

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: September 18, 2020

CASE NO(S): PL111184

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1042710 Ontario Limited
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)

All Appellants: See Schedule 1

Heard: September 15, 2020 by telephone conference call

APPEARANCES:

Parties

Counsel

Overiver Holdings Limited

M. Melling and J. Cole

City of Vaughan

E. Lidakis

Toronto and Region Conservation
Authority

T. Duncan

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON
SEPTEMBER 15, 2020 AND ORDER OF THE TRIBUNAL**

[1] This proceeding was a settlement hearing to resolve the appeal of Overriver Holdings Limited (Appeal 98) (“Overriver”) to the 2010 Vaughan Official Plan (“VOP”). Over the past several years, the 168 appeals to the VOP have been managed according to various categories by area or subject matter. Where a settlement is reached, as is the case here, a hearing is held to consider the settlement and resulting modifications to the VOP, if any.

[2] The Parties submitted on consent a signed affidavit by Keith MacKinnon, Registered Professional Planner, retained by Overriver. The affidavit, marked as Exhibit 1, explains and supports the proposed site-specific policy for the VOP to resolve the appeal.

[3] Mr. MacKinnon explains that this vacant, 4.5 hectare property at the southern terminus of Wallace Street, just south of Highway 7, being Part Lot 62, Registered Compiled Plan 9831 (“property”) is located adjacent to the Humber River and includes valley lands. The land use designations and associated policies of the VOP had removed permission for a detached dwelling on the property previously permitted by the former Woodbridge Community Plan. The existing Zoning By-law continues to zone a portion of the property to permit a detached dwelling, and its location would require a permit from the Toronto and Region Conservation Authority (“TRCA”).

[4] Mr. MacKinnon explains that the proposed modification to the VOP will allow a detached dwelling on the property within the existing R3 zoned area subject to appropriate studies being completed to the satisfaction of the City of Vaughan, Regional Municipality of York (“Region”) and TRCA. The studies would address such matters as natural hazards including flooding, stable slope location and protection of natural heritage features. To implement any study results, the property will be subject to site plan control.

[5] Mr. MacKinnon opines that the proposed amendment satisfies all applicable planning policy and is suitable for approval as follows. It has regard for the provincial interests of protecting ecological systems and providing safe and healthy communities as expressed in s. 2 of the *Planning Act* (“Act”). It conforms with the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“GP 2020”) involving support for delineated settlement areas on full services and protecting natural heritage and landforms. The amendment is also consistent with the Provincial Policy Statement, 2020 (“PPS 2020”) regarding managing growth, providing opportunities for intensification and the efficient use of municipal services. The resolution conforms with the Region’s Official Plan (“ROP”) wherein the boundaries of the Greenlands System may be refined where supported by appropriate studies. Mr. MacKinnon also considers the amendment to harmonize with the structure of the VOP as it does not change the Land Use Schedule and ensures the completion of all necessary studies before a detached dwelling is established.

[6] On the unchallenged evidence of Mr. MacKinnon and the consent submissions of the Parties, the Tribunal finds that the proposed modifications to the VOP have regard for s. 2 of the Act, conform with the GP 2020, are consistent with the PPS 2020, and conform with the ROP. The Tribunal approves the requested modification to the VOP as set out below.

ORDER

[7] The Tribunal Orders, pursuant to s. 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 as adopted by the City of Vaughan on September 7, 2010, subject to Council modifications on September 27, 2011, March 20, 2012, and April 17, 2012, and modified and endorsed by the Regional Municipality of York on June 28, 2012, that:

1. Appeal 98 of the City of Vaughan Official Plan 2010, filed by Overiver Holdings Limited, is allowed in part;

2. The City of Vaughan Official Plan 2010 is hereby modified and approved as modified in respect of lands subject to Appeal 98 in accordance with Schedule 2 attached to and forming part of this Order; and
3. The balance of Appeal 98 of the City of Vaughan Official Plan 2010 is hereby dismissed.

