

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 21, 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)

Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

BEFORE:

JASON CHEE-HING)
MEMBER)
)
) Wednesday, the 21st
) day of September, 2016

THIS MATTER having come on for public hearing on August 25, 2016;

AND THE BOARD granted the City's motion for partial approval of the VOP 2010 as it relates to the Portside Developments (Kipling) Inc. (Appeal 116) lands and withheld its Order pending receipt of a draft Board Order reflecting the revisions as directed;

AND THE BOARD having received a draft Board Order reflecting the revisions from the City;

THE BOARD ORDERS that in accordance with the provisions of section 17(50) of the Planning Act, R.S.O. 1990, c. P.13, as amended, (the "Act") Volume 1, Schedules 1, 2 and 13 of the City of Vaughan Official Plan (2010) (the "Plan"), as adopted by the City of Vaughan (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, shall be modified and as modified approved, in respect of the lands subject to the appeal of Appellant 116 (Portside Developments (Kipling) Inc.).

That in accordance with the provisions of section 17(50) of the Planning Act, R.S.O. 1990, c. P.13, as amended, (the "Act") Volume 2, Chapter 13 of the 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 Region on June 28, 2012, shall be modified by adding the site specific policy set out in Schedule "B" attached to and forming part of this Order and that site specific policy is approved.

That the partial approval of the 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 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 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.

That the modification and approval of Schedules 1, 2 and 13 of the Plan, in respect of the lands subject to the appeal of Appellant 116, encompass the natural area boundary adjustments as set out in the Board's Decision of May 6, 2016 on PL130802.

That the modification and approval of Chapter 13 of the Plan, as set out in Schedule "B" attached to and forming part of this Order, encompasses the approvals granted by the Board in its Decision of May 6, 2016 on PL130802 in respect of the lands subject to the appeal of Appellant 116.

That the appeal of the Plan by Appellant 116 is resolved except in respect of Policy 7.3.3 (Parkland Dedication) and Schedule 9 (Roads Schedule) of the Plan, as they relate to the lands subject to Appeal 116.

That the scoping of appeals to a specific site or area is without prejudice to the positions taken by the parties to those appeals so that if those appeals proceed to a subsequent hearing or motion, 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 or area-specific modifications to the affected policies, schedules, maps, figures, definitions, tables and associated text on the mere basis that they deviate from or are inconsistent with such policies, schedules, maps, figures, definitions, tables and associated text on a City-wide basis (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 or areas without modification on the basis that doing so is consistent with the Act, provincial policies, conform to provincial plans and/or constitutes good planning.

That the pending appeals filed in respect of the 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 the connection with the implementation of this Order.

Oya Hurwicks

SECRETARY

If there is an attachment referred to in this document,
please visit www.elfo.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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

Schedule "A"

APPELLANT	APPEAL	REPRESENTATIVE	
1042710 Ontario Ltd.	1	Patricia A. Foran / Patrick Harrington	
Briardown Estates Inc.	33	Patrick Harrington	
Amar Transport Inc.	84		
Highway 27 Langstaff GP Ltd.	2	Susan Rosenthal	
Highway 27 Langstaff GP Ltd.	22		
Longyard Properties Inc.	23		
Solmar Inc.	3	Michael Melling / Meaghan McDermid / Matthew Di Vona	
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 66 West Landowners Group Inc.	125		
Teston Green Landowners Group	149		
Block 42 Landowners Group	151		
Teston Villas Inc.	152	Matthew Di Vona	
2264319 Ontario Inc.	6	Ira T. Kagan	
Block 41-28E Developments Limited, Block 41-28W Developments Ltd., 1212765 Ontario Inc. and 1213763 Ontario Ltd.	35		
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		
Monarch Castlepoint Kipling North & South	154		
Queen's Quay Avante Limited	155		
Haulover Investments Ltd.	7		Jeffrey Streisfield
David and Kathy Lundell	42		

Portside Developments (Kipling) Inc.	116	
Mario Tedesco	117	
York Region Condominium Corporation 730	137	Reza Fakhim / Ali Shojaat / Domenica Perruzza
Baif Developments Limited	8	Roslyn Houser / Michael Stewart / Joseph Hoffman
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	
LTF Real Estate Company, Canada Inc. ("Life Time")	134	
TDL Group Corp.	11	Michael S. Polowin / Denise Baker
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	
Ozner Corporation	17	Bruce C. Ketcheson
836115 Ontario Inc.	18	Barry Horosko
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	
2159645 Ontario Ltd. (Liberty)	56	
Centre Street Properties Inc.	78	
Vogue Investments Ltd.	79	
Cedarbrook Residential	103	
Allegra on Woodstream Inc.	112	
588701 Ontario Limited	124	
2128475 Ontario Corp.	146	
1930328 Ontario Inc.	147	
Novagal Development Inc.	52	
Nine-Ten West Limited	80	

