

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 29, 2016

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)

Board Rule 107 states:

107. **Effective Date of Board Decision** A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

Heard: September 24, 2016 in Vaughan, Ontario

APPEARANCES:

Parties

City of Vaughan ("City")

See Attachment 1

Counsel*/Representative

B. Engell*

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON
SEPTEMBER 22, 2016 AND ORDER OF THE BOARD**

INTRODUCTION

[1] The Board held another Prehearing Conference (“PHC”) with regard to the continuing processing of the appeals related to the Vaughan Metropolitan Centre Secondary Plan for which Phase 1 of the hearing is scheduled to commence January 9, 2017 for four weeks.

[2] On the agenda for this PHC was a draft of the Procedural Order and Issues List for the forthcoming hearing, a request for a Motion date to deal with settlements, and a request by a number of the parties for a further PHC before the hearing on the merits.

CONTEXT

[3] For a number of parties who are actively engaged in settlement discussions or who have reached a settlement with the City and hope to have settlements approved prior to the commencement of the Phase 1 hearing, there is a degree of angst that “what if” the City (or the Board) were not to approve the settlement and they are not listed as a party and their issues are not listed in the Procedural Order. A suggestion was that the Board set the Motion date after November 15, 2016 but before the proposed date for the exchange of witness statements on December 8, 2016.

[4] For at least one other party there is another uncertainty and it relates to the Portage Parkway Environmental Assessment (“EA”). That EA deals with the location of the road and its final alignment which may affect proposed or desired Official Plan designations. The Board understands the EA status as follows: the preferred alternative has been identified, the EA is in the middle of the public consultation period which expires on or about October 11, 2016, following which City staff will be preparing a report to take to the Vaughan Metropolitan Centre Subcommittee (“VMC”) for November 2, 2016. The recommendation of the VMC will then go to City Council which

is expected to be on November 15, 2016. Counsel for the City advised the Board that this is a public process.

[5] The concern however is what if there are changes that arise out of this process as it affects the lands in the vicinity, and how are the affected parties to prepare issues for the Procedural Order now, when the outcome of this process is unknown? Hence the request for another PHC after November 15, 2016 so counsel have an appreciation of the status of their clients' lands *vis a vis* the City's position on the results of the EA.

DRAFT PROCEDURAL ORDER AND ISSUES LIST

[6] In anticipation of the commencement of the Phase 1 hearing already set for January 9, 2017, it is desirable for a Procedural Order and Issues List to be set by the Board.

[7] With regard to Exhibit 2 at this Prehearing, there are some refinements that need to be made. For example, Issue 13 is presently blank and will be amended to include the issue(s) of Appellant 59 (if necessary).

[8] With regard to the Order of Evidence and in particular for the "parties in support", it was drawn to the Board's attention that a number of public bodies are not listed there, and should be.

[9] The Board directs that the City shall revise Exhibit 2 and circulate it to the parties and then provide the revised Exhibit 2 to the Case Coordinator so that it can be issued by the Board.

[10] However the Board wishes to make it abundantly clear that the issuance of the revised Procedural Order and Issues List will not act to prejudice a party adversely affected by the results of the EA or a settlement attempt that does not materialize.

DECISION

[11] To facilitate this, the Board sets a further one day PHC for **Friday November 18, 2016 at 10 a.m.** (which is after the City Council meeting of November 15, 2016 but before the exchange of witness statements on December 8, 2016). The venue will be:

**Economic Development Board
Municipal Building (Vaughan)
2141 Major Mackenzie Drive
Vaughan, Ontario**

[12] The purpose of the PHC is twofold: firstly as a Motion day for further partial approvals, and secondly for a status update including but not limited to the outcome of the EA process, and whether there are additional matters and/or issues that arise out of that.

[13] No further notice is required.

[14] I am not seized.

[15] Scheduling permitting, I may be spoken to for case management purposes.

[16] This is the Order of the Board

"Blair S. Taylor"

**BLAIR S. TAYLOR
MEMBER**

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

Ontario Municipal Board
A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elfto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

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 (aka Royal
Centre)
Appellant: 1096818 Ontario Inc.
Appellant: 11333 Dufferin St et al
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Subject: Failure to announce a decision respecting
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VAUGHAN METROPOLITAN CENTRE SECONDARY PLAN PRE-HEARING
CONFERENCE - SEPTEMBER 22, 2016

SIGN IN SHEET

	<u>Appeal</u>	<u>Representative(s)</u>	<u>Attendees(s)</u>
City of Vaughan		Bruce Engell Weir Foulds LLP)	
		Claudia Storto Deputy City Solicitor, City of Vaughan	
		Michael Toshakovski Legal Counsel, City of Vaughan	
1042710 Ontario Ltd.	1	Patricia Foran Aird Berlis LLP	
Wal-Mart Canada Corp.	10	Mary Flynn-Guglietti McMillan LLP	
First Vaughan Investments Inc., Roland Properties Inc., and Skyrange Investments Inc.	72	Joseph Hoffman Goodmans LLP	
Calloway REIT (Sevenbridge) Inc. (SmartCentres)	73		

1834371 Ontario Ltd.	30	Barry Horosko Horosko Planning Law
2128475 Ontario Corp.	146	
1930328 Ontario Inc.	147	
Hollywood Princess Convention and Banquet Centre Ltd.	50	Quinto Annibale Loopstra Nixon LLP
785345 Ont. Ltd. and I. & M.	59	
Pandolfo Holdings		
Royal 7 Developments Ltd.	84	
Luigi Bros. Paving Company Ltd.	91	Gillian Gondosch Parente Borean LLP
1034933 Ontario Ltd.	120	
Luigi Bros. Paving Company Ltd. (Peelar)	128	
Concetta Marciano	135	
Pro Catering Ltd.	136	
Michael Termini, Salvatore Termini and Rosa Bancheri	145	
2117969 Ontario Inc.	106	Matthew DiVona Davies How Partners LLP
Midvale Estates Ltd.	107	
Protestas Properties Inc.	108	
Antonio Di Benedetto	109	Antonio Di Benedetto
Bentall Kennedy (Canada) Ltd.	111	Patrick Duffy Stikeman Elliott LLP
Toromont Industries Ltd.	114	Michael Miller Dickson Wright LLP
Berkley Commercial (Jane) Inc.	119	Daniel Artenosi Overland LLP
York Region Condominium Corporation 730	137	Reza Fakhim, Ali Shojaat & Domenica Perruzza
York Condominium Corporation 499	139	Robert Miller Scargall Owen-King LLP
350 Creditstone Investments Inc.	143	Steven Zakem Aird Berlis LLP
Lorwood Holdings Incorporated	158	

Hilton Garden Inn (1406284 Ontario Inc.) 164 Patrick Harrington
Aird Berlis LLP

<u>Parties</u>	<u>Party</u>	<u>Representative(s)</u>	<u>Attendee(s)</u>
Region of York	A	Pitman Patterson Borden Ladner Gervais LLP	
Ministry of Municipal Affairs and Housing	B	Ken Hare & Ugo Popadic MMAH	
Toronto and Region Conservation Authority	C	June Little TRCA	
York Region District School Board	G	Stefan Rosenbaum Shibley Righton LLP	
York Region Catholic District School Board	H	Gilbert Luk YRDSB	
Canadian National Railway	I	Alan Heisey Papazian Heisey Myers LLP	