“S. Tousaw”

S. TOUSAW
MEMBER

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

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE 1

APPELLANT	APPEAL	REPRESENTATIVE
Briardown Estates Inc.	33	Patrick Harrington
Amar Transport Inc.	81	
Solmar Inc.	3	Michael Melling / Andy Margaritis / Jamie Cole (except Appellant 151)
Tesmar Holdings Inc.	04	
1668872 Ontario Inc.	5	
77 Woodstream Inc.	25	
Block 40/47 Developers Group Inc.	28	
Auto Complex Limited	40	
York Major Holdings Inc.	55	
1539253 Ontario Inc.	68	
Celebration Estates Inc.	96	
Overriver Holdings Ltd.	98	
Block 66 West Landowners Group Inc.	125	
Teston Green Landowners Group	149	
Block 42 Landowners Group	151	
Lucia Milani and Rizmi Holdings Ltd.	62	
Teston Villas Inc.	152	
Teston Sands Inc.	162	
2264319 Ontario Inc.	6	Ira T. Kagan
Block 41-28E Developments Limited, Block 41-28W Developments Ltd., 1212765 Ontario Inc. and 1213763 Ontario Ltd.	35	
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38	
Castlepoint Huntington Ltd.	49	
Salz & Son Ltd.	51	
Monarch Castlepoint Kipling North & South	154	
Queen's Quay Avante Limited	155	
Haulover Investments Ltd.	7	
David and Kathy Lundell	42	Jeffrey Streisfield

APPELLANT	APPEAL	REPRESENTATIVE
Portside Developments (Kipling) Inc.	116	
Mario Tedesco	117	
York Region Condominium Corporation 730	137	Reza Fakhim / Ali Shojaat / Domenica Perruzza
Baif Developments Limited	8	
Costco Wholesale Canada Ltd.	9	
Wal-Mart Canada Corp.	40	
First Vaughan Investments Inc., Ruland Properties Inc. and Skyrange Investments Inc.	72	Roslyn Houser / Ian Andres / Joseph Hoffman
Calloway REIT (Sevenbridge) Inc.	73	
LTF Real Estate Company, Canada Inc. ("Life Time")	134	
836115 Ontario Inc.	18	
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	
Nine-Ten West Limited	80	
Cedarbrook Residential	103	
Allegra on Woodstream Inc.	112	
588701 Ontario Limited	124	
2128475 Ontario Corp.	146	
1930328 Ontario Inc.	147	
West Rutherford Properties Ltd.	16	
Ozner Corporation	17	Quinto M. Annibale / Steven Ferri
Hollywood Princess Convention and Banquet Centre Ltd.	50	

APPELLANT	APPEAL	REPRESENTATIVE
MCN (Pine Valley) Inc.	57	
785345 Ont. Ltd and I & M Pandolfo Holdings	59	
Kirbywest Ltd.	66	
Royal 7 Developments Limited	84	
Maple Industrial Landowners Group	118	
Blue Sky Entertainment Corp.	126	
Holcim (Canada) Inc.	129	
2203012 Ontario Limited	130	
Blair Building Materials Inc.	131	
Caldari Land Development Corporation	150	
Lormel Developments Ltd.	167	
Blackwood Realty Fund I Limited Partnership	24	John Alati / Susan Rosenthal
2117969 Ontario Inc.	106	
Midvale Estates Ltd.	107	
2431247 Ontario Limited (Zen 2)	108	
Covenant Chapel	115	
Ivanhoe Cambridge II Inc.	142	
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	
1306497 Ontario Inc. (Sisley Honda)	133	
Canadian Fuels Association	41	N. Jane Pepino
Imperial Oil Ltd.	71	
Country Wide Homes (Pine Valley Estates) Inc.	166	
Home Depot Holdings Inc.	044	Steven A. Zakem /

