal #7, submitted that too much time has gone by waiting for a hearing on the Yonge – Steeles Secondary Plan (“YSSP”) given that several years passed before the Phase 1 matters were resolved. The City responded that several parties, at least in the south part of the YSSP, are organizing for a coordinated approach to a hearing, and that, although objections had been raised by Appellants to individual hearings proceeding, Mr. Streisfield could bring a motion requesting the scheduling of a hearing for Appeal #7. The Tribunal notes that Mr. Streisfield is aware, from several references during the PHC to the Tribunal’s requirements for scheduling hearings, that a PO and IL on consent of the Parties are required. The City will consider how the YSSP matters can be addressed and will place the YSSP on the agenda for the next PHC.

ORDER

[10] The Tribunal orders as follows:

[11] For each appeal listed on Schedule 2, a draft PO with IL is to be provided by the Appellant to the City by **Friday, June 28, 2019** unless the City has agreed with an Appellant on an alternative approach to advance the resolution of the appeal.

[12] For Appeal #3 by Solmar Inc., the PO is approved as set out in Schedule 3 and the hearing is set for **10 days** to commence at **10 a.m.** on **Monday, July 6, 2020** at:

**Vaughan City Hall
Hearing Room
2141 Major Mackenzie Drive West
Vaughan, Ontario**

[13] For Appeal #57 by MCN (Pine Valley) Inc. and Appeal #151 by Block 42 Landowners Group Inc., the PO is approved as set out in Schedule 4 and the hearing is set for **9 days** to commence at **10 a.m.** on **Tuesday, August 4, 2020** at:

**Vaughan City Hall
Hearing Room
2141 Major Mackenzie Drive West
Vaughan, Ontario**

[14] For parkland policy appeals, Appellants, collectively or individually, are to provide their IL to the City by **Friday, June 28, 2019**, and, optionally if they wish, any suggested policy wording on a without prejudice basis.

[15] The next PHC will commence at **10 a.m.** on **Wednesday, September 11, 2019** at:

**Vaughan City Hall
Multi-Purpose Room
2141 Major Mackenzie Drive West
Vaughan, ON**

[16] After the above PHC in September, the next PHC will commence at **10 a.m.** on **Wednesday, January 8, 2020** at:

**Vaughan City Hall
Multi-Purpose Room
2141 Major Mackenzie Drive West
Vaughan, ON**

[17] The Tribunal orders that in accordance with the provisions of s. 17(50) of the Act, R.S.O. 1990, c. P.13, as amended, the City of Vaughan Official Plan (2010), as adopted by the City on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, and as modified and endorsed by the Regional Municipality of York on June 28, 2012, is approved as it applies to lands which were previously subject to the appeal of 1834375 Ontario Limited (Appeal #29).

[18] The Tribunal orders that the appeal by 2157160 Ontario Inc. (Appeal #99) is allowed in part and that in accordance with the provisions of s. 17(50) of the Act, R.S.O. 1990, c. P.13, as amended, the City of Vaughan Official Plan (2010), as adopted by the City on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, and as modified and endorsed by the Regional Municipality of York on June 28, 2012, is modified as set out in Schedule 4 attached to this order and is approved as modified in respect of the lands subject to Appeal 99, and the balance of Appeal 99 is dismissed.

[19] No further notice will be given.

[20] The Tribunal may be spoken to if issues arise from this Order.

[21] This Member is seized for case management purposes subject to the Tribunal's calendar.

“S. Tousaw”

S. TOUSAW
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.


Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE 1

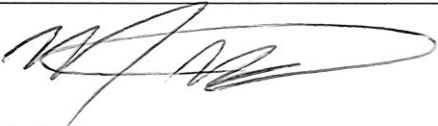



MARCH 6, 2019 PHC – SIGN IN SHEET

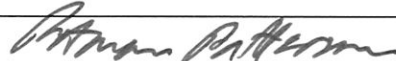
APPELLANT	APPEAL	REPRESENTATIVE	
Briardown Estates Inc.	33	Patrick Harrington	
1406284 Ontario Inc.	164		
Glenwood Property Management Ltd. and The Gupta Group	165	David Bronskill	
Solmar Inc.	3	Meaghan McDermid	
Tesmar Holdings Inc.	4		
Block 40/47 Developers Group Inc.	28	Michael Melling / Meaghan McDermid Nadia Kadry	Nadia Kadry
1539253 Ontario Inc.	68		
Overriver Holdings Ltd.	98		
Block 66 West Landowners Group Inc.	125		
Teston Green Landowners Group	149		
Block 42 Landowners Group	151		
Lucia Milani and Rizmi Holdings Ltd.	62	Matthew Di Vona	
Teston Villas Inc.	152		
2264319 Ontario Inc.	6	Ira T. Kagan Kristie M. Jennings	K Jennings
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38		
2 Steeles Avenue West Ltd.	39		
Auto Complex Ltd.	40		
Salz & Son Ltd.	51		
Haulover Investments Ltd.	7	Jeffrey Streisfield	
David and Kathy Lundell	42		
Portside Developments (Kipling) Inc.	116		
Mario Tedesco	117		

