

ISSUE DATE:

August 08, 2013



PL111184

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

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

Appellant: 1042710 Ontario Limited
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 Amendment
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184

APPEARANCES:

Parties

Counsel*/Agent

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON
July 23, 2013 AND ORDER OF THE BOARD**

[1] At this hearing the Board dealt with a motion brought by the City of Vaughan ("City") which sought an Order approving portions of the Vaughan's Official Plan ("OP") 2010 save and except those policies and land use schedules which remain under appeal on an area or site specific basis.

[2] The Board also addressed other matters relating to the request for party status by the Brownridge Ratepayers Association ("BRA") and other entities.

[3] The number of appeals against the Vaughan OP 2010 has risen to 132.

[4] Bruce Engel and Claudia Storto, solicitors for the City gave submissions on its motion. The motion was not contested and involved extensive discussions among the Appellants/Parties. The Board was satisfied with the grounds for the motion and granted

the motion to bring the portions of the OP not under appeal into force. The Board's Order which is effective as of July 23, 2013 is provided as Attachment 2.

[5] With respect to the appeals filed since the last pre-hearing conference ("PHC"), the City reserves the right to challenge the appellants' status and the validity of these appeals (Appeals No. 123-128, 132). With respect to Appeals No. 129-131, Quinto Annibale, solicitor for these appellants requested the Board to officially recognize their status as Appellants. The Board will wait until the appeal letters are received by its administrative staff.

[6] At the last PHC held on May 28, 2013, in response to the BRA's request for party status, the Board directed Mario Racco, spokesperson for the BRA to provide in writing a clear statement of its position and whether its concerns extend to the site-specific appeals and if so which ones. At the last PHC, counsel for a number of Appellants expressed concerns over the grounds for BRA's request as it related to their client's appeals.

[7] Upon review of the BRA's written statement of its position and the responses by counsel for some Appellants, the Board determined that at this time, it is premature to determine the status of the BRA. Mr. Rocco in his email correspondence dated June 13, 2013 indicated concerns not only within the boundaries of the BRA but also general concerns relating to a casino and s. 37 (*Planning Act*) benefits within the Vaughan Metropolitan Centre ("VMC") area. The VMC is not within the BRA's defined boundaries. Many appellants particularly those within the VMC remain opposed to the BRA's request for party status.

[8] The Board provided the BRA with a further opportunity to provide more detailed reasons for its request for party status and directed Mr. Racco to provide a written submission by August 19, 2013. Any written responses to the BRA's submission are to be made no later than August 28, 2013. The Board will review the BRA's request at the next PHC to be held on **Tuesday, September 10, 2013 at 10 a.m. at:**

**Multipurpose Room
City of Vaughan
2141 Major Mackenzie Drive
Vaughan ON L6A 1T1**

[9] The Board granted party status to Maria Pandolfo, Yolanda Pandolfo, Laura Pandolfo, Guiseppe Pandolfo, and Cathy Campione. These individuals own lands located within Blocks 40/47 which are the subject of an appeal (Appeal 28) by the Block 40/47 Developers Group Inc. The request for party status is in connection with this appeal.

ORDER

[10] The Board orders that those portions of the Vaughan OP 2010 not under appeal as set out in Attachment 2 are approved and effective as of July 23, 2013.

[11] This panel of the Board will continue with the case management of these appeals.

“Jason Chee-Hing”

JASON CHEE-HING
MEMBER

Attachment 1

<u>Appellants</u>	<u>Appeal No.</u>	<u>Representative</u>
1042710 Ontario Ltd.	1	Patricia A. Foran
Briardown Estates Inc.	33	Patrick Harrington
Amar Transport Inc.	81	
Highway 27 Langstaff GP Ltd.	2	Kim Beckman, Susan Rosenthal & Jason Lewis
Highway 27 Langstaff GP Ltd.	22	
Longyard Properties Inc.	23	
Lucia Milani and Rizmi Holdings Ltd.	62	
Solmar Inc.	3	Michael Melling & Jason Lewis
Tesmar Holdings Inc.	4	
Block 40/47 Developers Group Inc.	28	
1539253 Ontario Inc.	68	
Celebration Estates Inc.	96	
Block 66 West Landowners Group Inc.	125	
Block 41-28E Developments Limited, Block 41-28W Developments Ltd., 1212765 Ontario Inc. and 1213763 Ontario Ltd.	35	Ira T. Kagan
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38	
2 Steeles Avenue West Ltd.	39	
Auto Complex Ltd.	40	
Salz & Son Ltd.	51	
Haulover Investments Ltd.	7	Jeffrey Streisfield
David and Kathy Lundell	42	
Portside Developments (Kipling) Inc.	116	
Mario Tedesco (Fifthshire Homes Ltd.)	117	
Baif Developments Limited	8	Roslyn Houser, Michael Stewart & Jennifer Drake
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	

