

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



ISSUE DATE: December 01, 2020

CASE NO(S):

PL140839
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(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants (jointly): Casertano Developments Corporation and Sandra Mammone
Appellants (jointly): Limestone Gallery Investments Inc. and Damara Investment Corp.
Appellants (jointly): Granite Real Estate Investment Trust and Magna International Inc.
Appellants (jointly): H & L Title Inc. and Ledbury Investments Ltd.
Appellant: Canadian National Railway
Appellant: Rutherford Land Development Corporation
Appellant: 281187 Ontario Ltd.
Appellant: Anland Developments Inc.
Subject: Proposed Official Plan Amendment No. 2 to the Official Plan for the City of Vaughan (2010)
Municipality: City of Vaughan
OMB Case No.: PL140839
OMB File No.: PL140839

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants (jointly): Casertano Developments Corporation and Sandra Mammone
Appellants (jointly): Limestone Gallery Investments Inc. and Damara Investment Corp.
Appellants (jointly): Granite Real Estate Investment Trust and Magna International Inc.
Appellants (jointly): H & L Title Inc. and Ledbury Investments Ltd.
Appellant: Canadian National Railway

Appellant: Rutherford Land Development Corporation
 Appellant: 281187 Ontario Ltd.
 Appellant: Anland Developments Inc.
 Subject: Proposed Official Plan Amendment No. 2 to the
 Official Plan for the City of Vaughan (2010)
 Municipality: City of Vaughan
 LPAT Case No.: PL140839
 LPAT File No.: PL140839
 LPAT Case Name: Mammone v. Vaughan (City)

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

Appellant: Tesmar Holdings Inc.
 Subject: Failure of Regional Municipality of York to
 announce a decision respecting Proposed Official
 Plan Amendment No. 653
 Municipality: City of Vaughan
 LPAT Case No.: PL070347
 LPAT File No.: O070048
 LPAT Case Name: Tesmar Holdings Inc. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Tesmar Holdings Inc.
 Subject: Application to amend Zoning By-law No. 1-88 –
 Refusal or neglect of City of Vaughan to make a
 decision
 Existing Zoning: Service Commercial (C7) Zone
 Proposed Zoning: Specific Apartment Residential (RA3) Zone
 Purpose: To permit two twenty-eight (28) storey high-rise
 residential condominium buildings
 Property Address/Description: Part of Lot 15, Concession 4
 Municipality: City of Vaughan
 LPAT Case No.: PL070347
 LPAT File No.: PL120974

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject: Site Plan
 Referred by: Tesmar Holdings Inc.

Property Address/Description: Part of Lot 15, Concession 4, Parts 1 to 12 on
Reference Plan 65R-32119
Municipality: City of Vaughan
LPAT Case No.: PL070347
LPAT File No.: PL141275

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Casertano Development Corporation
Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation: "General Commercial"
Proposed Designation: "High-Density Residential/Commercial"
Purpose: To permit the development of six (6) residential apartment buildings ranging from 26 to 40 storeys containing approximately 2,050 residential units and two (2) freestanding 2-storey office/commercial buildings and ground floor retail commercial uses totaling 4,234 square metres (45,574 square feet) in gross floor area in Blocks "B" and "C"
Property Address/Description: 9060 Jane Street
Municipality: City of Vaughan
Approval Authority File No.: OP.07001
LPAT Case No.: PL110419
LPAT File No.: PL110419
LPAT Case Name: Casertano Development Corporation v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Casertano Development Corporation
Subject: Application to amend Zoning By-law No. 1-88, as amended – Refusal or neglect of the City of Vaughan to make a decision
Existing Zoning: "C1(H) Restricted Commercial Zone"
Proposed Zoning: "RA3(H) Apartment Residential Zone"
Purpose: To permit the development of six (6) residential apartment buildings ranging from 26 to 40 storeys containing approximately 2,050 residential units

and two (2) freestanding 2-storey office/commercial buildings and ground floor retail commercial uses totaling 4,234 square metres (45,574 square feet) in gross floor area in Blocks "B" and "C"

Property Address/Description: 9060 Jane Street
 Municipality: City of Vaughan
 Municipal File No.: Z.09.038
 LPAT Case No.: PL110419
 LPAT File No.: PL110420

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Sandra Mammone
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment

Existing Designation: "General Commercial"
 Proposed Designation: "High-Density Residential/Commercial"
 Purpose: To permit the development of six (6) residential apartment buildings ranging from 25 to 35 storeys containing approximately 1,600 residential units and two (2) freestanding 2-storey office/commercial buildings (Blocks "D" and "E") and ground floor office/commercial uses in Blocks "A", "B" and "C"

Property Address/Description: 8940 Jane Street
 Municipality: City of Vaughan
 Approval Authority File No.: OP.09.006
 LPAT Case No.: PL110419
 LPAT File No.: PL110455

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Sandra Mammone
 Subject: Application to amend Zoning By-law No. 1-88, as amended – Refusal or neglect of the City of Vaughan to make a decision

Existing Zoning: "EM1(H) Prestige Employment Area Zone" and "EM2 General Employment Area Zone"

Proposed Zoning: "RA3(H) Apartment Residential Zone"

Purpose: To permit the development of six (6) residential apartment buildings ranging from 25 to 35 storeys containing approximately 1,600 residential units and two (2) freestanding 2-storey office/commercial buildings (Blocks "D" and "E") and ground floor office/commercial uses in Blocks "A", "B" and "C"

Property Address/Description: 8940 Jane Street
Municipality: City of Vaughan
Municipal File No.: Z.09.037
LPAT Case No.: PL110419
LPAT File No.: PL110456

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 Official Plan Amendment No. New Official Plan

Municipality: City of Vaughan
LPAT Case No.: PL111184
LPAT File No.: PL111184
LPAT Case Name: Duca v. Vaughan (City)

PLEASE NOTE:

- **Only the appeals filed specifically by Tesmar Holdings Inc. (Appeal No. 4), Sandra Mammone and Casertano Development Corporation (both Appeal No. 45) and Granite Real Estate Inc. and Magna International Inc. (both Appeal No. 110) are consolidated with Vaughan Official Plan Amendment No. 2 – being the Vaughan Mills Centre Secondary Plan – under OMB Case No. PL140839;**
- **Only the appeals filed by Rutherford Land Development Corp. (Appeal No. 34), 281187 Ontario Inc. (#64), H & L Title Inc. and Ledbury Investments Ltd. (both Appeal No. 75), and Anland Developments Inc. (Appeal No. 83), save and except Policy 7.3.3 (Parkland Dedication), are consolidated with Vaughan Official Plan Amendment No. 2 – being the Vaughan Mills Centre Secondary Plan – under OMB Case No. PL140839**

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Rutherford Land Development Corp.
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment

Existing Designation: "Prestige Area" under Official Plan Amendment No. 450 (Employment Area Plan)

Proposed Designation: "High Density Residential/Commercial" under Official Plan Amendment No. 600

Purpose: To permit a mixed-use development consisting of approximately 303,000 square metres (3,261,464 square feet) in size containing 3,700 residential units in a built form containing 13 towers above a podium base with heights up to 38 storeys, as well as 10,300 square metres (110,868 square feet) of retail/institutional/community space and 4,500 square metres (48,437 square feet) of office space

Property Address/Description: 2901 Rutherford Road (south-east corner of Jane Street and Rutherford Road)

Municipality: City of Vaughan

Approval Authority File No.: OP.06.028

LPAT Case No.: PL140154

LPAT File No.: PL140154

LPAT Case Name: Rutherford Land Development Corp. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Rutherford Land Development Corp.
 Subject: Application to amend Zoning By-law 1-88, as amended – refusal or neglect of the City of Vaughan to make a decision

Existing Zoning: EM1 Prestige Employment Zone

Proposed Zoning: "RA3(H)" Apartment Residential (Holding) Zone and "OS2" Open Space Park Zone

Purpose: To permit a mixed-use development consisting of approximately 303,000 square metres (3,261,464 square feet) in size containing 3,700 residential units in a built form containing 13 towers above a podium base with heights up to 38 storeys, as well as 10,300 square metres (110,868 square feet) of retail/institutional/community space and 4,500 square metres (48,437 square feet) of office space

Property Address/Description: 2901 Rutherford Road (south-east corner of Jane Street and Rutherford Road)

Municipality: City of Vaughan
 Municipal File No.: Z.06.075
 LPAT Case No.: PL140154
 LPAT File No.: PL140155

Heard: November 25, 2020 by video hearing

APPEARANCES:

Parties

Counsel

281187 Ontario Ltd.	G. Borean
Anland Developments Inc.	A. Clutterbuck
H&L Title Inc. and Ledbury Investments Ltd.	M. Flowers
City of Vaughan	R. Coburn and G. Perhar
Regional Municipality of York	P. Patterson and B. Ogunmefun
York Region District School Board	J. Easto
Toronto and Region Conservation Authority	T. Duncan

MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON NOVEMBER 25, 2020 AND ORDER OF THE TRIBUNAL

[1] This Case Management Conference (“CMC”) was convened to finalize a Procedural Order for the first phase of hearing these appeals, as scheduled at a prior CMC to begin on June 14, 2021.