APPELLANT	APPEAL	REPRESENTATIVE			
York Region Condominium Corporation 730	137	Reza Fakhim / Ali Shojaat / Domenica Perruzza			
Baif Developments Limited	8	Roslyn Houser / Ian Andres / Joseph Hoffman	<i>Ian Andres</i> 		
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				
836115 Ontario Inc.	48	Barry Horosko			
1191621 Ontario Inc.	49				
Granite Real Estate Inc. (formerly MI)	20				
1834375 Ontario Ltd.	29				
1834371 Ontario Ltd.	30				
Delisle Properties Ltd.	34				
1541677 Ontario Inc.	43				
2159645 Ontario Ltd. (Liberty)	56				
Nine-Ten West Limited	80				
Cedarbrook Residential	103				
2128475 Ontario Corp.	146				
Caldari Land Development Corporation	150				<i>Quinto Annibale, Mandy Ng</i>
West Rutherford Properties Ltd.	16			Quinto M. Annibale / Steven Ferri	<i>Steven Ferri</i> <i>Quinto Annibale</i> <i>Mandy Ng.</i>
Ozner Corporation	17				
MCN (Pine Valley) Inc.	57				
Kirbywest Ltd.	66				

APPELLANT	APPEAL	REPRESENTATIVE	
Royal 7 Developments Limited	84		
Holcim (Canada) Inc.	129		
2203012 Ontario Limited	130		
Blair Building Materials Inc.	131		
10350 Pine Valley	163		
Lormel Developments Ltd.	167		
Blackwood Realty Fund I Limited Partnership	24	John Alati / Susan Rosenthal	<i>J. M. Alati</i> + <i>J. Cole</i>
2117969 Ontario Inc.	406		
Midvale Estates Ltd.	407		
Potestas Properties Inc. <i>Zzen 2</i>	108		
Ivanhoe Cambridge II Inc.	142		
RioCan Holdings Inc. (Coulter's Mills Marketplace)	31	Joel D. Farber	
RioCan Holdings Inc. (Springfarm Marketplace)	32		
RioCan Holdings Inc. (Centre Street Corridor)	82		
1306497 Ontario Inc. (Sisley Honda)	133		
Canadian Fuels Association	41	N. Jane Pepino	
Country Wide Homes (Pine Valley Estates) Inc.	166		
Home Depot Holdings Inc.	44	Steven A. Zakem	
Granite Real Estate Inc. and Magna International Inc.	110		
Casertano Development	45	Mary Flynn-Guglietti /	

APPELLANT	APPEAL	REPRESENTATIVE	
Corporation and Sandra Mammone		Annik Forristal	
Danlauton Holdings Ltd.	46		
1529749 Ontario Inc. (the "Torgan Group")	47		
2157160 Ontario Inc.	99		
390 Steeles West Holdings Inc.	153		
398 Steeles Avenue West Inc.	160		
2090396 Ontario Ltd.	60		
Arthur Fisch & 1096818 Ontario Inc.	61		
H&L Title Inc. & Ledbury Investments Ltd.	75	Mark R. Flowers	<i>Mark Flowers</i>
Centre Street Properties Inc.	78		
Vogue Investments Ltd.	79		
Teefy Developments Inc.	63		
Anland Developments Inc.	83	Chris Barnett	<i>Mark Flowers, appearing as agent</i>
281187 Ontario Ltd.	64		
L-Star Developments Group	65		
Lanada Investments Limited	87		
Market Lane Holdings Limited	88		
1034933 Ontario Ltd.	120		
Luigi Bros. Paving Company Ltd.	128		
Concetta Marciano	135		
Pro Catering Ltd.	136		
Blue Water Ranch Developments Inc.	67	Daniel Artenosi /	<i>Mark Flowers, appearing as agent</i>

APPELLANT	APPEAL	REPRESENTATIVE	
Berkley Commercial (Jane) Inc.	119	Christopher J. Tanzola	
FCF Old Market Lane 2013 Inc.	140	Michael Cara	
Liberata D'Aversa	148		
8188 Master Holding Inc.	157	Blue Water Ranch Developments (67) Inc.	
Royal Group Inc.	70	Robert J. Gray	
Langvalley Holdings	77	Nicholas T. Macos	
Camelot on 7 Inc. and Elia Breda	93	Paul R. Bottos	
Tien De Religion Lands	141	Alan Heisey	
TDC Medical Properties Inc.	105	Stephen D'Agostino	
X Mr. Antonio Di Benedetto	109	Self-Represented	Antonio Di Benedetto
Bentall Kennedy (Canada) LP	111	James Harbell / Patrick Duffy	
Toromont Industries Ltd.	114	Michael Miller / Alexandra Schwarz	
Tan-Mark Holdings Limited & Telast Enterprises Inc.	156	Alexander Burton Vulevic	
Tan-Mark Holdings Limited, Gino Matrondola and Telast Enterprises Inc.	168	WILLIAM FRIEDMAN / SHIRLEY BAI	
2464879 Ontario Inc. and Ultra Towns Inc.	159	Leo Longo	
The Ravines of Islington Encore Inc.	161		

	<u>Party No.</u>	<u>Representative</u>	
Region of York	A	Pitman Patterson /	

	<u>Party No.</u>	<u>Representative</u>	
		Bola Ogunmefun	
Ministry of Municipal Affairs and Housing	B	Kenneth G. Hare / Ugo Popadic	Ugo Popadic
Toronto and Region Conservation Authority	C	Jonathan Wigley / June Little	Coreena Smith (planner)
York Region Catholic District School Board	G	Tom McCrae / Christine Hyde	
York Region District School Board	H	Gilbert Luk	
CNR	K	Alan Heisey	

