

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

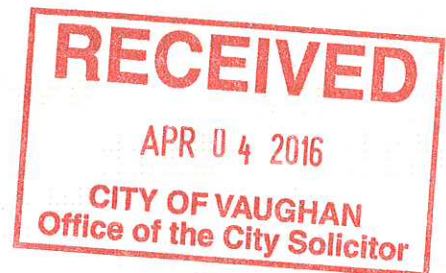


ISSUE DATE: March 31, 2016

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 New Official Plan
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184
OMB Case Name: Duca v. Vaughan (City)



BEFORE:

J. CHEE-HING)
MEMBER)
)
) Thursday, the 31st
)
) day of March 2016

THESE MATTERS having come on for a public hearing and the Board in its Decision issued September 18, 2015, withheld its order pending receipt of a draft order from the City and minor corrections to Schedules 2 and 3 referred to in the affidavit of Ms. Gatzios;

THE BOARD having received the Motion Record of Highway 27 Langstaff GP Limited (“Langstaff GP”) marked as Exhibit 87A and the Response to Motion of the City of Vaughan (the “City”) marked as Exhibit 88A;

AND THE BOARD having heard the submissions of counsel for the City and Langstaff GP relating to the partial approval of Volume 1 of the City of Vaughan Official Plan, 2010 (the “Volume 1 Plan”) and the West Vaughan Employment Area Secondary Plan (the “WVEA Secondary Plan”) as modified and as further described herein and having received the affidavit evidence of Maria Gatzios found in Exhibit 87A and the supplementary oral evidence of Maria Gatzios and Steven Dixon;

THE BOARD ORDERS that

- a) That in accordance with subsection 17(50) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in respect of the Volume 1 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, those portions of the Plan as set out in Schedule “A” attached hereto and forming part of this Order are hereby approved without modification, save and except those policies and land use schedules as they remain under appeal on a site-specific or area-specific basis.
- b) That in accordance with subsection 17(50) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in respect of the WVEA Secondary Plan, as adopted by the City on September 7, 2010 subject to Council modifications on January 29, 2013, and as modified and endorsed by the Region on September 26, 2013, those portions of the WVEA Secondary Plan as set out in Schedule “A” attached hereto and forming part of this Order are hereby approved without modification, save and except those policies and land use schedules as they remain under appeal on a site-specific or area-specific basis.
- c) That in accordance with subsection 17(50) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, Schedules 1 and 13 to the Volume 1 Plan and Schedules 2 and 3 to the WVEA Secondary Plan are hereby modified as attached hereto as Schedule “B” – “E”, inclusive and Schedule 2 – “Natural Heritage Network” is amended in accordance with the modifications shown on Schedules 2 and 3 to the WVEA Secondary Plan, all respecting the natural heritage designations on the lands owned by Langstaff GP, and

as modified are approved, save and except those portions of the Schedules which remain under appeal on a site-specific or area-specific basis, and further that the appeal by Langstaff GP is resolved in full.

- d) That the partial approval of the Volume 1 Plan and the WVEA Secondary Plan shall be strictly without prejudice to, and shall not have the effect of limiting, (a) the rights of a party to seek to modify, delete or add to the unapproved policies, schedule, maps, figures, definitions, tables and associated text in the Volume 1 Plan or the WVEA Secondary Plan, or (b) the jurisdiction of the Board to consider and approve modifications, deletions or additions to the unapproved policies, schedules, maps, figures, definitions, tables and associated text in the Volume 1 Plan and the WVEA Secondary Plan on a general, area-specific or site-specific basis, as the case may be, provided that the parties shall be bound by the commitments made by them to scope their issues to a site-specific or area-specific basis.
- e) That the partial approval ordered herein, is without prejudice to the positions taken by the parties to the appeals of the Volume 1 Plan and the WVEA Secondary Plan, such that if those appeals proceed to a hearing, 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 modifications to the affected policies, schedules, maps, figures, definitions, tables and associated text of the Volume 1 Plan or the WVEA Secondary Plan (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 without modification on the basis that they constitute 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.

- f) That the pending appeals filed in respect of the Volume 1 Plan and the WVEA Secondary Plan shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Board.

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

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

SECRETARY

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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SCHEDULE "A"

Policies and Schedules of Volume 1 to the City of Vaughan Official Plan, 2010 approved without modification on a site-specific basis as they apply to the lands owned by Highway 27 Langstaff GP Limited

- 4.2.1.23
- 5.1.2
- 5.2.3.4.a
- 9.1.2.7.d
- 9.2.2.10
- 9.2.2.11
- 9.2.3.7
- 10.1.1.22
- 10.2.2 definition of "Municipal Comprehensive Review"
- Schedule 9

Policies of the West Vaughan Employment Area Secondary Plan approved without modification on a site-specific basis as they apply to the lands owned by Highway 27 Langstaff GP Limited

- 2.5.3

Schedules of Volume 1 to the City of Vaughan Official Plan, 2010 approved with modification in accordance with the Decision and Order on a site-specific basis as they apply to the lands owned by Highway 27 Langstaff GP Limited

