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January 11, 2016

Committee of the Whole
City of Vaughan
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

C	4
Item #	6
Report No.	2 (cw)
Council - January 19/16	

Attention: Mayor and Members of Council

Dear: Mayor and Members of Council

**Re: OMB Case No. PL111184
Vaughan Official Plan 2010 ("VOP 2010")
Proposed Modifications to Schedule 2 – Natural Heritage Network
Possible Resolution of Appeal of VOP2010 by Rutherford Land Development Corp. ("RLDC")
Caldari Land Development Corporation**

We act as legal counsel to Rutherford Land Development Corporation ("Rutherford") and Caldari Land Development Corporation ("Caldari") regarding the above referenced matter. Rutherford is the owner of significant lands on the south-east corner of Jane Street and Rutherford Road. These lands are in the Vaughan Mills Secondary Plan area and are currently the subject of an Ontario Municipal Board appeal and recently determined upcoming Mediation at the Ontario Municipal Board.

Caldari is the new owner of the lands formerly known as the Stronach Family Trust Lands. These lands are located immediately south of the Rutherford land parcel and immediately east of Tesmar Holdings lands on Jane Street.

We are writing to express comments regarding how the Committee of the Whole should approach these two adjacent parcels of land, in related land ownership, at the Ontario Municipal Board and respectfully suggest that there should be a similar treatment of both land parcels.

The recommendations before Committee address whether a small stand of trees on the Caldari lands and a small row of trees on the Rutherford lands should be added to the Natural Heritage System under the Vaughan Official Plan 2010 where they were not included in the Official Plan that was adopted in 2010. The Report recommends that the Rutherford lands should be deferred by Council as being subject to a site specific Ontario Municipal Board appeal. We support that recommendation for a variety of reasons. This includes the need for a resolution of a number of appeals at the Ontario Municipal Board when Rutherford, Tesmar Development and Magna are concerned. This is subject to an upcoming Ontario Municipal Board Mediation and includes consideration in that discussion of how the Caldari lands should be developed. One issue will be how to treat the stand of trees on the south property line of the Rutherford lands which involves how to treat the adjacent Caldari trees stand. The matters are related and it is anticipated that the Caldari lands will also be subject to an Ontario Municipal Board appeal regarding the Natural Heritage System proposal.

In brief, our request of Committee is that both matters be treated the same and that the recommendations for both sites should be deferred due to outstanding Ontario Municipal Board appeals and considered together.

We have had the opportunity to discuss this matter with staff and they are receptive to this suggestion.

In the circumstances, our request is that Committee defer the Report recommendations regarding the Rutherford and Caldari sites.

Yours truly,

HOROSKO PLANNING LAW

A handwritten signature in black ink, appearing to read 'Barry Horosko', written in a cursive style.

Barry A. Horosko

cc: M. Cortellucci & L. Kot
Rutherford Developments & Caldari Developments
D. Jubb, Vaughan Legal Department