SCHEDULE 2

Appellant	Appeal
West Rutherford Properties (3660 Rutherford Road)	16
Ozner Corporation	17
2090396 Ontario Limited (1500 Centre St.)	60
L-Star Development Group	65
Blue Water Ranch	67
1539253 Ontario Inc.	68
Lanada Investments (8334 Islington Avenue)	87
Camelot on 7 (4908 and 4902 Highway 7	93
Overriver Holdings Ltd (Solmar) Hwy 7/Humber River	98
Portside Developments	116
FCF Old Market Lane	140
Teston Green Landowners Group	149
1406284 Ontario Inc.(Hilton Garden Inn)	164

SCHEDULE 3

LOCAL PLANNING APPEAL TRIBUNAL *Tribunal d'appel de l'aménagement local*

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

Appellant: Solmar Inc. *et. al.*
Subject: Failure to announce a decision respecting Proposed
New Official Plan
Municipality: City of Vaughan
L.P.A.T. Case No.: PL111184
L.P.A.T. File No.: PL111184
L.P.A.T. Case Name: *Duca v. Vaughan (City)*

PROCEDURAL ORDER

The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

1. The hearing will begin on **July 6, 2020** at 10:00 a.m. at the **Vaughan City Hall, 2141 Major Mackenzie Drive, Vaughan**. No further notice shall be required.
2. The length of the hearing will be **ten (10)** hearing days.
3. The Parties and Participants (see **Attachment 1** for the meaning of these terms) are listed in **Attachment 2** to this Order. The order of evidence for the hearing is listed in **Attachment 3** to this Order.
4. The provisional Issues for the hearing are set out in the Issues List attached as **Attachment 4** to this Order. Any revisions to this Issues List will be confirmed by the Parties no later than **September 30, 2019**, after which date the Issues List will be final. With the exception of the elimination or reduction of issues, there will be no changes to the Final Issues List unless the Tribunal permits, and a Party who asks for changes to the Final Issues List may have costs awarded against it.
5. Any person intending to participate in the hearing should provide a telephone number, address and email address to the Tribunal as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, telephone number, address and email address as soon as possible.

Requirements Before the Hearing

6. Solmar Inc. (“Solmar”) shall provide the data and noise model used in the Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. dated August 23, 2018 to Canadian National Railway (“CN”) and any other Party who requests it by **May 15, 2019**.
7. CN shall provide to Solmar, and any other Party who requests it, any technical analysis, models, findings or reports concerning Noise, Vibration and Air Emissions from the MacMillan Rail Yard prepared for CN that it intends to rely on in the hearing by **September 30, 2019**, subject to Solmar and any other receiving Party providing a confidentiality undertaking in reasonable form, if requested by CN, or as otherwise directed by the Tribunal. In the event that Solmar or any other Party prepares any technical analysis, models, findings or reports which it intends to rely on in response to CN’s work, it shall provide it to CN, and any other Party who requests it, by **February 28, 2020**. CN may further respond to Solmar’s responding technical analysis, models, findings, or reports in its Expert Witness Statement for the appropriate discipline, delivered in accordance with section 13.
8. A Party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other Parties a list of the witnesses and the order in which they are intended to be called. For expert witnesses, the Party shall identify the discipline in which they will be seeking to qualify the witness. This list must be delivered on or before **Wednesday April 22, 2020**.
9. Expert witnesses in the same discipline shall have at least one meeting prior to the exchange of witness statements identified in section 13 to try to resolve or reduce the issues for the hearing. The experts shall prepare a list of any agreed facts and provide this list to all of the Parties and the Tribunal.
10. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 13. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert’s testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7.04 of the Tribunal’s *Rules of Practice and Procedure*.
11. A Participant shall provide to the Tribunal and the Parties a Participant statement on or before **Thursday May 7, 2020**. For greater certainty, Participant statements are to include the information identified in **Attachment 1** to this Order.

12. Witnesses who are under summons but not paid to produce a report do not have to file a witness statement; but the Party calling them must file an outline of the witness' anticipated evidence, as in section 13.
13. On or before **Thursday May 7, 2020**, the Parties shall provide copies of their witness and expert witness statements to the other Parties. The Parties shall also provide copies of their witness and expert witness statements to the Tribunal, if requested.
14. On or before **Monday June 8, 2020**, the Parties may provide to all other Parties a reply to any written evidence. The Parties shall also provide copies of any reply witness statements to the Tribunal, if requested.
15. On or before **Monday June 22, 2020**, the Parties shall provide copies of their visual evidence to all other Parties. If a model will be used, all Parties must have a reasonable opportunity to view it before the hearing.
16. The Parties shall cooperate in preparing a Joint Document Book for the hearing and will share the copying costs.
17. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal (*see Rule 10 of the Tribunal's Rules, which require that the moving Party provide copies of the motion to all other parties at least fifteen (15) days before the Tribunal hears the motion*).
18. A Party who provides a witness' written evidence to the other Parties must have the witness attend the hearing to give oral evidence, unless the Party notifies the other Parties and the Tribunal at least **seven (7) days** before the hearing that the written evidence is not part of their record.
19. Documents may be delivered by personal delivery, e-mail, facsimile, courier, registered or certified mail, or otherwise as the Tribunal may direct. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
20. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

This Member is not seized.