APPELLANT	APPEAL	REPRESENTATIVE
Granite Real Estate Inc. and Magna International Inc.	110	Andrea Skinner
350 Creditstone Investments	143	
Lorwood Holdings Incorporated	158	
Casertano Development Corperation 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	
GST Canada Co.	85	
2157160 Ontario Inc.	99	
Woodbridge Farmers Co. Ltd., 1510904 Ontario Ltd., and 1510905 Ontario Ltd.	100	
1693143 Ontario Inc. and 1693144 Ontario Inc.	101	
Antonia & Bertilla Taurasi	138	
390 Steeles West Holdings Inc.	153	
398 Steeles Avenue West Inc.	160	
2090396 Ontario Ltd.	60	
Arthur Fisch & 1096818 Ontario Inc.	61	
H&L Title Inc. & Ledbury Investments Ltd.	75	
Centre Street Properties Inc.	78	
Vogue Investments Ltd.	79	
Teefy Developments Inc.	63	Chris Barnett
Anland Developments Inc.	83	
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	

APPELLANT	APPEAL	REPRESENTATIVE
Mrs. Anna Greco	90	
Luigi Bros. Paving Company Ltd.	91	
Mr. Silvio Di Giammarino	94	
1034933 Ontario Ltd.	120	
Luigi Bros. Paving Company Ltd.	128	
Concetta Marciano	135	
Pro Catering Ltd.	136	
Michael Termini, Salvatore Termini and Rosa Bancheri	145	
Yonge & Steeles Developments Inc.	39	
Blue Water Ranch Developments Inc.	67	
Berkley Commercial (Jane) Inc.	119	
Teresa Marando	123	
FCF Old Market Lane 2013 Inc.	140	
Liberata D'Aversa	148	
8188 Master Holding Inc.	157	
1966711 Ontario Inc.	164	
Glenwood Property Management Ltd. and The Gupta Group	165	
Royal Group Inc.	70	David Tang
Langvalley Holdings	77	Nicholas T. Macos
K & K Holdings Limited	132	
Camelot on 7 Inc. and Elia Breda	93	Paul R. Bottos
Tien De Religion Lands	141	Alan Heisey
TDC Medical Properties Inc.	105	Stephen D'Agostino
Mr. Antonio Di Benedetto	109	Self-Represented
Bentall Kennedy (Canada) LP	111	Patrick Duffy
Toromont Industries Ltd.	114	Michael Miller
Tan-Mark Holdings Limited & Telast Enterprises Inc.	156	William Friedman
Tan-Mark Holdings Limited, Gino Matrundola and Telast Enterprises Inc.	168	
10350 Pine Valley	163	Steven Ferri

APPELLANT	APPEAL	REPRESENTATIVE
1042710 Ontario Ltd.	4	Patricia A. Foran / Patrick Harrington
Highway 27 Langstaff GP Ltd.	2	Susan Rosenthal
Highway 27 Langstaff GP Ltd.	22	
Longyard Properties Inc.	23	
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	
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	
Ms. Ronni Rosenberg	37	Amber Stewart
165 Pine Grove Investments Inc.	53	Adam J. Brown / Jessica Smuskowitz
1525233 Ontario Inc.	97	
Estates of Gladys Smith	58	Robert Miller
Palmerston Properties Limited	122	
York Condominium Corporation 499	139	
2058258 Ontario Ltd. (Forest Green Homes)	69	Christopher J. Williams / Andrea Skinner
Ms. Traci Shatz	76	Aynsley L. Anderson
United Parcel Service Canada Ltd.	92	Tim Bermingham
Weston Downs Ratepayers Association	95	Anthony Francescucci
Mr. Alex Marrero	102	Alex Marrero
Monica Murad	127	Michael Simaan
Seven 427 Developments Inc.	144	Valeria Maurizio / Johanna Shapira

APPELLANT	APPEAL	REPRESENTATIVE
Kau & Associates LP	74	Caterina Facciolo
Trimax on Islington	104	
Dufferin Vistas Ltd.	21	David Bronskill
Country Wide Homes Woodend Place Inc.	121	Jane Pepino
2464879 Ontario Inc. and Ultra Towns Inc.	159	Leo Longe
The Ravines of Islington Encore Inc.	161	

