

ISSUE DATE:

October 3, 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 Official Plan Amendment
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184

APPEARANCES:

Parties

Counsel*/Agent

See Attachment 1 for Parties.

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON
SEPTEMBER 10, 2013 AND ORDER OF THE BOARD**

[1] At this pre-hearing conference (“PHC”), the Board dealt with a number of matters including the granting of participant and party status to various entities, settlement motions and the setting of dates for a number of hearing events into these appeals to the Vaughan Official Plan (“OP”) 2010.

[2] Vaughan (“City”) provided a status update on appeals filed to date and a progress report on the City’s discussions with all parties. Scoping of the appellants’ submissions are ongoing, as are the settlement discussions. To date, there have been 12 settlements and two withdrawals of appeals leaving the number of outstanding appeals at 118. Ms. Storto, counsel for the City, noted that these appeals represent the largest number for a Growth Plan to date in Ontario.

APPELLANT AND PARTY REQUESTS

[3] The Brownridge Ratepayers Association (“BRA”) has been granted participant standing at these proceedings. It has been the intent of the BRA to seek party status at these proceedings. The BRA is not an incorporated entity and the Board cannot at this time consider its request. Mr. Racco, spokesperson for the BRA advised the Board that it is in the process of incorporation. Upon incorporation, if it is still the desire of the BRA to seek party status at these proceedings, then it must do so by way of a formal motion seeking party status, in accordance with the Board’s procedures. A number of appellants continue to raise objections to the BRA seeking party status.

[4] Appeals No. 129, 130 and 131 are confirmed by the Board (refer to Attachment 1). Quinto Annibale, counsel for the appellants, will undertake to file a notice of withdrawal of appeal letter for Appeal No. 118.

[5] The Board granted party standing to Agro Lumber Inc. and Alpa Roof Trusses Inc. in connection with Appeals No. 129-131. These entities own lands adjacent to the lands that are the subject of Appeals No. 129-131.

[6] Dorian Place Residents is an appellant in these proceedings (Appeal No. 123). This appellant will provide its scoped appeal to the City no later than September 21, 2013.

[7] The Board granted party status to Canadian National Railway (“CNR”) in connection with the appeal of Casertano Development Corporation and Sandra Mammone (“Casertano”) (Appeal No. 45). The CNR yards are in close proximity to the Casertano lands and noise impact is an issue. Mr. Heisey, counsel for CNR, has agreed to request party status to the Casertano site-specific appeal before this Board at a separate hearing (PL110419).

SETTLEMENT MOTIONS AND BOARD ORDERS

[8] Motions for settlements were heard by the Board. The motions were uncontested. Affidavit planning evidence for each settlement with the City was included in the individual motion filings.

1. Appeal No. 100 – Woodbridge Farmers Co. Ltd./1510904 Ontario Inc./1693144 Ontario Inc.

- This is a site-specific appeal with respect to a combined parcel of land of 12 ha on the east side of Highway 50 and north of Highway 7. The appellants concerns relate to the current commercial mixed use designation of the lands and the proposed location of a service node. The City is prepared to amend the affected policies in the new OP to address these concerns (Exhibit 18).
- The Board orders that the appeal is allowed in part and amends Volume 2 of the Vaughan OP 2010 as shown in Schedule “B” of Exhibit 18.

2. Appeal No. 132 - K & K Holdings Limited (“K & K”)

- The Board grants party status to K & K Holdings Limited. K & K is the registered owner of a 17-acre parcel at the north-west corner of Keele Street and Kirby Street. The subject lands, until adoption of the new Vaughan OP, remain subject to OPA No. 600 which permits the consideration of industrial uses through a Special Policy Area provision. The City is prepared to modify Policy 13.19 in Volume 2 of the new Vaughan OP to recognize existing approved planning permissions.
- The Board orders that the appeal is allowed in part and amends Volume 2 of the Vaughan OP 2010 as shown in Schedule “A” of the motion record (Exhibit 20).

