

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: August 04, 2017

CASE NO(S): PL111184

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

Appellant: 1042710 Ontario Limited (aka Royal Centre)
Appellant: 1096818 Ontario Inc.
Appellant: 11333 Dufferin St et al
Appellant: 1191621 Ontario Inc.; and others
Subject: Failure to announce a decision respecting
Proposed New Official Plan
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184
OMB Case Name: Duca v. Vaughan (City)

Heard: July 12, 2017 in Vaughan, Ontario

APPEARANCES:

Parties

City of Vaughan

Regional Municipality of York

Ministry of Municipal Affairs and
Housing

Haulover Investments Ltd.

2 Steeles Avenue West/Glenwood
Property Management Ltd. (The
Gupta Group)

7040 Yonge Holdings Ltd. and 72
Steeles Holdings Ltd./Auto Complex
Ltd./Salz & Son Ltd.

Counsel

Bruce Engell and Caterina Facciolo

Gabriel Szobel and Bola Ogunmefun

Kenneth Hare and Ugo Popadic (DNA)

Jeffrey Streisfield

Patrick Harrington

Ira Kagan and Sarah Kagan (student-at-law)

1306497 Ontario Inc. (Sisley Honda)	Joel Farber
390 Steeles West Holdings Inc./398 Steeles Avenue West Inc.	Mary Flynn-Guglietti
Tan-Mark Holdings Limited & Telast Enterprises Inc.	Alexander Burton-Vulovic
8188 Master Holding Inc./Investess Development Inc.	Christopher Tanzola

MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN AND S. TOUSAW ON JULY 12, 2017 AND ORDER OF THE BOARD

[1] The matter before the Board relates to appeals made in respect of the City of Vaughan's ("City") Yonge/Steeles Corridor Secondary Plan ("Secondary Plan"). Notice of the pre-hearing conference ("PHC") was given in the Board's previous disposition related to these appeals, issued May 24, 2017.

[2] In advance of the PHC, the City provided a draft Procedural Order ("PO") setting out the various requirements for the conduct and organization of the hearing, originally scheduled to commence in May 2018. For the reasons explained below, the parties have determined (on consent, with one exception) that the issues for the hearing should be phased, resulting in a modification to the start date of the hearing and a subsequent refinement of the issues list.

[3] By way of background, the Secondary Plan area is located in the south eastern corner of the City, bordered by the City of Markham to the east and the City of Toronto to the south. The study area includes a North and South area, shown on Schedule 1 of the Secondary Plan and separated by the Thornhill Heritage Conservation District and the Yonge Street Thornhill Secondary Plan. The overall purpose of the Secondary Plan is to provide a framework for intensification of the Yonge/Steeles corridor. The intent of the Secondary Plan is to implement planning policies to bring the area into conformity with the City's new Official Plan ("VOP", 2010) and the Growth Plan. The policies in the Secondary Plan are designed to address either the introduction of a Bus Rapid Transit service along Yonge Street or the extension of the Yonge Subway to Highway 407.

[4] The Secondary Plan and the policies contained therein have been appealed by several parties and in a draft PO the general issues for the hearing have been identified, including the policies surrounding: the proposed density cap; height and density; parkland and privately owned public space; road network; office priority area; cost sharing; and bonussing. Two of the Appellants (#7 and #157) own land in the North Area of the Secondary Plan, and the remaining Appellants (#'s 38,39,40,51,133,153, 156 and 160) are landowners in the South Area. At the PHC, Counsel proposed to modify the issues list and requested that the initial phase of the hearing deal with all of the issues surrounding the proposed "cap" on residential units (pre-subway, post-subway and should there be a policy with respect to the allocation of either "cap"). The City submitted, supported by the Regional Municipality of York ("Region") that dealing with these issues in the first phase of the hearing would be most efficient, with a second phase of the hearing commencing once a decision on the "cap" issue is determined. Counsel for the various Appellants support this approach, with the exception of Mr. Streisfield who is anxious to proceed with a hearing on the policies related to height and density and built form.

[5] The Board accepts the phased approach recommended by the City and supported by the Region. The Secondary Plan contemplates a certain amount of residential development. The Region has undertaken a transportation study and has identified certain "caps" on the number of residential units available to the various landowners, pre-subway and post-subway. With the exception of Mr. Streisfield's client, the parties' position was that the "cap" has to be resolved prior to proceeding with the individual policy issues such as height, density and built form so that there is some clarity around the number of residential units available for development. If one party proceeds on height and density in the absence of clarity with respect to the "cap" then residential units from the overall number of units available could be allocated prematurely. Given several parties are seeking greater density, the appeals in respect of the policies regarding height, density and built form should be addressed together, after the issues raised in respect of the "cap" on the number of residential units across the Secondary Plan areas is addressed.

[6] At the request of the City and with the consent of the parties who attended the hearing, the next pre-hearing conference is scheduled to commence **at 10 a.m. on Thursday, November 23, 2017 at:**

**City of Vaughan,
Municipal Building, Multi-Purpose Room,
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1**

A draft Procedural Order should be filed in advance of the pre-hearing, including the issues for the hearing. Counsel should be prepared to address the number of witnesses they intend to call and where possible, the parties should consider joint-retainers to avoid duplication of evidence. There will be no further notice of the PHC. Motions, if any, shall be made in accordance with the Board's *Rules of Practice and Procedure*. Counsel may address the timing of the Phase 2 hearing at the PHC.

[7] The Phase 1 hearing is now scheduled to commence **at 10 a.m. on Monday, June 11, 2018, for a period of four (4) weeks**. There shall be no further notice and the hearing will be held at the City of Vaughan. The City will book appropriate space for the hearing. In the event the parties believe mediation could assist, a request for a Mediation Assessment should be made to the Case Coordinator.

"J. de P. Seaborn"

J. de P. SEABORN
VICE-CHAIR

"S. Tousaw"

S. TOUSAW
MEMBER

If there is an attachment referred to in this document,
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Ontario Municipal Board

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