- Schedule 1
- Schedule 2
- Schedule 13

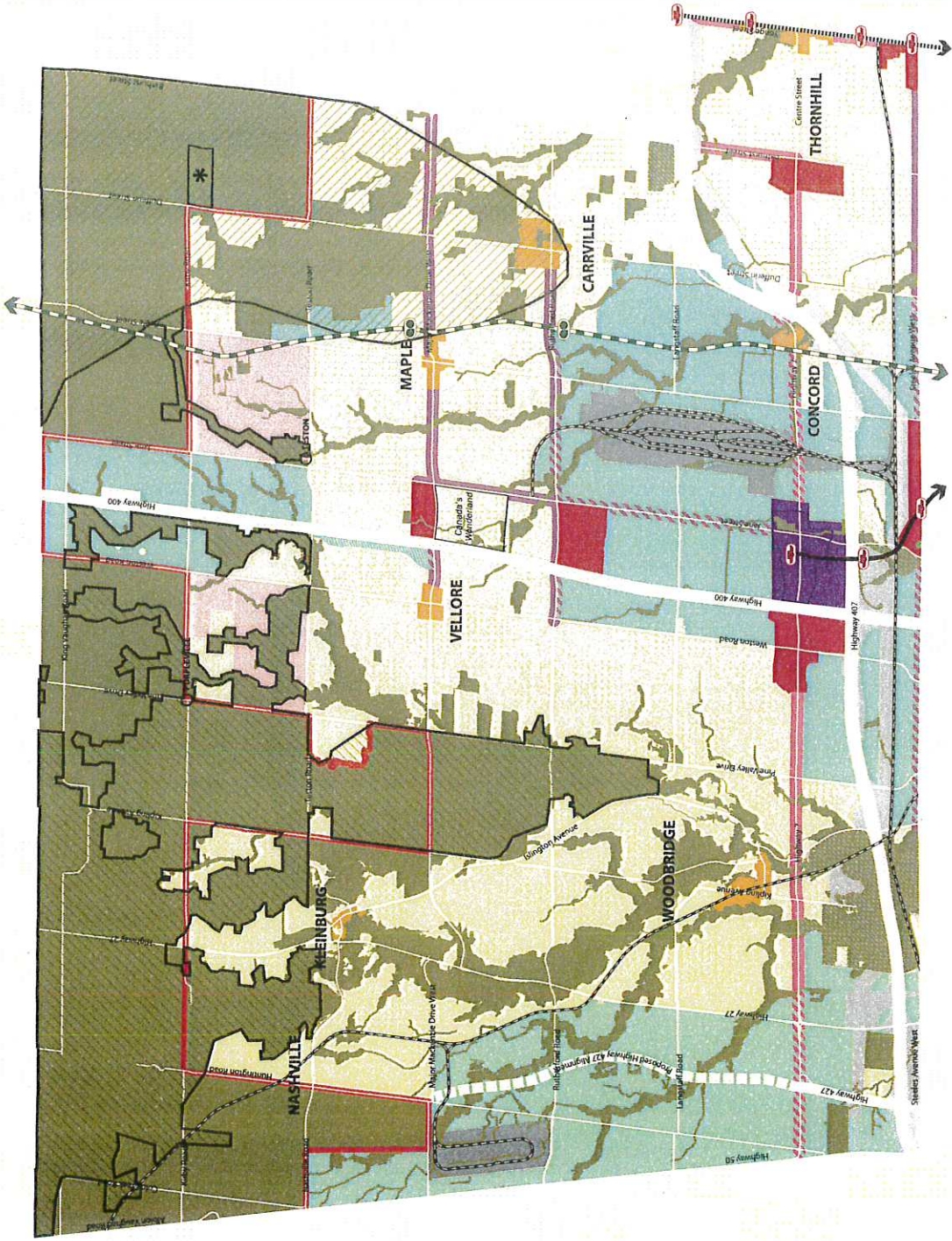
Schedules of the West Vaughan Employment Area Secondary Plan approved with modification in accordance with the Decision and Order on a site-specific basis as they apply to the lands owned by Highway 27 Langstaff GP Limited

- WVEA Secondary Plan Schedule 2
- WVEA Secondary Plan Schedule 3

SCHEDULE 1

Urban Structure

- Urban Boundary
- Urban Growth Centre Boundary
- Stable Areas**
 - Natural Areas and Countryside
 - Community Areas
 - New Community Areas
 - Employment Areas
 - Rail Facilities
- Intensification Areas**
 - Vaughan Metropolitan Centre (Regional Centre)
 - Primary Centres
 - Local Centres
 - Regional Intensification Corridors
 - Regional Intensification Corridors within Employment Areas
 - Primary Intensification Corridors
 - Primary Intensification Corridors within Employment Areas
- Other Features**
 - Parkway Belt West Lands
 - Railway
 - Subway Extension
 - Proposed Subway Extension
 - GO Transit Network
 - Greenbelt Plan Area¹
 - Oak Ridges Moraine Conservation Plan Area¹
 - Urban Growth Centre Boundary
 - Hamlet
 - See Minister's Decision on ORMCP Designation
 - Municipal Boundary



¹ See Schedule 4 for limits and land use information of the Greenbelt Plan Area and Oak Ridges Moraine Conservation Plan Area