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	Bruce C. Ketcheson
Ozner Corporation	17	
836115 Ontario Inc.	18	Barry Horosko & Caterina Facciolo
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	
Novagal Development Inc.	52	
2159645 Ontario Ltd. (Liberty)	56	
Centre Street Properties Inc.	78	
Vogue Investments Ltd.	79	
Nine-Ten West Ltd.	80	
Cedarbrook Residential	103	
Trimax on Islington Avenue	104	
Allegra on Woodstream Inc.	112	
588701 Ontario Limited	124	
Eugene and Lillian Iacobelli	21	Quinto M. Annibale & Steven Ferri
Hollywood Princess Convention and Banquet Centre Ltd.	50	
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	
Blackwood Realty Fund I Limited Partnership	24	Jeffrey L. Davies & Aaron I. Platt
H&L Title Inc. & Ledbury Investments Ltd.	75	
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 (Vaughan) Inc., Riotrin Properties (Vaughan2) Inc. and Riotrin Properties (Vaughan3) Inc.	48	
RioCan Holdings Inc. (Centre Street Corridor)	82	
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	
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	
CST Canada Co.	85	
2157160 Ontario Inc.	99	
Woodbridge Farmers Co. Ltd. / 1510904 Ontario Ltd. / 1510905 Ontario Ltd.	100	
1693143 Ontario Inc. / 1693144 Ontario Inc.	101	
165 Pine Grove Investments Inc.	53	Adam J. Brown & Jessica

1525233 Ontario Inc.	97	Smuskowitz
Overriver Holdings Ltd.	98	
Palmerston Properties Limited	122	Robert Miller
2090396 Ontario Ltd.	60	Mark R. Flowers
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	
Belleterra Corporation	121	
Luigi Bros. Paving Company Ltd.	128	
Blue Water Ranch Development Inc.	67	Christopher J. Tanzola
Berkley Commercial (Jane) Inc.	119	Daniel Artenosi
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	Jason Gabriele
United Parcel Service Canada Ltd.	92	Tim Bermingham

Camelot on 7 Inc. and Elia Breda	93	Paul R. Bottos
Weston Downs Ratepayers Association	95	Nadia Magarelli & Rose Savage
Mr. Alex and Mrs. Michelle Marrero	102	Alan Heisey
PERLS Inc.	105	Bruce McMinn
2117969 Ontario Inc.	106	John Alati & Alexander Suriano
Midvale Estates Ltd.	107	
Potestas Properties Inc.	108	
Covenant Chapel	115	
Bentall Kennedy (Canada) LP	111	James Harbell, Patrick Duffy & Maggie Chien
Toromont Industries Ltd.	114	Michael Arbutina & Michael Miller
Dorian Place Landowners	123	Carmine Marando
Monica Murad	127	Micheal Simaan

<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 & J. Flynn Paquin
Toronto and Region Conservation Authority	C	June Little
611428 Ontario Ltd.	F	David Bronskill & Nick Staubitz
York Region Catholic District School Board	G	Peter C. Williams
York Region District School Board	H	Jessica Peake
FCHT Holdings (Ont) Corp	I	Steven A. Zakem
CNR	K	Alan Heisey

Ivanhoe Cambridge Inc.	M	Jeffrey L. Davies
Vaughan 400 North Landowners Group Inc.	N	Michael Melling & Jason Lewis
1233389 Ontario Inc.	O	Alan Heisey
Sustainable Vaughan	P	Stephen Roberts
Brownridge Ratepayers Association (party status not yet determined)	R	Mario Racco
Joseph and Teresa Marando	S	Carmine Marando
Velmar Centre Property Ltd.	T	Michael Melling & Jason Lewis

Participants

No.

Representative

City of Brampton	i	Roberto Zuech & David Waters
Block 27 Landowners' Group	ii	Michael Melling & Jason Lewis
Americo Ferrari	iv	
Ellen Schacter	v	Crown Hts Coop Housing

Attachment 2

ONTARIO MUNICIPAL BOARD

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

Appellant: 1042710 Ontario Limited
 Appellant: 1191621 Ontario Inc.
 Appellant: 1529749 Ontario Inc.
 Appellant: 1541677 Ontario Inc. and others
 Subject: Failure to announce a decision respecting the proposed new Official Plan of the Regional Municipality for York for the City of Vaughan
 Municipality: City of Vaughan
 OMB Case No.: PL111184
 OMB File No.: PL111184

Appellants:

See Schedule A.