So orders the Tribunal.

ATTACHMENT 1

Purpose of the Procedural Order and Meaning of Terms

The Tribunal recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Tribunal to order following the conference. The Tribunal will hear the parties' comments about the contents of the Order at the conference.

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Local Planning Appeal Tribunal, and the Tribunal's Rules, from the Tribunal Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-327-6800, or from the Tribunal website at www.elfto.gov.on.ca/tribunals/lpat.

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.

NOTE that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Tribunal to permit this.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Tribunal on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Tribunal will set the time for hearing this statement. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Tribunal will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.

Written and Visual Evidence: **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

Witness Statements: A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely

on at the hearing. An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.

Additional Information

Summons: A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties. (See Rule 13 on the summons procedure.) If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:
direct examination by the party presenting the witness;
direct examination by any party of similar interest, in the manner determined by the Tribunal;
cross-examination by parties of opposite interest;
re-examination by the party presenting the witness; or
another order of examination mutually agreed among the parties or directed by the Tribunal.

Attachment 2

LIST OF PARTIES/PARTICIPANTS

PARTIES

1. **Solmar Inc.**

Michael Melling and Meaghan McDermid
Davies Howe LLP
425 Adelaide Street West, 10th Floor
Toronto, Ontario
M5V 3C1

Email: *michaelm@davieshowe.com / meaghanm@davieshowe.com*
Tel: 416-977-7088
Fax: 416-977-8931

2. **City of Vaughan**

Bruce Engell
WeirFoulds LLP
66 Wellington Street West
Suite 4100, TD Bank Tower
P.O. Box 35
Toronto, ON
M5K 1B7

Email: *bengell@weirfoulds.com*
Tel: 416-947-5081
Fax: 416-365-1876

3. **Region of York**

Pitman Patterson
Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON
M5H 4E3

Email: *ppatterson@blg.com*
Tel: 416-367-6109
Fax: 416-367-6749

Bola Ogunmefun
Regional Municipality of York
Legal & Court Services Department
17250 Yonge Street
Newmarket, ON
L3Y 6Z1

Email: *bola.ogunmefun@york.ca*
Tel: 1-877-464-9675 ext. 71459

4. **Canadian National Railway**

Alan Heisey
Papazian Heisey Myers LLP
P.O. Box 105
121 King Street West, Suite 510
Toronto, ON
M5H 3T9

Email: *heisey@phmlaw.com*
Tel: 416-601-2702
Fax: 416-601-1818

5. **Rutherford Land Development Corp.**

Quinto Annibale and Brendan Ruddick
Loopstra Nixon LLP
135 Queens Plate Drive
Suite 600
Toronto, ON
M9W 6V7

Email: *qannibale@loonix.com* / bruddick@loonix.com
Tel: 416-748-4757
Fax: 416-746-8319

1.

Attachment 3

ORDER OF EVIDENCE

1. Solmar Inc.
2. City of Vaughan
3. Region of York
4. Rutherford Land Development Corp.
5. Canadian National Railway
6. Reply by Solmar Inc.

Attachment 4

ISSUES LIST

Land Use Policies

1. Does the MacMillan Rail Yard fit the definition of a *Major goods movement facilities and Rail Facilities* as set out in the Provincial Policy Statement 2014?
2. Is the proposed designation of High Rise Residential, with height limits of 16 storeys up to a maximum of 35 storeys, subject to the conditions and requirements set out in the proposed Modifications, as proposed for the Solmar Lands:
 - (a) Give sufficient regard to matters of provincial interest as outlined in sections 2 (h) (l) (o) and (p) of the Planning Act
 - (b) in conformity with the Growth Plan for the Greater Golden Horseshoe, 2017 having regard to sections:

1.2, 1.2.1, page 6 paragraph 9, 2.1, 2.2.1.2, 2.2.1.4, 2.2.5.1, 2.2.5.7-8, 3.1, 3.2.2.1-2, 3.2.2.4, 3.2.4.1-3, 3.2.5.1-2, Definitions pp 66-90 and Schedules 2, 4 and 5

NB Subject to possible change upon coming into force of Growth Plan for the Greater Golden Horseshoe 2019,
 - (c) in conformity with the Region of York Official Plan referencing sections;

1.2.4, 3.1.1, 3.1.3, 3.1.5, 3.2.5-6, 3.3.1, 3.3.8, 4.1.1, 4.2.7, 4.3.6, 5.2.8, 5.5.3-4, 7.2.54, 7.2.69-76, 7.2.79-85, 7.5.3-4 and 9, 8.3.10-11, 8.4.12, Definitions pages 169-186, Map 1 and Figure 2
 - (d) internally consistent or in conformity with the City of Vaughan Official Plan 2010 referencing sections:

2.1.3.2, 2.2.3-4, 2.2.3.6, 2.2.4.1, 2.2.4.2-4 (under appeal not in force),

2.2.4.5, 2.2.4.6 (under appeal not in force), 2.2.4.7-11, 2.2.5, Figure 6, 2.2.5.12-14, 3.7.1.2, 3.7.1.6, 4.4.1, 4.4.1-2, 4-7, 4.4.2, 4.4.2.1-3, 5.1.1.1-3, 5.1.2.3, 5.2.1.2, 8.1.1.6-7, 9.2.2.5, 9.2.2.8, 9.2.2.10-1, 10.1.2.1-2, 10.1.3.2, 10.1.2.28-29, 10.1.4, Definitions 315-33, Schedules 1, 1A, 13 Land Use Designations 2010 and 2018

- (e) is it consistent with the Provincial Policy Statement, 2014 (“PPS”) having regard to the following page and section references

Page 1, Paragraph 2, Page 4 Paragraphs 4-5, Page 5 Paragraph 1, 1.1.1-2, 1.1.3.2-4, 1.1.3.6, 1.2.1, 1.2.6.1, 1.3.1, 1.3.2.1, 1.3.2.3-4, 1.4.3 (e), 1.6.1, 1.6.3-4, 1.6.7.1-3, 1.6.7.5, 1.6.8.1-5, 1.6.9.1, 1.7.1, 1.8.1, 3.0, 4.1, 4.2, 4.5, 4.7, 4.9, 4.11, Definitions pp 38-50

3. Is the VOP 2010 appeal by Solmar under subsection 17(40) the appropriate means to consider the Modifications proposed by Solmar to the VOP 2010 having regard to the Official Plan, sections 17(15), (16), (17), (19.3-4), (21-24), (34) and 21 of the Planning Act, and sections 4.1, 4.1.1, 4.1.2, 4.2, 4.2.1, 4.2.3-5 and 4.2.5 of FMC/RAC Guidelines for New Development in Proximity to Railway Operations (2013) amongst other matters?
4. Is the approval of a High Rise Residential designation on the Solmar Lands premature in the absence of a detailed site plan, building envelopes and development phasing plan?
5. Would a designation of the Solmar Lands of “Community Commercial Mixed Use” :
 - (a) Have regard to matters of provincial interest as outlined in sections 2 (h) (l) (o) and (p) of the Planning Act;
 - (b) Be in conformity with the Growth Plan 2017, referencing the policies identified in Issue 2(b);
 - (c) Be in conformity with the Region of York Official Plan, referencing the policies identified in Issue 2(c);
 - (d) Be internally consistent with or in conformity to the City of Vaughan Official Plan 2010, referencing the policies identified in Issue 2(d); and
 - (e) Be consistent with the Provincial Policy Statement, 2014 (“PPS”), referencing the policies identified in Issue 2(e)?

Guidelines

6. Is the MacMillan Rail Yard a Class 3 industrial facility under the D1 and D6 Guidelines of the Ministry of the Environment Conservation and Parks (“MECP”)?

7. How should the D1 and D6 Guidelines of the MECP be applied in assessing the appropriate designation of the Solmar Lands in the VOP 2010 in the context of the York Region Official Plan, the Growth Plan and the Provincial Policy Statement? What is the appropriate standard against which the D1 and D6 Guidelines should be applied (ie. regard to, consistency, conformity, etc.)?
8. How should The Federation of Canadian Municipalities (**FCM**) /Railway Association of Canada Guidelines for New Development In Proximity to Railway Operations (2013) be applied in assessing and evaluating the appropriate designation of the Solmar lands? What is the appropriate standard against which the FCM Guidelines should be applied (ie. regard to, consistency, conformity, etc.)?
 - (a) Do the High Rise Residential designation and Modifications proposed for the Solmar Lands meet the standard set out in Issue 8 in respect of the FCM Guidelines referencing the following sections and page references:

Page 1 Paragraph 4, Page 6 Paragraphs 1 and 4, Sections 1.1 and 1.4.1, Page 16 Paragraph 2, Page 18, Paragraphs 4 and 5, Sections 2.2, 2.3 and 2.4, 3, 3.3.1, 3.4, 3.4.1-3, 3.4.1.3, 3.4.1.5, 3.4.1.7-8, 3.5,3.5.1, 3.6, 3.6.1.1, 3.7.1, 4.1, 4.1.1 4.1.2, 4.2, 4.2.1-5 and 8, 4.2.5, 4.2.8, 4.3, Appendix AA.1
 - (b) Would a designation of “Community Commercial Mixed Use” for the lands meet the standard set out in Issue 8 in respect of the FCM Guidelines referencing the following sections and page references:

Page 1 Paragraph 4, Page 6 Paragraphs 1 and 4, Sections 1.1 and 1.4.1, Page 16 Paragraph 2, Page 18, Paragraphs 4 and 5, Sections 2.2, 2.3 and 2.4 , 3, 3.3.1 , 3.4 , 3.4.1-3, 3.4.1.3, 3.4.1.5, 3.4.1.7-8, 3.5,3.5.1, 3.6, 3.6.1.1, 3.7.1, 4.1, 4.1.1 4.1.2, 4.2, 4.2.1-5 and 8, 4.2.5, 4.2.8, 4.3, Appendix AA.1
9. Do the requirements of the PPS require a planning authority in assessing a new sensitive land use in the vicinity of rail facilities and major goods movement facilities to protect for the ultimate capacity of that rail facility and major goods movement facility in an ultimate configuration?
10. Should the assessment of the environmental impacts of major infrastructure such as the MacMillan Rail Yard on a proposed sensitive land use be based on an assessment of the “predictable worst case noise impact” or should it include the impact of complete utilization of the facilities’ capacity in an ultimate configuration?