[2] The hearing involves the remaining appeals to the Vaughan Mills Centre Secondary Plan, 2014 pertaining to lands on the west side of Highway 400, together with appeals to the Vaughan Official Plan, 2010 within the same area.

[3] Given the current COVID 19 pandemic, the Parties acknowledge the need for a

video hearing and the PO now contains the video link, which is repeated below.

[4] The Parties discussed whether a further CMC was necessary to hear whether the few Participants, representing a local ratepayers group, wished to remain involved and file Participant statements. The Tribunal noted that the PO, now attached to this Decision, indicates the date by which any Participant may file a written statement. In addition, the City intends to try to contact the Participants and advise the other Parties whether any statements are expected. For these reasons, the Parties agreed and the Tribunal ruled that no further CMC is necessary for the Phase 1 hearing, unless requested by the Parties, as noted in the PO.

[5] The Tribunal approved the PO attached to this Decision as Attachment 1.

[6] The hearing will be held by video hearing at **10 a.m. on Monday, June 14, 2021 for 19 days**. No further notice will be given.

[7] Parties are to participate with video and audio enabled. Join the event from a computer, tablet or smartphone **by using this link** <https://global.gotomeeting.com/join/528483109>. When prompted, **enter the code 528-483-109** to be connected to the hearing by video.

[8] Observers are to participate with audio only enabled. Join the event via telephone conference **by calling: +1 (647) 497-9391 or Toll Free 1-888-455-1389**. When prompted, **enter the code 528-483-109** to be connected to the call.

[9] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[10] This Member is not seized but may be contacted through the Case Coordinator

for case management purposes.

[11] The Tribunal so orders.

“S. Tousaw”

S. TOUSAW
MEMBER

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

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

**PL140839
PL111184**

LOCAL PLANNING APPEAL TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants (jointly): Casertano Developments Corporation and Sandra Mammone
Appellants (jointly): Limestone Gallery Investments Inc. and Damara Investment Corp.
Appellants (jointly): Granite Real Estate Investment Trust and Magna International Inc.
Appellants (jointly): H&L Title Inc. and Ledbury Investments Ltd.
Appellant: Canadian National Railway
Appellant: Rutherford Land Development Corporation
Appellant: 281187 Ontario Ltd.
Appellant: Anland Developments Inc.
Subject: Proposed Official Plan Amendment No. 2 to the Official Plan for the City of Vaughan (2010)
Municipality: City of Vaughan
LPAT Case No.: PL140839
LPAT File No.: PL140839

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: 1042710 Ontario Limited (aka Royal Centre)
Appellant: 1191621 Ontario Inc.
Appellant: 1529749 Ontario Inc.
Appellant: 1541677 Ontario Inc.; and others
Subject: Failure to announce a decision respecting proposed New Official Plan of the Regional Municipality of York for the City of Vaughan
Municipality: City of Vaughan
LPAT Case No.: PL111184
LPAT File No.: PL111184

PROCEDURAL ORDER

**PHASE 1 HEARING OF APPEALS FOR LANDS WITHIN THE
VAUGHAN MILLS CENTRE SECONDARY PLAN WEST OF HIGHWAY 400**

1. The Tribunal may vary or add to the directions in this procedural order at any time by an oral ruling or by another written order, either on the parties' request or its own motion.