<u>Parties</u>	<u>Party No.</u>	<u>Representative</u>
Haulover Investments Ltd.	7	Jeffrey Streisfield
Region of York	A	Pitman Patterson / Bola Ogunmefun
Ministry of Municipal Affairs and Housing	B	Ugo Popadic / Anna-Lee Beamish
Toronto and Region Conservation Authority	C	Tim Duncan / Coreena Smith
PEARLS Inc.	D	Bruce McMinn
UPS Canada	E	Tim Bermingham
611428 Ontario Ltd.	F	David Bronskill
York Region Catholic District School Board	G	Tom McRae / Christine Hyde
York Region District School Board	H	Gilbert Luk
FCHT Holdings (Ont) Corp	I	Steven A. Zakem / Andrea Skinner
Magna International Inc. and Granite Real Estate Inc.	J	
CNR	K	Alan Heisey
Alex & Michelle Marrero (5859 Rutherford)	L	
Ivanhoe Cambridge Inc. (now Appeal 142)	M	John Alati
Vaughan 400 North Landowners Group Inc.	N	Michael Melling
1233389 Ontario Inc.	O	Alan Heisey
Sustainable Vaughan	P	Sonny Rai
RioCan Holdings Inc.	Q	Joel Farber
Brownridge Ratepayers Association	R	Mario G. Racco

<u>Parties</u>	<u>Party No.</u>	<u>Representative</u>
Joseph & Teresa Marando	S	Carmine Marando
Velmar Centre Property Ltd.	T	Michael Melling
Argo Lumber Inc., Alpa Trusses Inc.	U	Thomas Barlow / Sarah Jane Turney
One-Foot Developments Inc.	AA	
Two Seven Joint Venture Limited	AB	
Anatolia Capital Corp.	AC	
Di Poce Management Limited	AD	
Toromont Industries Ltd.	AE	
John Simone	AF	
Domenic Simone	AG	
Silvia Bellissimo	AH	
Enza Cristello	AI	
Maria Simone	AJ	
Anthony Simone	AK	
Annarita Guida	AL	
Cole Engineering Group Ltd.	AM	
Roybridge Holdings Ltd., Vaughan West II Ltd. and Squire Ridge Investment Ltd.	V	Susan D. Rogers
Adidas Canada Ltd., 2029832 Ontario Inc. and Conair Consumers Products Inc.	W	Susan D. Rogers
Part of Block 50 Landowners Group	X	Thomas Barlow
Sidney Isenberg (Medallion Fence Ltd.)	Y	Shelly Isenberg
Liberta D'Aversa (now Appeal 148)	Z	Gregory Grygue
Teresa Marando	AN	Chris Tanzola / Daniel Artenosi
Seven 427 Developments Inc.	AO	Johanna Shapira

<u>Yonge Steeles Secondary Plan Parties</u>	<u>Representative</u>
City of Toronto	Ray Kallio
City of Markham	Bruce Ketcheson / Francesco Santaguida

<u>Yonge Steeles Secondary Plan Parties</u>	<u>Representative</u>
2636786 Ontario Inc. (Toys "R" Us)	Roslyn Houser
Roman Catholic Episcopal Corporation for the Diocese of Toronto	David Tang
Mizrahi Constantine (180 Saw) Inc.	Quinto Annibale / Brendan Ruddick
Yonge Steeles Landowners Group (Appellants 38, 40, 41, 165)	Ira Kagan / Kristie Jennings

<u>Participants</u>	<u>No.</u>	<u>Representative</u>
Block 27 Landowners	4	Michael Melling
City of Brampton	2	Diana Soos
Antonio DiBenedetto	3	Self
Americo Ferrari	4	joseph.jgp@gmail.com
Crown Heights Coop Housing	5	Ellen Schacter
Maria, Yolanda, Laura, Guiseppe Pandolfo and Cathy Campione	6	Guiseppe Pandolfo
Brownridge Ratepayers Association	7	Mario G. Racco
Bellaterra Corporation	8	Gerard C. Borean
Mary Mauti and Elisa Testa	9	Mary Mauti / Elisa Testa
The Village of Woodbridge Ratepayers Association	10	Maria Verna