11. If the ultimate configuration is to be used, what are the assumptions that should be used to model the complete utilization of the MacMillan Yard's capacity in an ultimate configuration in assessing environmental impacts from the MacMillan Yard and its pull back track on proposed adjacent sensitive land uses?
12. If the predictable worst case scenario is to be used, what assumptions should be used for the MacMillan Yard and its pull back track?
13. Have the predictable worst case assumptions for the MacMillan Yard and its pull back track changed between the Jane Ruth OMB hearing in 2003-4 and the present time and in what ways?
14. What is the appropriate setback distance for residential and other sensitive land uses from the MacMillan Rail Yard in the location of the Solmar Lands considering:
 - (a) The D1 and D6 Guidelines;
 - (b) The Federation of Canadian Municipalities (**FCM**) /Railway Association of Canada Guidelines for New Development In Proximity to Railway Operations (2013);
 - (c) Environmental impacts from the MacMillan Rail Yard including rail noise and vibration, diesel odour and air emissions;
 - (d) Rail safety considerations including the consequences of a possible derailment;
 - (e) Trespass concerns;
 - (f) complete utilization of the MacMillan Yard's capacity in an ultimate configuration;
 - (g) current predictable worst case assumptions;
 - (h) the current in-force OPA 626 and Zoning By-law 1246; and
 - (i) the existing residential high rise towers to the south and any potential impacts to them?
15. What regard should be given to the 2004-5 OMB Jane Ruth Decisions in assessing the proposed Modifications before the Tribunal and the Board's finding in those decision(s) that a 150m minimum setback for residential uses from the Macmillan Yard was appropriate?

16. Should the Solmar Lands be classified as Class 4 Area under MECP Guideline NPC 300, considering amongst other matters:
 - (a) The provisions of NPC 300
 - (b) the City of Vaughan Noise Bylaw 062-2018;
 - (c) that the MacMillan Yard is a federally regulated undertaking operating without an Environmental Compliance Approval issued under the *Environmental Protection Act*;
 - (d) protection of Canadian National Railway from complaints from future residential occupants of the Solmar Lands concerning the MacMillan Rail Yard operations to the Canadian Transportation Agency made pursuant to section 95.1 and 95.3 of the *Canada Transportation Act* (S.C. 1996, c. 10);
 - (e) CN has not consented to the Class 4 classification;
 - (f) Existing residential development west of Jane Street was assessed pursuant to Class 1 Area standards; and
 - (g) The existing residential development immediately to the south of the Solmar Lands was assessed pursuant to Class 1 Area standards;
17. In assessing the acoustical impacts of a federally regulated undertaking such as the MacMillan Rail yard should sensitive development on the adjacent Solmar Lands be assessed acoustically as Class I under the NPC Guideline 300 for determining noise level limits and noise mitigation even if the City of Vaughan purports to classify the Solmar Lands as Class 4 under NPC Guideline 300?
18. Has it been demonstrated that the residential development of the Solmar Lands proposed in the Modifications is acoustically feasible based on a Class 4 classification under NPC 300?
19. Is the use of enclosed noise buffers in a residential development on the Solmar Lands to mitigate noise from the MacMillan Yard appropriate, effective and capable of being implemented and maintained? If the answer is no, is residential development of the Solmar Lands acoustically feasible without the use of enclosed noise buffers?
20. If the answer to Issue 16 is no, should the Solmar Lands instead be assessed as Class I under NPC 300?

21. Has it been demonstrated that the residential development of the Solmar Lands proposed in the Modifications is acoustically feasible based on a Class 1 Area classification utilizing the mitigation permitted under the NPC 300 Guideline?
22. If development of sensitive land uses is feasible and good planning, should any agreements under NPC 300, environmental easements and agreements under the Industrial Mining and Lands Compensation Act be required for the residential development of the Solmar Lands? If so, do the Modifications adequately provide for such agreements? What is the legal mechanism for registering such agreements under NPC 300 against title to the Solmar lands, do they create an interest in land and are they legally enforceable?

General

23. Is residential development or other sensitive uses on the Solmar Lands proposed in the Modifications compatible with the operation of the adjacent MacMillan Yard and good planning?
24. If residential development is feasible on all or a portion of the Solmar Lands what policies should be contained in the Official Plan to ensure the implementation and maintenance of any necessary on-site receptor mitigation and phasing to address any environmental and land use impacts?
25. What is the appropriate wording of the proposed Modifications to the VOP 2010 in the event the High Rise Residential designation is found to be feasible and good planning?

Grading, Storm water and Site Management

26. Can High Rise Residential development be implemented on the Solmar Lands such that post development flow rates do not exceed the pre-development rates, including the duration of the flow, and there are no negative impacts to the CN MacMillan Rail Yard with respect to drainage?
27. Is there sufficient space on the Solmar Lands for snow storage if developed with High Rise Residential uses?

Air Quality

28. Should the assessment of the impact of air emissions from the CN Diesel-Electric Locomotives on residential development of the Solmar Lands be based on current air emissions levels within the MacMillan Yard and its pull back track in proximity to the Solmar Lands or future levels at full capacity in an ultimate configuration? What are the respective levels?