Organization of the Hearing

2. The video hearing of the consolidated appeals by (i) 281187 Ontario Ltd., (ii) Anland Developments Inc., and (iii) H & L Title Inc. and Ledbury Investments Ltd., of the Vaughan Official Plan (2010) ("VOP 2010") and the Vaughan Mills Centre Secondary Plan ("VMCSP") will be phased. This Procedural Order governs the first phase of the hearing of the appeals ("Phase 1"). A Procedural Order for one or more subsequent phase(s) will be determined after the completion of Phase 1.
3. The Phase 1 video hearing will begin on **Monday, June 14, 2021 at 10:00 a.m.** by video hearing at the following <https://global.gotomeeting.com/join/528483109>.
4. The parties' initial estimation for the length of the Phase 1 hearing is **nineteen (19) days** and will conclude on **Friday, July 9, 2021**. The parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues where possible.
5. No further case management conference is required for this phase of the appeals hearing, unless requested by the Parties.
6. The parties and participants (see Attachment 1 for the meaning of these terms) for the Phase 1 hearing identified at the prehearing conference are listed in Attachment 2 to this Order. The order of evidence for the Phase 1 hearing is listed in Attachment 3 to this Order.
7. The preliminary issues for the Phase 1 hearing are set out in the Issues List attached as Attachment 4 to this Order. Any proposed revisions to this list will be circulated among the parties on or before **Friday, January 15, 2021**, and subsequently communicated to the Tribunal.
8. Any person intending to participate in the Phase 1 hearing should provide a telephone number, address and email address to the Tribunal as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, telephone number, address and email address as soon as possible.
9. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's Video Hearing Guide, available on the Tribunal's website (<https://olt.gov.on.ca/tribunals/lpat/>).

Requirements Before the Hearing

10. Unless the parties agree otherwise, expert witnesses in the same discipline shall have at least one meeting on or before **Monday, May 17, 2021** and use best efforts to try to resolve or reduce the issues for the hearing. Following the experts' meeting the parties shall prepare a Statement of Agreed Facts and Issues. The parties shall provide this list to all of the parties and shall file it with the LPAT case co-ordinator on or before **Friday, May 28, 2021**.
11. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses and the order in which they are intended to be called. The Appellants' list must be delivered on or before **Monday, February 1, 2021** and in accordance with section 22 below. The responding parties' lists must be delivered on or before **Monday, February 8, 2021** and in accordance with section 22 below. For expert witnesses, the party shall identify the discipline(s) in which they will be seeking to qualify the witness in the witness list.
12. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 15 below. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7.04 of the Tribunal's *Rules of Practice and Procedure*. In addition, each expert witness shall execute an Acknowledgement of Expert's Duty and shall append the executed Acknowledgement to his/her witness statement.
13. A participant shall provide to the Tribunal and the parties a participant statement on or before **Friday, April 16, 2021**. For greater certainty, participant statements are to include the information identified in Attachment 1 to this Order.
14. Witnesses who are under summons but not paid to produce a report do not have to file a witness statement; but the party calling them must file an outline of the witness' anticipated evidence, as in section 15 below.
15. On or before **Monday, February 22, 2021**, the Appellants shall provide copies of their witness and expert witness statements to the other parties. The responding parties shall provide copies of their witness and expert witness statements to the other parties on or before **Monday, April 26, 2021**. The Appellants shall provide copies of their reply on or before **Tuesday, May 25, 2021**. The parties shall also deliver hard copies of their witness and expert witness statements to the Tribunal, if requested, and in accordance with section 22 below.

16. On or before **Monday, May 31, 2021**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with section 22 below. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
17. The parties shall cooperate to prepare a joint document book which shall be shared with the LPAT case co-ordinator on or before **Friday, June 4, 2021**.
18. Any documents which may be used by a party in cross examination of an opposing party's witness shall be password protected and only be accessible to the Tribunal and the other parties if it is introduced as evidence at the hearing, pursuant to the directions provided by the LPAT case co-ordinator, on or before **Wednesday, June 9, 2021**.
19. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal (see Rule 10 of the Tribunal's Rules, which require that the moving party provide copies of the motion to all other parties at least fifteen (15) days before the Tribunal hears the motion).
20. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the other parties and the Tribunal at least seven (7) days before the hearing that the written evidence is not part of their record.
21. The parties shall prepare and file a preliminary hearing plan with the Tribunal on or before **Friday, May 21, 2021** with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the hearing plan. The parties shall prepare and file a final hearing plan prior to the further case management conference outlined in section 5 above. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.
22. All filings with the LPAT shall be electronic and in hard copy. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10 MB in size, or as otherwise directed by the Tribunal. Delivery of documents among the parties may be electronic only, unless the recipient party requests a hard copy. The delivery of documents by email shall be governed by Rule 7.
23. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness and Rule 17 applies to such requests.

**This Member is not seized.
So orders the Tribunal.**

Attachment 1

PURPOSE OF THE PROCEDURAL ORDER AND MEANING OF TERMS

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.

NOTE that a person who wishes to become a party before or at the hearing, and who did not request this at the case management conference (CMC), must ask the Tribunal to permit this.

