

ISSUE DATE:

February 27, 2013



PL111184

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

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

APPEARANCES:

Parties

Counsel*/Agent

See Attachment 1 for Parties.

MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING AND RICHARD MAKUCH ON FEBRUARY 5, 2013 AND ORDER OF THE BOARD

[1] This is the second pre-hearing conference (“PHC”) of these proceedings. Attachment 1 provides the list of parties and their representatives that were in attendance at this PHC. Attachment 2 contains an updated list of appellants, parties who are not appellants, and participants.

[2] The City of Vaughan (“City”) provided a status update with respect to the appellants, non-appellant parties, and participants’ submissions to the City as it relates to the scoping of its appeals and related submissions. Claudia Storto, counsel for the City advised that not all appellants/parties have submitted or only partially submitted its scoped submissions to the City. The Board directs that all appellants/parties contact Ms. Storto to verify that their submissions are complete. The City recommended certain

timelines for the receipt, review and compilation of these submissions. The Board adopts these timelines as follows:

1. Appellants/Parties are to identify their interests and positions to the City no later than February 19, 2013.
2. City will compile and circulate this information by February 26, 2013.
3. Any concerns regarding the status of any non-appellant party be communicated to the City in writing by March 5, 2013.

[3] Ms. Storto advised that additional requests have been made by a number of entities for either party or participant status at these proceedings. These requests will be dealt with at the next PHC.

[4] Michael Melling advised that his client, the Vaughan 400 North Landowners Group Inc. has requested a change to its current participant status to party. The City wants an opportunity to review this request and will make its concerns known (if any) at the next PHC. The Board will review its status at the next PHC.

[5] Both Ira Kagan and Barry Horosko advised the Board that they represent a number of appellants at these proceedings and wanted assurance that those non-appellant parties (either confirmed or yet to be confirmed by the Board) state their positions clearly. Particularly, whether they are challenging or supporting the Vaughan Official Plan (OP) under appeal. If they are challenging certain portions of the OP then which appeals are they sheltering under? The Board directs that those non-appellant parties state their positions including which appeals they have concern with in writing to the City.

[6] The City advised that a number of appellants whose appeals relate to the West Vaughan Employment Secondary Plan have expressed a desire for board led mediation. The City is also requesting mediation with respect to these appeals and also advised that going forward they may be requesting mediation for other appeals of its OP. There are currently 112 appeals of the 2010 Vaughan OP. The Board encourages mediation as a mechanism for resolving issues/concerns and directs that those appellants interested in mediation contact the Board's case coordinator (Mr. Ryan Co) forthwith.

[7] James Harbell, counsel for Bentall Kennedy (Canada) LP has by motion requested party status for his client. The City advised that they are in discussions with Mr. Harbell and requests that this matter be dealt with at the next PHC. Mr. Harbell did not object. The Board will address this motion at the next PHC.

[8] Steven Zakem, counsel for the appellants, Granite and Magna, advised that the motion for consolidation has been put off at this time. On behalf of the moving parties (Granite, Magna and CN), he is requesting that should the motion be brought back, that only those entities requesting future motion materials be served. All parties have been advised of Mr. Zakem's request. The Board considered and granted this request.

[9] The next PHC is set down for May 28, 2013, commencing at 10 a.m. The venue is to be determined by the City. The City will inform the parties and participants of the venue by e-mail. No further notice of the next PHC is required.

[10] This panel of the Board will continue with the case management of these appeals.

"Jason Chee-Hing"

JASON CHEE-HING
MEMBER

"Richard Makuch"

RICHARD MAKUCH
MEMBER

ATTACHMENT 1

<u>Appellants</u>	<u>Appeal No.</u>	<u>Representative</u>
1042710 Ontario Ltd.	1	Patricia A. Foran
Briardown Estates Inc.	33	Patrick Harrington
Amar Transport Inc.	81	
Highway 7 Langstaff GP Ltd.	2	Kim Beckman & Susan Rosenthal
Highway 7 Langstaff GP Ltd.	22	
Longyard Properties Inc.	23	
Solmar Inc.	3	Michael Melling & Raj Kehar
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 41-28E Developments Limited, Block 41-28W Developments Ltd., 1212765 Ontario Ltd., and 1212763 Ontario Ltd.	35	Ira T. Kagan
7040 Yonge Holdings Ltd., and 72 Steeles Holdings Ltd.	38	
2 Steeles Avenue West Ltd.	39	
Auto Complex Ltd.	40	
Castlepoint Huntington Ltd.	49	
Salz & Son Ltd.	51	
Haulover Investments Ltd.	7	Jeffrey Streisfield
David and Kathy Lundell	42	
Baif Developments Limited	8	Roslyn Houser, Michael Stewart & Jennifer Drake
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	
TDL Group Corp.	11	Michael S. Polowin
McDonald's Restaurants of Canada Ltd.	12	
A&W Food Services of Canada Inc.	13	
Wendy's Restaurants of Canada Inc.	14	
Ontario Restaurant Hotel & Motel Association	15	

