

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



**ISSUE DATE:** September 23, 2020

**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<br>Proposed New Official Plan |
| Municipality:  | City of Vaughan   |
| OMB Case No.:  | PL111184  |
| OMB File No.:  | PL111184  |
| OMB Case Name: | Duca v. Vaughan (City)  |

**Heard:** September 18, 2020 by telephone conference call

**APPEARANCES:**

**Parties**

Associated Vaughan Properties  
Limited

City of Vaughan

City of Toronto

Yonge Steeles Landowners Group

**Counsel**

M. Flynn-Guglietti and K. Sutton

B. Engell and E. Lidakis

R. Kallio

I. Kagan

1163919 Ontario Limited                      A. Heisey  
1888836 Ontario Limited  
1211612 Ontario Limited  
1972380 Ontario Limited  
1219414 Ontario Limited

Yonge and Steeles Developments Inc.    N. Ast

Toys R Us (Canada) Ltd.                      J. Hoffman

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON  
SEPTEMBER 18, 2020 AND ORDER OF THE TRIBUNAL**

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[1] Associated Vaughan Properties Limited (“AVPL”) filed a Notice of Motion seeking Party status in the second phase of the hearing of appeals to the Yonge-Steeles Corridor Secondary Plan (“SP”) under the 2010 Vaughan Official Plan (“VOP”).

[2] Several other landowners within the SP area were added as Parties in the Tribunal’s Decision dated April 28, 2020 from a Pre-Hearing Conference for the VOP. AVPL had indicated its intent at that time to file this motion for Party status.

[3] The City consents to the request and no Responses to the Motion were received from any Party.

[4] Lorelei Jones, Registered Professional Planner, was qualified to provide opinion evidence and reviewed her Affidavit (marked as Exhibit 1) in support of the request for Party status. Ms. Jones explained that AVPL’s property at 330 Steeles Avenue West is part of the commercial area within the SP and shares a street access with the abutting property. The numerous appeals to the SP involve height, density, road locations and parkland requirements, all of which could affect the future development potential of the AVPL property. Ms. Jones opines that AVPL has legitimate planning interests in the outcome of the SP appeal process.

[5] AVPL noted, as contained in its detailed Motion, that its request constitutes reasonable grounds for adding it as a Party under s. 17(44.2)2 of the *Planning Act* (“Act”). AVPL cited the Tribunal’s “obvious factors” for assessing reasonable grounds as established by Vice-Chair S.J. Stefanko in *1137528 Ontario Ltd. v. Oakville (Town) 2010 CarswellOnt 18558*. AVPL added that its counsel and planner already act for two other appellants within the SP area, thereby not adding persons to the mediation and hearing process.

[6] With consent of the appearing Parties and no Responses to Motion received in opposition to the request, the Tribunal granted Party status to AVPL. As the owner of land within the Yonge-Steeles area, AVPL has an obvious interest in the proceedings. Given that certain appeals were lodged against the entire SP, potential modifications to the SP may also affect the AVPL property. Although AVPL did not make submissions to the City before the decision was made to adopt the VOP, the Tribunal finds that reasonable grounds exist for it to be added as a Party to this proceeding. No new appeal is created as AVPL acknowledges that it must shelter under existing appeals.

[7] The Tribunal is satisfied that, as a reasonable test, the six “obvious factors” are met by the following findings: prior appeals are already on file; the involvement of an affected owner is in the public interest; no prejudice results to other Parties; the requestor has a direct interest in the planning instrument; involvement at this stage avoids the owner pursuing relief through alternative legal avenues; and the breadth of the issues and the previous addition of other Parties support this request.

**ORDER**

[8] The Tribunal grants Party status to Associated Vaughan Properties Limited in the second phase of the hearing of appeals to the Yonge-Steeles Corridor Secondary Plan under the 2010 Vaughan Official Plan, pursuant to s. 17(44.2) of the *Planning Act*.

*“S. Tousaw”*

S. TOUSAW  
MEMBER

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**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

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