SCHEDULE 2

Schedule B – Proposed Modifications

LPAT approval of the following VOP 2020 schedules and Revisions

1. LPAT approval of Schedule 1 – Urban Structure and Schedule 13 – Land Use as approved by Regional Council on June 28, 2012 and Schedule 2 – Natural Heritage Network as approved by LPAT on September 21, 2016 as they pertain to the subject lands.

2. LPAT approval of the following revisions to the VOP 2010 to add a Site Specific Policy within Volume 2.
 - a. Add to Volume 1, Schedule 14-C “Areas Subject to Site Specific Policies” by adding the “R3” zoned lands within the Subject Lands and identifying these lands as #55 and known as “South End of Wallace Street”

 - b. Adding to Volume 2, policy 13.1.1.55 “Site Specific Policies” by adding the following policy, to be renumbered in sequential order:

13.1.1.55 “The lands known as the South End of Wallace Street are identified on Schedule 14-C as Item 55 and are subject to the policies set out in Section 13.56 of this Plan”

 - c. Adding the following policies to Volume 2, Section 13 – “Site Specific Policies” and renumbering in sequential order:

13.56 South End of Wallace Street
(Part of Lot 62 Registrar’s Complied Plan 9831)

13.56.1 General

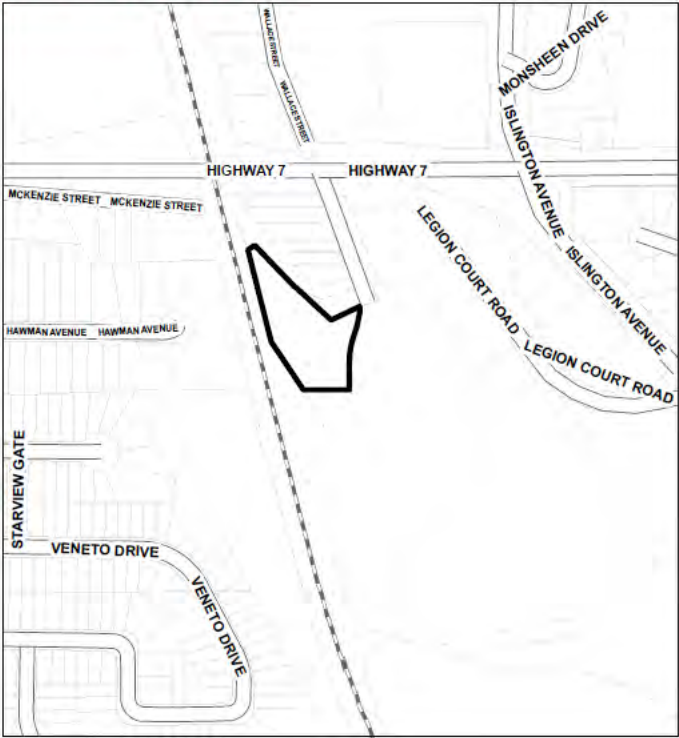
13.56.1.1 The following policies shall apply to the lands identified on Map 13.56.A.

13.56.1.2 Notwithstanding the Natural Area designation, one single-detached dwelling shall be permitted subject to the following:

 - a. Prior to development on the lands for a single-detached dwelling, applications for Site Plan Control and, if necessary, Minor Variance approval, will be required to the satisfaction of the City of Vaughan, York Region and the Toronto and Region and Conversation Authority (TRCA).