B E F O R E:

J. Chee-Hing)
) Tuesday, the 23rd day of July, 2013
)

THESE MATTERS having come on for a public hearing,

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, in respect of the City of Vaughan Official Plan (2010) (the "**Plan**"), as adopted by the City Vaughan (the "**City**") on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012 and as modified and endorsed by the Regional Municipality of York (the "**Region**") on June 28, 2012, and filed as Exhibit 5 in these proceedings, those portions of the Plan as set out in Schedule "B" attached to and forming part of this Order are hereby approved, save and except those policies and land use schedules set out in Schedule "C", which shall remain under appeal on a site-specific or area-specific basis as indicated.

AND THE BOARD ORDERS 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.

AND THE BOARD FURTHER ORDERS that the scoping of appeals to a specific site or area, as shown on Schedule "C", is without prejudice to the positions taken by the parties to those appeals so that if those appeals proceed to a hearing, 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 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 they constitute good planning.

Notwithstanding the above, the Board hereby retains jurisdiction to consider and approve modifications to any policies, schedules, maps, figures, definitions, tables and associated text approved herein, as may be appropriate to dispose of any of the outstanding appeals before the Board.

AND THE BOARD FURTHER ORDERS that the partial approval shall not apply to the extent of the Parkway Belt West Lands designations in Schedules 1 and 13, as they relate to: (1) the area bounded by Highway 407 to the north, Martin Grove Road to the west, the railway line to the south, and a line joining the northern and southern portions of Kipling Avenue to the east, and (2) the area bounded by Highway 7 to the north, Highway 407 to the south and east, and the railway line to the west. In these areas, the extent of the Parkway Belt West Lands designations remains before the Board, such that the boundaries of the designations may be altered as the Board deems appropriate.

AND THE BOARD FURTHER ORDERS that in respect of Appeals 118, 129, 130 and 131 no land budget argument including, without limitation s. 2.1.3.2(b), will be raised by any current or future appellant, party or participant, the City or the Region to preclude a change in the proposed residential designation of the lands that are the subject of those appeals.

AND THE BOARD FURTHER ORDERS that the Pending Appeals filed in respect of the Plan, as depicted on Schedule "C" hereto, shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Board.

AND THE BOARD FURTHER ORDERS that it may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order, including disputes over whether Schedule "C" hereto appropriately identifies the ambit of an appeal.

SECRETARY

SCHEDULE A

PL111184

<u>Appellants</u>	<u>Appeal No.</u>	<u>Representative</u>
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Sustainable Vaughan	P	Stephen Roberts
Brownridge Ratepayers Association (party status not yet determined)	R	Mario Racco
Joseph and Teresa Marando	S	Carmine Marando
Velmar Centre Property Ltd.	T	Michael Melling & Jason Lewis

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No.

Representative

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Block 27 Landowners' Group	ii	Michael Melling & Jason Lewis
Americo Ferrari	iv	
Ellen Schacter	v	Crown Hts Coop Housing

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Schedule B
 No City Wide Appeals
 Vaughan Official Plan
 22.04.23

Chapter 1	1.1	All
	1.2	All
	1.3	All
	1.4	All
	1.5	All
	1.6	All
	1.7	All
Chapter 2	2.1	All
	2.2	2.2.1
		2.2.2
		2.2.3
		2.2.5
		2.2.6
2.2.8		
Chapter 3	3.5	All
	3.8	All
Chapter 4	4.1	4.1.1
		4.1.1.1
		4.1.1.2
		4.1.1.3
		4.1.1.4
		4.1.1.5
		4.1.1.6
		4.1.1.7
		4.1.1.8
	4.1.1.9	
	4.3	4.3.1
		4.3.2
		4.3.2.1
		4.3.2.2
		4.3.2.4
		4.3.2.5
		4.3.2.6
		4.3.2.7
		4.3.2.9
		4.3.3
		4.3.3.1
		4.3.3.2
		4.3.3.3
4.3.3.4		
4.3.3.5		
4.3.3.6		
4.3.3.7		
4.3.3.9		
Chapter 5	5.2	5.2.4
		5.2.5
		5.2.6
		5.2.7
		5.2.8
Chapter 7	7.1	All
	7.2	All
	7.4	All
	7.6	All
	7.8	All
Chapter 8	8.1	All
		All
		All
		All
	8.4	8.4.1
		8.4.2
		8.4.2.1
		8.4.2.2
		8.4.2.3
		8.4.2.4
		8.4.2.5
		8.4.3
		8.4.4
		8.4.5
8.5	8.5.1	
	8.5.1.1	
	8.5.1.2	
	8.5.1.3	
	8.5.1.4	
	8.5.1.5	
8.6	8.5.1.7	
	8.5.1.9	
	8.5.1.10	
	All	
Schedules	1	
	1A	
	3	
	4	
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	13	
14-A		
14-B		
14-C		