29. Can any adverse impacts of diesel emissions based on either current or future full capacity levels be adequately mitigated such that residential development on the Solmar Lands is feasible from an odour and air quality perspective?

SCHEDULE 4

Local Planning Appeal Tribunal *Tribunal d'appel de l'aménagement local*

PROCEEDING COMMENCED UNDER 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 for York for the City of Vaughan
Municipality:	City of Vaughan
L.P.A.T. Case No.:	PL111184
L.P.A.T. File No.:	PL111184

PROCEDURAL ORDER

APPEAL NO. 151: BLOCK 42 LANDOWNERS GROUP INC. APPEAL NO. 57: MCN (PINE VALLEY) INC.

The Tribunal Orders that:

1. The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

2. A Prehearing Conference was held on **March 6, 2019** at **10:00 a.m.** at **Vaughan City Hall, 2141 Major Mackenzie Drive West, Multi-Purpose Room** in the City of Vaughan.
3. The Hearing will begin on **August 4, 2020** at **10:00 a.m.** at **Hearing Room, Vaughan City Hall** in the City of Vaughan. No further notice shall be required.
4. The length of the Hearing will be **9 days**. The length of the Hearing may be shortened as issues are resolved or settlement is achieved.
5. The Parties and Participants identified at the Prehearing Conference for this site-specific appeal are listed in **Attachment 1** to this Order.
6. The Issues are set out in the Issues List attached as **Attachment 2**. Changes to the Issues List are permitted until **May 10, 2019**, after which there will be no

changes to the Issues List unless the Tribunal permits. A Party who asks for changes after that date may have costs awarded against it. If any Party objects to the issues set out in the Procedural Order (once issued), a Motion may be brought to determine the appropriateness of the issue, returnable on a date to be provided following consultation with the Tribunal. The Motion hearing, if required, may be held by way of telephone conference call.

7. The Order of Evidence at the Hearing shall be as set out in **Attachment 3**. The Tribunal may limit the amount of time allocated for opening statements, direct evidence (including the qualification of witnesses), cross examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Tribunal.

Requirements Before the Hearing

8. All Parties (or their representatives) and Participants shall provide a mailing address, e-mail address, and a telephone number to the Tribunal as soon as possible. Any Party who retains a representative (legal counsel or agent) subsequent to the Prehearing Conference must advise the other Parties and the Tribunal of the representative's name, mailing address, e-mail address and phone number as soon as possible.
9. A Party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other Parties a List of the witnesses and the order in which they will be called. This List must be delivered on or before **April 6, 2020**. For expert witnesses, a Party must include a copy of the witness's *Curriculum Vitae* and the area of expertise in which the witness is proposed to be qualified.
10. An expert witness shall prepare an Expert Witness Statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the Hearing. Copies of this must be provided as in Section 13. Instead of a Witness Statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony.
11. Expert witnesses in the same field shall have a meeting before the Hearing to try to resolve or reduce the issues for the Hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the Hearing, and provide this list to all of the Parties and the City Clerk.

12. Expert witnesses who are under summons but not paid to produce a report do not have to file an Expert Witness Statement, but the Party calling them must file a brief outline of the expert's evidence, as in Section 13.
13. On or before **June 5, 2020**, the Parties shall provide copies of their Written Evidence, Expert Witness Statements and Witness Statements to the other Parties.
14. A Participant must provide to the Tribunal and the Parties a Participant Statement on or before **June 5, 2020**, or the Participant may not give oral evidence at the hearing.
15. Parties may provide to all other Parties and file with the Clerk a written Reply to any Written Evidence, provided that such Reply is circulated to all other Parties on or before **July 6, 2020**.
16. A person wishing to change Written Evidence, including Expert Witness Statements and Witness Statements, must make a written Motion to the Tribunal in accordance with the Tribunal's Rules.
17. On or before **July 20, 2020**, the Parties shall provide copies of their Visual Evidence to all of the other Parties. If a model will be used, all Parties must have a reasonable opportunity to view it before the Hearing.
18. A Party who provides a witness's Written Evidence to the other Parties must have the witness attend the Hearing to give oral evidence, unless the Party notifies the Tribunal at least **7** days before the Hearing that the Written Evidence is not part of their record.
19. Documents may be delivered by personal delivery, e-mail, facsimile or registered or certified mail, or otherwise as the Tribunal may direct. The delivery of documents by fax shall be governed by the Tribunal's Rule 7 on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
20. No adjournments or delays will be granted before or during the Hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

This Member is **[not]** seized.

So Orders the Tribunal.

BEFORE:

) **Date:**
)
)

TRIBUNAL REGISTRAR

DEFINITIONS

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of Written Evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a Party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a Party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the Party.

NOTE that a person who wishes to become a Party before or at the Hearing, and who did not request this at the Prehearing Conference, must ask the Tribunal to permit this.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Tribunal on all or some of the issues in the Hearing. Such persons may also be identified at the start of the hearing. The Tribunal will set the time for Hearing this statement.

NOTE that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as Parties can. If a Participant does not attend the hearing and only files a Written Statement, the Tribunal will not give it the same attention or weight as submissions made orally. The reason is that Parties cannot ask further questions of a person if they merely file material and do not attend.