A **participant** is an individual, group or corporation, whether represented by a lawyer or not, who may make a written submission to the Tribunal. A participant cannot make an oral submission to the Tribunal or present oral evidence (testify in-person) at the hearing (only a party may do so). Subsection 33.2 of the Local Planning Appeal Tribunal Act states that a person who is not a party to a proceeding may only make a submission to the Tribunal in writing. The Tribunal may direct a participant to attend a hearing to answer questions from the Tribunal on the content of their written submission, should that be found necessary by the Tribunal. A participant may also be asked questions by the parties should the Tribunal direct a participant to attend a hearing to answer questions on the content of their written submission.

A participant must be identified and be accorded participant status by the Tribunal at the CMC. A participant will not receive notice of conference calls on procedural issues that may be scheduled prior to the hearing, nor receive notice of mediation. A participant cannot ask for costs, or review of a decision, as a participant does not have the rights of a party to make such requests of the Tribunal.

Written evidence includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.

Visual evidence includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the

witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing.

An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing.

A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant wishes to address and the submission of the participant on those issues; and a list of reports, if any, which the participant wishes to refer to in their statement.

Additional Information

Summons: A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties. (See Rule 13 on the summons procedure.) If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Tribunal;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Tribunal.

Attachment 2

LIST OF PARTIES/PARTICIPANTS

PARTIES

1. 281187 Ontario Ltd.

Gerard C. Borean
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2. Anland Developments Inc.

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3. H & L Title Inc. and Ledbury Investments Ltd.

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4. **City of Vaughan**

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Gurnick Perhar
City of Vaughan, Legal Services Department
Vaughan City Hall
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Vaughan, Ontario
L6A 1T1

Email: gurnick.perhar@vaughan.ca
Tel: 905-832-8585 ext. 8385
Fax: 905-832-6130

5. **Regional Municipality of York**

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Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
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M5H 3Y4

Email: ppatterson@blg.com
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Bola Ogunmefun
Region of York, Legal and Court Services Department
York Region Administrative Centre
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L3Y 6Z1

Email: bola.ogunmefun@york.ca
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6. York Region District School Board

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36 Toronto Street, Suite 920
Toronto, Ontario
M5C 2C5

Email: jeasto@keelcottrelle.ca
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Fax: 416-367-2791

7. Toronto and Region Conservation Authority

Tim Duncan
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Fax: 416-941-8852

PARTICIPANTS

Attachment 3

ORDER OF EVIDENCE

1. 281187 Ontario Ltd., Anland Developments Inc., and H & L Title Inc. and Ledbury Investments Ltd.
2. City of Vaughan
3. Regional Municipality of York
4. York Region District School Board
5. Toronto and Region Conservation Authority
6. Reply, if any, by 281187 Ontario Ltd., Anland Developments Inc., and H & L Title Inc. and Ledbury Investments Ltd.

Attachment 4

ISSUES LIST

Issues of 281187 Ontario Ltd., Anland Developments Inc., and H & L Title Inc. and Ledbury Investments Ltd.

1. Should the lands within the Vaughan Mills Centre Secondary Plan (“VMCSP”) that are west of Highway 400 (the “Western Lands”) be designated solely for employment uses (i.e. as General Employment and Prestige Employment in the Vaughan Official Plan 2010 (“VOP 2010”)) and be referred to as the Vaughan Mills Centre Business District in the VMCSP? Alternatively, should the Western Lands be designated for a mix of uses, including both employment and non-employment (including residential) uses?
2. Are the proposed land use designations and the related policies for permitted uses on the Western Lands appropriate?
3. Should the Western Lands be identified as being within a Primary Centre within the City’s urban structure and be identified as an appropriate location for intensification?
4. Are the proposed job projections for the Western Lands (and, likewise, the totals for the VMCSP) reasonable, attainable, and appropriate?
5. Does the proposed job forecast in the VMCSP for the Vaughan Mills Centre Business District conflict with the policies in sections 5.1 and 5.2 of the VOP 2010?

Issue of City of Vaughan and Region of York

6. Whether the permission for non-employment uses on a portion of the Western Lands as proposed by the Appellants is consistent with the PPS, and conforms to the applicable provincial plans, regional and local official plan instruments?

Note: The identification of an issue on this list does not mean that all parties agree that such an issue, or the manner in which it is expressed, is appropriate or relevant for the proper determination of the appeals. The extent of the appropriateness and/or relevance of the issue may be a matter of evidence and/or argument at the hearing.