Caldari Land Development Corporation	150	
Hollywood Princess Convention and Banquet Centre Ltd.	50	Quinto M. Annibale / Steven Ferri
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	
Maple Industrial Landowners Group	118	
Blue Sky Entertainment Corp.	126	
Holcim (Canada) Inc.	129	
2203012 Ontario Limited	130	
Blair Building Materials Inc.	131	
10350 Pine Valley	163	
Blackwood Realty Fund I Limited Partnership	24	John Alati / Matthew Di Vona / Susan Rosenthal
Lucia Milani and Rizmi Holdings Ltd.	62	
Ivanhoe Cambridge II Inc.	142	
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	
John Duca	113	
RioCan Holdings Inc. (Coulter's Mills Marketplace)	31	Joel D. Farber
RioCan Holdings Inc. (Springfarm Marketplace)	32	
Riotrin Properties (Langstaff) Inc., SRF Vaughan Property Inc., and SRF Vaughan Property II Inc.	36	
Riotrin Properties (Vaughan) Inc., Riotrin Properties (Vaughan2) Inc. and Riotrin Properties (Vaughan3) Inc.	48	
RioCan Holdings Inc. (Centre Street Corridor)	82	
1306497 Ontario Inc. (Sisley Honda)	133	
Ms. Ronni Rosenberg	37	Amber Stewart
Canadian Fuels Association	41	N. Jane Pepino
Imperial Oil Ltd.	71	
Home Depot Holdings Inc.	44	Steven A. Zakem
Granite Real Estate Inc. and Magna International Inc.	110	
350 Creditstone Investments	143	

Lorwood Holdings Incorporated	158	
Casertano Development Corporation and Sandra Mammone	45	Mary Flynn-Guglietti / Annik Forristal
Danlauton Holdings Ltd.	46	
1529749 Ontario Inc. (the "Torgan Group")	47	
Suncor Energy Products Partnership	54	
GST Canada Co.	85	
2157160 Ontario Inc.	99	
Woodbridge Farmers Co. Ltd., 1510904 Ontario Ltd., and 1510905 Ontario Ltd.	100	
1693143 Ontario Inc. and 1693144 Ontario Inc.	101	
Antonia & Bertilla Taurasi	138	
390 Steeles West Holdings Inc.	153	
398 Steeles Avenue West Inc.	160	
165 Pine Grove Investments Inc.	53	Adam J. Brown / Jessica Smuskowitz
1525233 Ontario Inc.	97	
Overriver Holdings Ltd.	98	
Estates of Gladys Smith	58	Robert Miller
Palmerston Properties Limited	122	
York Condominium Corporation 499	139	
2090396 Ontario Ltd.	60	Mark R. Flowers
H&L Title Inc. & Ledbury Investments Ltd.	75	
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	
1034933 Ontario Ltd.	120	
Luigi Bros. Paving Company Ltd.	128	
Concetta Marciano	135	

Pro Catering Ltd.	136	
Michael Termini, Salvatore Termini and Rosa Bancheri	145	
Blue Water Ranch Developments Inc.	67	Daniel Artenosi / Christopher J. Tanzola / Kelly Oksenberg
Berkley Commercial (Jane) Inc.	119	
Teresa Marando	123	
FCF Old Market Lane 2013 Inc.	140	
Liberata D'Aversa	148	
8188 Master Holding Inc.	157	
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
K & K Holdings Limited	132	
Anland Developments Inc.	83	Laura Bisset
United Parcel Service Canada Ltd.	92	Tim Bermingham
Camelot on 7 Inc. and Elia Breda	93	Paul R. Bottos
Weston Downs Ratepayers Association	95	Anthony Francescucci
Mr. Alex Marrero	102	Alex Marrero
Tien De Religion Lands	141	Alan Heisey
TDC Medical Properties Inc.	105	Stephen D'Agostino
2117969 Ontario Inc.	106	John Alati & Matthew Di Vona
Midvale Estates Ltd.	107	
Potestas Properties Inc.	108	
Covenant Chapel	115	
Bentall Kennedy (Canada) LP	111	James Harbell / Patrick Duffy / Maggie Bassani
Toromont Industries Ltd.	114	Michael Miller / Alexandra Schwarz
Monica Murad	127	Micheal Simaan
Seven 427 Developments Inc.	144	Valeria Maurizio / Johanna Shapira
Kau & Associates LP	74	Caterina Facciolo
Trimax on Islington	104	
Dufferin Vistas Ltd.	21	David Bronskill
Country Wide Homes Woodend Place Inc.	121	
Tan-Mark Holdings Limited & Telast Enterprises Inc.	156	Alexander Burton-Vulovic

2464879 Ontario Inc. and Ultra Towns Inc.	159	Leo Longo
The Ravines of Islington Encore Inc.	161	
Teston Sands Inc.	162	Matthew Di Vona