Written and Visual Evidence: **Written Evidence** includes all written material, reports, studies, documents, letters and Witness Statements which a Party or Participant intends to present as evidence at the Hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual Evidence** includes photographs, maps, videos, models, and overlays which a Party or Participant intends to present as evidence at the Hearing.

Witness Statements: A **Witness Statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the Hearing. An **Expert Witness Statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the Hearing. A **Participant Statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the Hearing.

Summons: A Party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons. This request must be made before the time that the list of witnesses is provided to the Tribunal and the Parties. (See Rule 13 on the summons procedure.) If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the Hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Tribunal;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness;

or another order of examination mutually agreed among the parties or directed by the Tribunal.

SUMMARY OF KEY DATES

Date	Hearing Event
March 6, 2019	Prehearing Conference
April 6, 2020	Exchange of List of Witnesses and the order in which they will be called
June 5, 2020	Exchange of Expert Witness Statements/reports, evidence outlines for witnesses under summons
July 6, 2020	Exchange of Reply Witness Statements/evidence
July 20, 2020	Exchange of Visual Evidence
July 28, 2020	Notification to Tribunal and Parties if witness not to provide oral evidence
August 4, 2020	Hearing (if required)

ATTACHMENT 1

Parties

BLOCK 42 LANDOWNERS GROUP INC.

Davies Howe LLP
425 Adelaide Street West, 10th Floor
Toronto, ON M5V 3C1

Michael Melling

T: 416.263.4515
F: 416.977.8931
E: *michaelm@davieshowe.com*

Nadia Kadri

T: 416.263.4510
F: 416.977.8931
E: *nadiak@davieshowe.com*

MCN (PINE VALLEY) INC.

Loopstra Nixon LLP
135 Queens Plate Drive, Suite 600
Toronto, ON M9W 6V7

Quinto M. Annibale

T: 416.748.4757
F: 416.746.8319
E: *qannibale@loonix.com*

Steven C. Ferri

T: 416.748.4752
F: 416.746.8319
E: *sferri@loonix.com*

TORONTO AND REGION CONSERVATION AUTHORITY

Gardiner Roberts LLP
Bay Adelaide Centre – East Tower
22 Adelaide Street West, Suite 3600
Toronto, ON M5H 4E3

Jonathan H. Wigley

T: 416.865.6600
F: 416.865.6636
E: *jwigley@grllp.com*

THE CORPORATION OF THE CITY OF VAUGHAN

Weirfoulds LLP
4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Bruce Engell

T: 416.947.5081
F: 416.365.1876
E: *bengell@weirfoulds.com*

City of Vaughan
Office of the City Solicitor
2141 Major Mackenzie Dr.,
Vaughan, ON L6A 1T1

Effie Lidakis

T: 905.874.2626
F: 905.832.6130
E: *effie.lidakis@vaughan.ca*

ATTACHMENT 2

Issues List

1. Do the following Vaughan Official Plan 2010 (“VOP”) Policies and Schedule,

Policy 3.2.2	Policy 3.2.3 (preamble)
Policy 3.2.3.1 (a), (b), (c) and (d)	Policy 3.2.3.2
Policy 3.2.3.3	Policy 3.2.3.4
Policy 3.2.3.8	Policy 3.2.3.13
Policy 3.2.3.14	Policy 3.2.3.15
Policy 3.3.4.3	Policy 3.3.5.5
Policy 3.9	Schedule 2

- a) properly have regard to matters of provincial interest identified in s. 2 of the *Planning Act*, specifically ss. 2(a), (c), (h), (m), and (p)?
 - b) achieve consistency with the *Provincial Policy Statement (2014)*, specifically with respect to ss. 2.1 and 2.2?
 - c) conform with the *Greenbelt Plan (2017)*, specifically with respect to s. 3.2?
 - d) conform with the *Growth Plan for the Greater Golden Horseshoe (2017)*, specifically with respect to ss. 4.2.1 to 4.2.4?
 - e) conform with the Regional Municipality of York Official Plan, specifically with respect to ss. 2.1, 2.2, 2.3, and 6.1?
2. Do the VOP policies identified under Issue 1 provide sufficient clarity and certainty to achieve Provincial and Regional policy objectives?
 3. Does the mapping in Schedule 2 properly achieve Provincial, Regional, and City policy objectives?
 4. Is the mapping in Schedule 2 accurate?
 5. Is the proposed “Unapproved” designation in Schedule 2 sufficiently clear and certain to achieve Provincial, Regional, and City policy objectives?

Note: The identification of an issue on this list does not mean that all Parties agree that the issue, or the manner in which it is expressed, is appropriate for or relevant to the proper

determination of the appeals. The extent of the appropriateness and/or relevance of the issue may be a matter of evidence and/or argument at the Hearing.

Any Party may call or not call evidence on any issue; however, no Party is obligated to call evidence on any particular issue or every issue. A withdrawal of an issue by any Party which first raised it, or withdrawal of a Party from the Hearing, does not remove the Party's issue(s) from this list unless otherwise agreed among the Parties, or determined by the presiding Member. A withdrawal shall not be used for the purposes of attempting to adjourn the Hearing or change procedural Order dates.

ATTACHMENT 3

Order of Evidence

1. Block 42 Landowners Group Inc.
2. MCN (Pine Valley) Inc.
3. Toronto and Region Conservation Authority
4. City of Vaughan
5. Reply by Block 42 Landowners Group Inc.