West Rutherford Properties Ltd.	16	Bruce C. Ketcheson
Ozner Corporation	17	
836115 Ontario Inc.	18	Barry Horosko & Caterina Facciolo
1191621 Ontario Inc.	19	
Granite Real Estate Inc. (formerly MI)	20	
1834375 Ontario Ltd.	29	
1834371 Ontario Ltd.	30	
Delisle Properties Ltd.	34	
1541677 Ontario Inc.	43	
Novagal Development Inc.	52	
2159645 Ontario Ltd. (Liberty)	56	
Kau and Associates L.P.	74	
Centre Street Properties Inc.	78	
Vogue Investments Ltd.	79	
Nine-Ten West Ltd.	80	
Norstar Building Corporation	103	
Trimax on Islington Avenue	104	
Allegra on Woodstream Inc.	112	
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	
Blackwood Realty Fund I Limited Partnership	24	Jeffrey L. Davies & Aaron I. Platt
Lucia Milani and Rizmi Holdings Ltd.	62	
H&L Title Inc. and Ledbury Investments Ltd.	75	
Roybridge Holdings Ltd., Vaughan West II Ltd., and Squire Ridge Investment Ltd.	26	Susan D. Rogers
Adidas Canada Ltd., 2029832 Ontario Inc., and Conair Consumers Products Inc.	27	
RioCan Holdings Inc. (Coulter's Mills Marketplace)	31	Joel D. Farber
RioCan Holdings Inc.(Springfarm	32	

Marketplace)		
Riotrin Properties (Langstaff) Inc.	36	
SRF Vaughan Property Inc., and SRF Vaughan Property II Inc.		
Riotrin Properties (Vaughan) Inc.,	48	
Riotrin Properties (Vaughan2) Inc., and Riotrin Properties (Vaughan3) Inc.	82	
RioCan Holdings Inc. (Centre Street Corridor)		
Ms. Ronni Rosenberg	37	Amber Stewart
Canadian Petroleum Products Institute Imperial Oil Ltd.	41 71	N. Jane Pepino
Home Depot Holdings Inc. Granite Real Estate Inc., and Magna International Inc.	44 110	Steven A. Zakem
Casertano Development Corporation and Forristal	45	Mary Flynn-Guglietti & Annik
Sandra Mammone		
Danlouton Holdings Ltd.	46	
1529749 Ontario Inc. (the "Torgan Group")	47	
Suncor Energy Products Partnership	54	
1885135 Ontario Ltd.	85	
2157160 Ontario Inc.	99	
Woodbridge Farmers Co. Ltd / 1510904 Ontario Ltd. / 1510905 Ontario Ltd. 1693143 Ontario Inc. / 1693144 Ontario Inc.	100 101	
165 Pine Grove Investments Inc. Smuskowitz	53	Adam J. Brown & Jessica
1525233 Ontario Inc.	97	
Ovriver Holdings Ltd.	98	
Estate of Gladys Smith	58	Robert Miller
2090396 Ontario Ltd.	60	Mark R. Flowers
Arthur Fisch & 1096818 Ontario Inc.	61	
Teefy Developments Inc.	63	Chris Barnett & Alexis Alyea
281187 Ontario Ltd.	64	Gerard C. Borean
L-Star Developments Group	65	
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	
Blue Water Ranch Development Inc. Artenosi	67	Christopher J. Tanzola & Daniel
2058258 Ontario Ltd. (Forest Green Homes)	69	Christopher J. Williams & Andrea Skinner
Royal Group Inc.	70	Robert J. Gray
Ms. Traci Shatz	76	Aynsley L. Anderson
Langvalley Holdings	77	Nicholas T. Macos
United Parcel Service Canada Ltd.	92	Tim Bermingham
Camelot on 7 Inc. and Elia Breda	93	Paul R. Bottos
Weston Downs Ratepayers Association	95	Nadia Magarelli & Rose Savage
Mr. Alex and Mrs. Michelle Marrero	102	Alan Heisey
PERLS Inc.	105	Bruce McMinn
2117969 Ontario Inc.	106	John Alati & Alexander Suriano
Midvale Estates Ltd.	107	
Potestas Properties Inc.	108	

<u>Parties</u>	<u>Party No.</u>	<u>Representative</u>
Region of York	A	Pitman Patterson, Gabriel Szobel & Frank Santaguida
Ministry of Municipal Affairs and Housing	B	Kenneth G. Hare & J. Flynn Paquin
Toronto and Region Conservation Authority	C	June Little
611428 Ontario Ltd.	F	David Bronskill & Nick Staubitz
York Region Catholic District School Board	G	Peter C. Williams & C. Hyde
York Region District School Board	H	Jessica Peake

FCHT Holdings (Ont) Corp	I	Steven A. Zakem
CNR	K	Alan Heisey
Ivanhoe Cambridge Inc.	M	Jeffrey L. Davies
Vaughan 400 Landowners Group Inc.	N	Michael Melling & Raj Kehar
1233389 Ontario Inc. Rutherford & Highway 27	O	Alan Heisey
RioCan Holdings Inc.	Q	Joel Farber

Participants

No.

Representative

Block 27 Landowners' Group	ii	Michael Melling & Raj Kehar
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Other

Representative

Bentall Kennedy (Canada) LP		Patrick Duffy & Maggie Chien
Carmine Marando		
Castlepoint		M. Stevens
Toromont Industries		Michael Miller
St. Marys Cement		Debra Kakaria
Lormel Homes		John Taglieri
Mario Racco		
Kathy Lundell		Jeffrey Streisfield

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John Duca	113	
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1233389 Ontario Inc. Rutherford & Highway 27	O	Alan Heisey
Sustainable Vaughan	P	Stephen Roberts
RioCan Holdings Inc.	Q	Joel Farber

Participants

No.

Representative

City of Brampton	i	Robert Zuech & David Waters
Block 27 Landowners' Group	ii	Michael Melling & Raj Kehar
Americo Ferrari	iv	
Crown Hts Coop Housing	v	Ellen Schacter Inc.

Other

Representative

Carmine Marando		
Castlepoint		M. Stevens
St. Marys Cement		Debra Kakaria
Lormel Homes		John Taglieri
Mario Racco		
Kathy Lundell		Jeffrey Streisfield