- b. Prior to submission of applications as outlined in policy 13.56.1.2.a, and notwithstanding Policy 10.1.3.3 of the VOP 2010, the City of Vaughan, York Region and the TRCA shall advise the Applicant at a Pre-Application Consultation meeting of such information, studies, materials or actions as will be required. The following outlines the specific TRCA studies that may be expected to be required, but shall not be construed as an exhaustive listing as conditions may be subject to change over time:
1. Natural Hazards;
 2. Flood study if amendments to the TRCA's updated modelling is being sought;
 3. Meander Belt Assessment;
 4. Toe-of-Slope staking;
 5. Long-Term Stable Toe of Slope Assessment;
 6. Topographic Survey prepared by an Ontario Land Surveyor;
 7. Natural Heritage;
 8. Woodland and Contiguous Vegetation staking;
 9. Woodland assessment to determine significance;
 10. Floral and Faunal surveys in appropriate seasons;
 11. Environmental Impact Study; and
 12. Hydrogeology assessment if underground parking proposed.
- c. Development of the lands will be subject to Site Plan Control.
- d. Any development will be contingent upon securing a permit from TRCA pursuant to Ontario Regulation 166/06.

Map 13.56.A
South End of Wallace Street



Areas Subject to Site Specific Plans, Map 1/2

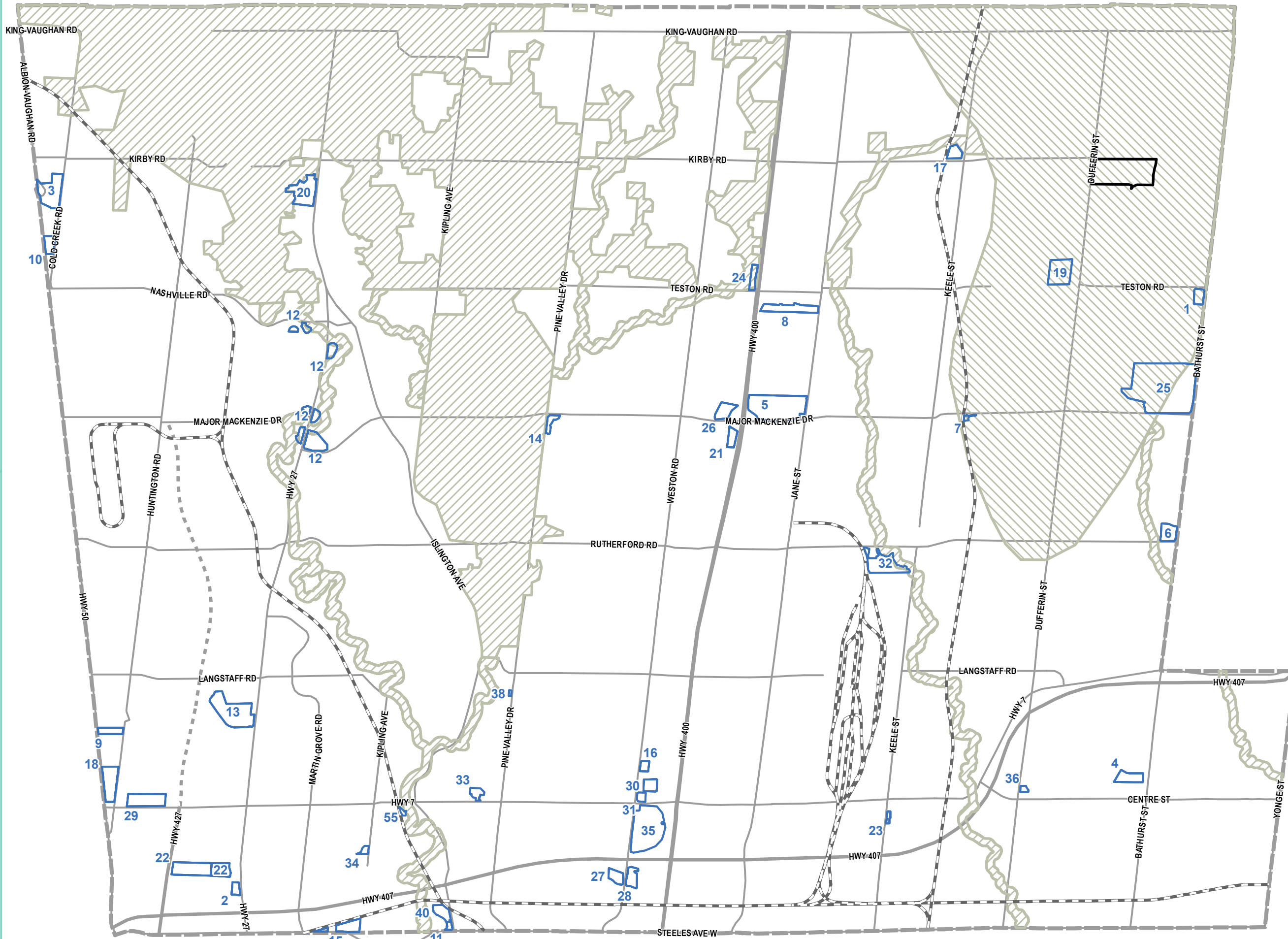
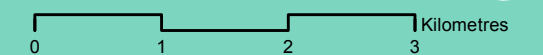
Site #, Name, Chapter

