

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: February 12, 2018

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: November 23, 2017 in Vaughan, Ontario

APPEARANCES:

Parties

City of Vaughan
("City")

Regional Municipality of York
("Region")

List of Appellants - See Attachment
1, Schedule A

Counsel

Bruce Engell

Pitman Paterson

DECISION DELIVERED BY S. TOUSAW AND ORDER OF THE BOARD

INTRODUCTION

[1] This proceeding was a further Pre-hearing Conference (“PHC”) to address several appeals to the 2010 Vaughan Official Plan (“VOP”).

[2] The City advised that of the 168 appeals in total, 73 have been resolved, and the remainder are grouped into themed categories and are following separate tracks towards resolution or hearings. The matters before the Board in this proceeding are 20 site-specific appeals and 12 appeals to the Yonge-Steeles Secondary Plan (“YSSP”).

SITE-SPECIFIC APPEALS

[3] Three of the site-specific appeals have been resolved and the Board was asked to approve certain modifications to the VOP. Any updates or resolutions for the remaining appeals will be revisited at the next PHC.

[4] For appeal 159, Leo Longo, counsel for 2464879 Ontario Inc. and Ultra Towns Inc., advised that 7803 and 7815 Dufferin Avenue (the “property”) subject to this appeal can now be released from the Centre Street Corridor policies and corresponding map Schedules in the VOP. In July 2017, the Board approved Official Plan Amendment 17 (“OPA 17”) to the VOP with site-specific policies for this property in *City Park Homes v. Vaughan (City)*, [2017] O.M.B.D. No. 988.

[5] In support of the requested modifications, Julia Peiridon, Registered Professional Planner (“RPP”), provided brief oral testimony that the proposed modifications to remove the property from the VOP Schedules as contained in Exhibit 109 are consistent with the Decision of the Board on OPA 17, conform with all applicable policies and represent good land use planning

[6] With consent of the City and Region, the Board will approve the modification as set out in the Order. For greater clarity, the Board is not approving the Schedules

themselves because they remain under appeal, and is only removing the property from those Schedules as noted in the Order.

[7] For appeals 66 and 167, Quinto Annibale, counsel for Kirbywest Ltd. and Lormel Developments Ltd., had filed motion materials in support of modifying Schedule 2, Natural Heritage Network, of the VOP to remove a small patch of “Unapproved” designation from 3893 Kirby Road and from 11273 Jane Street (the “lands”). Following further study of the natural heritage patches on these lands, the Appellants and the City determined that no woodlands were present within these patches and the “Unapproved” designation should be removed.

[8] The motion materials contain affidavit evidence from Ryan Mino-Leahan, RPP, and Tom Young, Biologist. Mr. Mino-Leahan deposed that the proposed modifications accurately reflect the existing conditions on the lands, as confirmed by Mr. Young’s studies and conclusions, conform with all applicable policies and represent good land use planning.

[9] With consent of the City and Region, the Board will approve the modifications and will withhold its Order on this matter until the draft order is received from the City.

YONGE-STEELES SECONDARY PLAN

[10] The City of Toronto and the City of Markham advised that each will be filing a Notice of Motion requesting Party status pertaining to the YSSP. A separate motion hearing can be scheduled when materials are received in accordance with the Board’s *Rules of Practice and Procedure*.

[11] Several Counsel spoke to the draft Procedural Order (“PO”) regarding the City’s proposal to require an earlier exchange of witness statements because of the anticipated time needed for the City and Region to review the Appellants’ transportation studies. The City anticipates that a suitable resolution on timing can be found and

advised that the PO may also have to address any additional parties, if approved by the Board. Further discussion on the PO will be coordinated by the City and the PO will be provided to the Board for approval in due course.

[12] The sequence of issues for the YSSP hearing was determined at the last PHC. Phase 1, scheduled to begin on June 11, 2018, will focus on the general growth cap issue in relation to transportation plans as set out in the draft PO issues list. To the extent possible, the Appellants intend to call one case to address the issues.

FURTHER PHC

[13] The City, with consent of the Parties present, requested that a further PHC be scheduled in April 2018. The PHC will focus on the remaining site-specific appeals and may also address any matters concerning the YSSP in advance of the Phase 1 hearing.

ORDER

[14] The Board orders that in accordance with the provisions of s. 17(50) of the *Planning Act* (the "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 on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, as modified and endorsed by the Region on June 28, 2012:

the appeal of the Plan by 2464879 Ontario Inc. and Ultra Towns Inc. (Appeal 159) ("Appeal 159") is allowed in part and that Volume 1, Schedule 14-B and Volume 2, Schedules 12.9.A and 12.9.B of the Plan shall be modified in respect of the lands subject to Appeal 159 as outlined in Schedule "B", in accordance with Schedule "C" and "D" attached to and forming part of this Order in Attachment 1, and as modified, approved in respect of lands subject to Appeal 159; and

- the balance of Appeal 159 is hereby dismissed.

[15] The Board's order is withheld regarding Appeals 66 and 167 until a draft order is received from the City.

[16] The next PHC will commence at **10 a.m. on Wednesday, April 11, 2018** at:

**Vaughan City Hall
Multi-Purpose Room
2141 Major Mackenzie Drive West
Vaughan, Ontario**

[17] No further notice will be given.

[18] This Board Member is not seized.

"S. Tousaw"

S. TOUSAW
MEMBER

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

Ontario Municipal Board

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