<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 / Ugo Popadic
Toronto and Region Conservation Authority	C	June Little
PEARLS Inc.	D	Bruce McMinn
UPS Canada	E	Tim Bermingham
611428 Ontario Ltd.	F	David Bronskill / Nick Staubitz
York Region Catholic District School Board	G	Tom McCrae / Christine Hyde
York Region District School Board	H	Gilbert Luk
FCHT Holdings (Ont) Corp	I	Steven A. Zakem
Magna International Inc. and Granite Real Estate Inc.	J	
CNR	K	Alan Heisey
Alex & Michelle Marrero (5859 Rutherford)	L	
Ivanhoe Cambridge Inc.	M	John Alati / Matthew Di Vona
Vaughan 400 North Landowners Group Inc.	N	Michael Melling / Matthew Di Vona
1233389 Ontario Inc.	O	Alan Heisey
Sustainable Vaughan	P	Stephen Roberts
RioCan Holdings Inc.	Q	Joel Farber
Brownridge Ratepayers Association	R	Mario G. Racco
Joseph & Teresa Marando	S	Carmine Marando
Velmar Centre Property Ltd.	T	Michael Melling / Matthew Di Vona
Argo Lumber Inc., Alpa Trusses Inc.	U	Sarah Jane Turney
Roybridge Holdings Ltd., Vaughan West II Ltd. and Squire Ridge Investment Ltd.	V	Susan D. Rogers
Adidas Canada Ltd., 2029832 Ontario Inc. and Conair Consumers Products Inc.	W	Susan D. Rogers
Part of Block 50 Landowners Group	X	Thomas Barlow
Sidney Isenberg (Medallion Fence Ltd.)	Y	Shelly Isenberg
Liberta D'Aversa	Z	Gregory Gryguc

One-Foot Developments Inc.	AA	Sarah Jane Turney
Two Seven Joint Venture Limited	AB	
Anatolia Capital Corp.	AC	
Di Poce Management Limited	AD	
Toromont Industries Ltd.	AE	
John Simone	AF	
Domenic Simone	AG	
Silvia Bellissimo	AH	
Enza Cristello	AI	
Maria Simone	AJ	
Anthony Simone	AK	
Annarita Guida	AL	
Cole Engineering Group Ltd.	AM	
Teresa Marando	AN	Chris Tanzola / Daniel Artenosi
Participants		
	No.	Representative
City of Brampton	i	Roberto Zuech / David Waters
Block 27 Landowners	ii	Michael Melling / Matthew Di Vona
Antonio DiBenedetto	iii	
Americo Ferrari	iv	joseph.jgp@gmail.com
Crown Heights Coop Housing	v	Ellen Schacter Inc.
Maria, Yolanda, Laura, Guiseppe Pandolfo and Cathy Campione	vi	
Brownridge Ratepayers Association	vii	Mario G. Racco
Bellaterra Corporation	Viii	Gerard C. Borean
Mary Mauti and Elisa Testa	ix	Mary Mauti and Elisa Testa
The Village of Woodbridge Ratepayers Association	x	Maria Verna

Schedule “B”

13.XX Kipling Avenue South

13.XX.1 General

13.XX.1.1 The following policies shall apply to the lands identified on Map 13.XX.A.

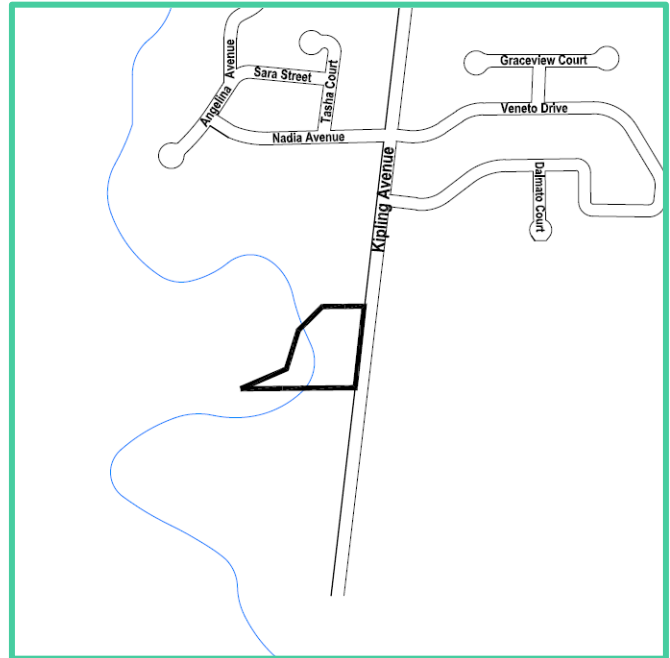
13.XX.1.2 Notwithstanding Policy 9.2.2.1, the lands identified on Map 13.XX.B as “Low-Rise Residential” shall be permitted to develop with a maximum of 43 stacked townhouse units with a maximum building height of 3 storeys and 14.48 metres.

13.XX.2 Natural Areas

13.XX.2.2 The lands designated “Natural Areas” on Map 13.XX.B shall only be used for environmental protection, except as follows:

- a. The lands designated “Natural Areas” and shown on Map 13.XX.B as “6m setback from LTSTOS” may be used for environmental protection, low intensity recreational uses and woodlot management.
- b. The lands designated “Natural Areas (Woodlot)” on Map 13.XX.B and the lands shown as “3m Setback from Woodlot” may be used for environmental protection, low intensity recreational uses (including pedestrian access) and woodlot management.

Map 13.XX.A
Kipling Avenue South



Map 13.XX.B: Kipling Avenue South Land Use Designations