- 1, SW Corner of Bathurst St. and Teston Rd., 13.2
- 2, 7242 Highway 27, 13.3
- 3, 11245 Highway 50, 13.4
- 4, Thornhill Liberty Lands, 13.5
- 5, Vaughan Healthcare Campus, 13.6
- 6, NW Corner of Rutherford Road and Bathurst Street, 13.7
- 7, 2057 Major Mackenzie Drive, 13.8
- 8, Ahmadiyya Campus,
- 9, 8151 Highway 50, 13.10
- 10, 10901 Highway 50, 13.11
- 11, Steeles/Islington Ave. Services Review Area, 13.12
- 12, Valley Policy Areas,
- 13, 2107638/RioCan/SRF Vaughan, 13.14
- 14, SE Corner of Major Mackenzie Dr. and Pine Valley Dr. , 13.15
- 15, NW Corner of Steeles and Kipling Avenue,
- 16, 7979 Weston Road, 13.17
- 17, NW Corner of Keele Street and Kirby Road, 13.18
- 18, Huntington South, 13.19
- 19, 1600 Teston Road, 13.20
- 20, North Humber Extension, 13.21
- 21, 77 Eagleview Heights, 13.22 (OPA #7)
- 22, Parkwaybelt West Amendment Areas,
- 23, 7615-7675 Keele St., 13.24
- 24, 3400 Teston Road, 13.25
- 25, NW Corner of Major Mackenzie Dr. and Bathurst St. , 13.26
- 26, NE Corner of Cityview Blvd. and Major Mackenzie Dr., 13.27
- 27, 30 & 70 Aviva Park Dr., 13.28 (OPA)
- 28, SE Corner of Weston Rd. and Highway 407, 13.29
- 29, NW Corner of Highway 427 and Highway 7, 13.30
- 30, 140 Northview Boulevard, 13.31

