

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 29, 2015

CASE NO.: 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 Official Plan Amendment No. New Official Plan
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184

BEFORE:

J. CHEE-HING) Wednesday, the 29th
MEMBER)
) day of April, 2015

THIS MATTER having come on for a public hearing and the Board in its Decision issued March 25, 2015, withheld its order pending written confirmation from the City that the final form of the proposed modifications is acceptable;

AND THE BOARD having heard the submissions of counsel for the City of Vaughan (the “**City**”) and 165 Pine Grove Investments Inc. and Cityzen (Pine Grove) Inc., jointly (the “**Moving Party**”) relating to the appeal of the Moving Party, Appellant 53 to these proceedings, 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 Regional Municipality of York (the “**Region**”) on June 28, 2012;

AND THE BOARD having heard the submissions of counsel of certain other parties and considered the planning evidence of Kurt Franklin regarding proposed modifications to the Woodbridge Centre Secondary Plan (“**WCSP**”) including Schedules 2, 3, 4, 5 and 6 of the WCSP and the addition of a site-specific policy to the WCSP as set out in Schedule A,

pertaining to the lands of the Moving Party municipally known as 165, 170, 180, 192, 201 and 229 Pine Grove Road, in the City of Vaughan;

THE BOARD ORDERS that

- a) That in accordance with the provisions of section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, (the “**Act**”) in respect of Volume 2 of 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, those proposed modifications to the WCSP as set out in Schedule A attached to and forming part of this Order, are hereby modified and as modified are approved, save and except those policies and land use schedules of the Plan which remain under appeal on a site-specific or area-specific basis.
- b) That in accordance with the provisions of section 17(50) of the Act, the Moving Party’s appeal is resolved in full.
- c) That the partial approval ordered herein, is without prejudice to the positions taken by the parties to the appeals of the Plan, such that if those appeals proceed to a subsequent hearing or motion, 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 of the Plan on the mere 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 doing so is consistent with the Act, provincial policies, conform to provincial plans and/or constitutes good planning.

Notwithstanding the above, the Board hereby retains jurisdiction to consider and approve modifications or exceptions 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.

The Board may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

A handwritten signature in black ink, appearing to read "Jenne Hege." with a period at the end. The signature is written in a cursive, flowing style.

SECRETARY

Ontario Municipal Board

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