3. Appeal No. 46 – Vaughan 400 North Landowners Group Inc.

- The Landowners Group collectively owns lands in the Jane Street and Weston Road area. The new OP contains a map (Figure 5) that incorrectly designates the south-western portion of the lands for employment rather than residential uses. The City has now corrected this error.
- The Board orders that the appeal is allowed in part and amends the new Vaughan OP to show a modified Figure 5, referred to in policy 2.2.4.

4. Appeal No. 46 – Danlauton Holdings Inc.

- The appellant owns lands on the east side of Highway 50. The subject lands are part of Block 66(W). The Appellant is also a participating landowner in the Block 66 West Landowners Group Inc. appeal (Appeal No. 125). This settlement motion is a partial resolution of the Danlauton appeals. It involves the realignment of

a north/south collector road. The City has indicated its acceptance of the amendment of Schedules 1, 2, and 3 to adjust this road alignment as shown in Schedule “B” of Danlauton’s motion record (Exhibit 22).

- The Board orders that the appeal is allowed in part and amends Schedules 1, 2, and 3 of the West Vaughan Employment Area Secondary Plan being part of the new OP as shown in Schedule “B” of the motion record. The Board will withhold its order pending receipt of the revised schedules from the City.

5. Appeal No. 125 - Block 66 West Landowners Group Inc.

- Block 66 owns approximately 122 ha of land in the northern part of the City bounded by Major Mackenzie Drive, Highway 50, Nashville Road and the hydro corridor. The northern portion of the subject lands are affected by the province’s GTA West Transportation Corridor Protection Area.
- Minutes of Settlement have been executed among Block 66, the province, the Region, and the City with respect to a Temporary Use Policy (Exhibit 25). The minutes of settlement was achieved through Board-led mediation.
- Block 66 seeks an order allowing its appeal in part for the purpose of modifying the West Vaughan Employment Area Secondary Plan as set out in Exhibit “F” – Temporary Use Policy. Exhibit “F” forms part of the motion materials (Exhibit 24).
- The Board orders that the appeal is allowed in part and modifies the West Vaughan Employment Area Secondary Plan being part of the new OP as set out in Exhibit “F” of the motion materials (Exhibit 24).

FUTURE HEARING AND MEDIATION DATES

[9] Mediation dates (the week of October 25, 2013) have been set for the appeals within the Vaughan Metropolitan Centre (“VMC”) secondary plan area.

[10] The next PHC is set down for **December 2, 2013**, commencing at **10 a.m.** to be held at:

**Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1**

[11] The appellants will further scope their appeal submissions as required and submit to the City no later than September 30, 2013.

[12] A motion hearing date has been set for **January 20, 2014**, commencing at **10 a.m.** to be held at the **Vaughan City Hall**.

[13] The City will bring a motion to dismiss the appeal of Blue Sky Entertainment Corp. (Appeal No. 126) without a hearing. The City will file its motion materials no later than December 4, 2013. Blue Sky Entertainment Corp. will file its response to motion materials no later than December 18, 2013.

[14] The first hearing date for City-wide appeals has been set down for **February 3, 2014**, for one week commencing at **10 a.m.** to be held at the **Vaughan City Hall**. The intent of this first set of hearings will be to deal with appeals involving City-wide issues that could be dealt with in short order. The City will identify which policies of the Vaughan OP will be addressed at this hearing. The City will provide the proposed policy language to the appellants by October 18, 2013. The City and the appellants will meet to discuss alternate policy language (if any) and any policies that will be exempt for the first set of hearings in February of 2014. The City will advise the Board of the status of these meetings at the next PHC.

[15] The City will inform the parties and participants of the venue by e-mail. No further notice of these hearing events is required.

[16] This panel of the Board will continue with the case management of these appeals. This panel of the Board is not seized of the motion hearing or the main hearings into these appeals.