See Minister's Decision on ORMCP Designation

Municipal Boundary

Note: Legend details for sites 31-40 are shown on map 2

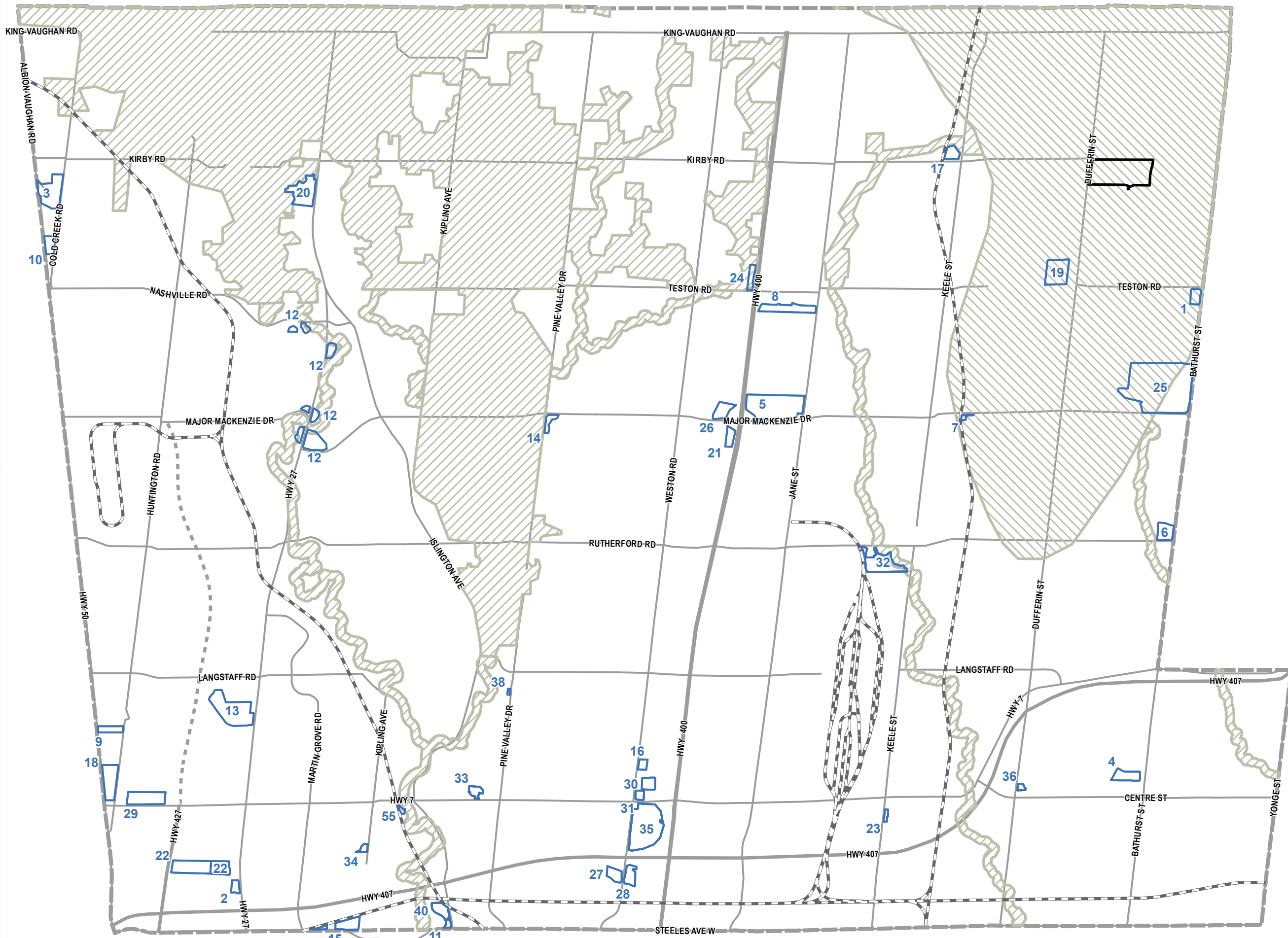


Areas Subject to Site Specific Plans, Map 2/2

Site #, Name, and Chapter

- 31; NE Corner of Weston Rd. and Highway 7; 13.32
- 32; 600, 800 & 1000 Tesma
- 33; 4650 Highway 7; 13.34 (OPA #11)
- 34; Kipling Avenue
- 35; Colossus Centre; 13.36
- 36; 7803 and 7815 Dufferin Street; 13.37
- 38; Rear Portion of 61, 71 & 83 Hayhoe Ave; 13.39 (OPA #18)
- 40; 7082 Islington Ave.;
- 55; South End Wallace Street
- See Minister's Decision on ORMCP Designation

Municipal Boundary



Note: Legend details for sites 1-30 are shown on map 1



Map 13.56.A
South End of Wallace Street