“Jason Chee-Hing”

JASON CHEE-HING
MEMBER

ATTACHMENT 1

<u>Parties</u>	<u>Appeal No.</u>	<u>Representative</u>	
1042710 Ontario Ltd.	1	Patricia A. Foran & Patrick Harrington	
Briardown Estates Inc.	33		
Amar Transport Inc.	81		
Highway 7 Langstaff GP Ltd.	2	Kim Beckman & Susan Rosenthal	
Highway 7 Langstaff GP Ltd.	22		
Longyard Properties Inc.	23		
Solmar Inc.	3	Michael Melling, Jason Lewis & Katarzyna Sliwa	
Tesmar Holdings Inc.	4		
1668872 Ontario Inc.	5		
77 Woodstream Inc.	25		
Block 40/47 Developers Group Inc.	28		
York Major Holdings Inc.	55		
1539253 Ontario Inc.	68		
Celebration Estates Inc.	96		
Block 66 West Landowners Group Inc.	125		
2264319 Ontario Inc.	6	Ira T. Kagan	
Block 41-28E Developments Limited, Block 41-28W Developments Ltd., 1212765 Ontario Ltd., and 1212763 Ontario Ltd.	35		
7040 Yonge Holdings Ltd., and 72 Steeles Holdings Ltd.	38		
2 Steeles Avenue West Ltd.	39		
Auto Complex Ltd.	40		
Castlepoint Huntington Ltd.	49		
Salz & Son Ltd.	51		
Haulover Investments Ltd.	7		Jeffrey Streisfield
David and Kathy Lundell	42		
Portside Developments (Kipling) Inc.	116		
Mario Tedesco and Fifthshire Homes	117		
Baif Developments Limited	8	Roslyn Houser & 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		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	
Kau and Associates L.P.	74	
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
Lucia Milani and Rizmi Holdings Ltd.	62	
H&L Title Inc. and Ledbury Investments Ltd.	75	

RioCan Holdings Inc. (Coulter’s Mills Marketplace)	31	Joel D. Farber
RioCan Holdings Inc.(Springfarm Marketplace)	32	
Riotrin Properties (Langstaff) Inc., SRF Vaughan Property Inc., and SRF Vaughan Property II Inc.	36	
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 Petroleum Products Institute Imperial Oil Ltd.	41 71	N. Jane Pepino
Home Depot Holdings Inc. Granite Real Estate Inc., and Magna International Inc.	44 110	Steven A. Zakem
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	
1885135 Ontario Ltd.	85	
2157160 Ontario Inc.	99	
Woodbridge Farmers Co. Ltd / 1510904 Ontario Ltd. / 1510905 Ontario Ltd.	100	
1693143 Ontario Inc. / 1693144 Ontario Inc.	101	
Estate of Gladys Smith	58	Robert Miller & Vanessa Bacher
Palmerston Properties Limited	122	
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	
Bellaterre Corporation	121	
Luigi Bros. Paving Company Ltd. (Maplecrete)	128	
Blue Water Ranch Development Inc.	67	Christopher J. Tanzola
Dorian Place Residents	123	
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
2117969 Ontario Inc.	106	John Alati & Alexander Suriano
Midvale Estates Ltd.	107	
Potestas Properties Inc.	108	
Covenant Chapel	115	
Bentall Kennedy (Canada) LP	111	Patrick Duffy & Maggie Chien
Monica Murad	127	Michael 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
PERLS Inc.	D	Bruce McMinn
UPS Canada	E	Tim Bermingham
611428 Ontario Ltd.	F	David Bronskill & Nick Staubitz
York Region District School Board	H	Jessica Peake
FCHT Holdings (Ont) Corp	I	Steven A. Zakem
Magna International Inc. and Granite Real Estate Inc.	J	
CNR Alex & Michelle Marrero	K L	Alan Heisey
Vaughan 400 Landowners Group Inc.	N	Michael Melling, Jason Lewis & Katarzyna Sliwa
1233389 Ontario Inc.	O	Alan Heisey
Sustainable Vaughan	P	Stephen Roberts
RioCan Holdings Inc.	Q	Joel Farber
<u>Participants</u>	<u>No.</u>	<u>Representative</u>
Block 27 Landowners' Group	ii	Michael Melling & Katarzyna Sliwa
Antonio DiBenedetto	iii	
<u>Other</u>		<u>Representative</u>
Agro Lumber Inc. Alpa Roof Trusses Inc.		Sarah Turney