Local Planning Appeal Tribunal

Tribunal d'appel de l'aménagement local



ISSUE DATE: October 05, 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 Attachment 1

Heard: October 1, 2020 by telephone conference call

APPEARANCES:

<u>Parties</u> <u>Counsel</u>

MCN (Pine Valley) Inc. S. Ferri and M. Ng

Block 42 Landowners Group Inc. M. Melling and A. Margaritis

City of Vaughan E. Lidakis

Toronto and Region Conservation

Authority

T. Duncan

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MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON OCTOBER 1, 2020 AND ORDER OF THE TRIBUNAL

- [1] This proceeding was a settlement hearing to resolve the appeals of MCN (Pine Valley) Inc. (Appeal 57) ("Pine Valley") and Block 42 Landowners Group Inc. (Appeal 151) ("Block 42 Landowners") 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] In support of the settlement for Block 42 Landowners, and with the consent of all Parties, the signed Affidavits of the following professionals were marked as Exhibit 1: Ryan Mino-Leahan, Registered Professional Planner ("RPP") and Brian Henshaw, Ecologist.
- [3] In support of the settlement for Pine Valley, and with the consent of all Parties, the signed Affidavits of the following professionals were marked as Exhibit 2: Michael Bissett, RPP, Bradley Baker, Ecologist and Paul Neals, Agrologist.
- [4] As covered in detail in the Affidavits, both of these matters relate to the manner in which the VOP designates and applies policies for natural heritage areas.
- [5] The area known as Block 42 covers approximately 500 hectares at the centre of the municipality's northern boundary, bounded by Kirby Road to the south, Pine Valley Drive to the west, Weston Road to the east, and the municipal boundary to the north. The area is situated outside of the designated Urban Area and is dominated by agricultural land uses, but may be considered for future urban development based on studies underway by the Regional Municipality of York.
- [6] The resolution of the Block 42 Landowners' appeal involves renaming natural features on Schedule 2 of the VOP to clarify that such features will be determined at the time of future development, and including policies that provincially significant wetlands

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will be surrounded by a 30 metre ("m") protection zone and other wetlands by a 10 m zone, and setting out the circumstances when an evaluation of wetlands and environmental impact studies are required.

- [7] Mr. Mino-Leahan attests that the proposed modifications to the VOP satisfy all legislative requirements by appropriately addressing the protection of ecological systems, the protection of agricultural resources, orderly development and coordinated planning, as set out in s. 2 of the *Planning Act* ("Act"), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 ("GP"), the Provincial Policy Statement, 2020 ("PPS") and the Regional Municipality of York Official Plan ("ROP"). Mr. Mino-Leahan also opines that the proposed modifications are in harmony with the policy intent of the VOP.
- [8] The lands affected by the Pine Valley appeal are approximately 60 hectares within the northwest part of Block 42. The resolution of the appeal involves modifying Schedule 2 of the VOP to remove the designations of Core Feature and Enhancement Area from three swales that cross and form part of the cropped fields on the property, and to add a policy allowing the small wetland in the southwest part of the property to be studied further at the time of a development application.
- [9] Mr. Bissett attests that the proposed modifications to the VOP satisfy all legislative requirements by appropriately addressing the protection of ecological systems, the protection of agricultural resources, orderly development and coordinated planning, as set out in the Act, GP, PPS and ROP. Mr. Bissett also opines that the proposed modifications conform with the intent of the VOP.
- [10] On the unchallenged planning evidence of Mr. Mino-Leahan and Mr. Bissett as supported by the technical conclusions of the other affiants, 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, are consistent with the PPS, and conform with the ROP. The Tribunal approves the requested modifications to the VOP as set out below.

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ORDER

[11] 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:

- Appeals 57 and 151 of the City of Vaughan Official Plan 2010, filed by MCN (Pine Valley) Inc. and Block 42 Landowners Group Inc. respectively, are allowed in part;
- The City of Vaughan Official Plan 2010 is hereby modified and approved as modified in respect of lands subject to Appeals 57 and 151 in accordance with Attachment 2 attached to and forming part of this Order; and
- 3. The balance of Appeals 57 and 151 of the City of Vaughan Official Plan 2010 are 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

ATTACHMENT 1

Schedule "A"

APPELLANT	APPEAL	REPRESENTATIVE
Briardown Estates Inc.	33	Patrick Harrington
Amar Transport Inc.	81	
Solmar Inc.	3	
Tesmar Holdings Inc.	04	
1668872 Ontario Inc.	5	
77 Woodstream Inc.	25	Michael Melling /
Block 40/47 Developers Group Inc.	28	Michael Melling / Andy Margaritis /
Auto Complex Limited	40	Jamie Cole
York Major Holdings Inc.	55	(except Appellant 151)
1539253 Ontario Inc.	68	,
Celebration Estates Inc.	96	Samantha Lampert
Overriver Holdings Ltd.	98	(Appellant 40 only)
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	Matthew Di Vona
Teston Sands Inc.	162	
2264319 Ontario Inc.	6	
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	Ira T. Kagan
Castlepoint Huntington Ltd.	49	
Salz & Son Ltd.	51	
Monarch Castlepoint Kipling North & South	154	
Queen's Quay Avante Limited	155	
Haulover Investments Ltd.	7	Jeffrey Streisfield
David and Kathy Lundell	42	

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.	10	5
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	Barry Horosko
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	Quinto M. Annibale / Steven Ferri
Ozner Corporation	17	
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	2 4	
2117969 Ontario Inc.	106	
Midvale Estates Ltd.	107	John Alati /
2431247 Ontario Limited (Zzen 2)	108	Susan Rosenthal
Covenant Chapel	115	
Ivanhoe Cambridge II Inc.	142	
RioCan Holdings Inc. (Coulter's Mills Marketplace)	31	
RioCan Holdings Inc. (Springfarm Marketplace)	32	
Riotrin Properties (Langstaff) Inc., SRF Vaughan Property	36	
Inc., and SRF Vaughan Property II Inc.		
Riotrin Properties (Vaughan) Inc.,		Joel D. Farber
Riotrin Properties (Vaughan2) Inc. and Riotrin Properties	48	
(Vaughan3) Inc.		
RioCan Holdings Inc. (Centre Street Corridor)	82	
1306497 Ontario Inc. (Sisley Honda)	133	
Canadian Fuels Association	41	
Imperial Oil Ltd.	71	N. Jane Pepino
Country Wide Homes (Pine Valley Estates) Inc.	166	
Home Depot Holdings Inc.	044	Steven A. Zakem /

APPELLANT	APPEAL	REPRESENTATIVE
Granite Real Estate Inc. and	110	Andrea Skinner
Magna International Inc.	110	
350 Creditstone Investments	143	
Lorwood Holdings Incorporated	158	
Casertano Development Corporation and Sandra Mammone	45	
Danlauton Holdings Ltd.	46	
1529749 Ontario Inc. (the "Torgan Group")	47	
Suncor Energy Products Partnership	54	
CST Canada Co.	85	
2157160 Ontario Inc.	99	Mary Flynn-Guglietti /
Woodbridge Farmers Co. Ltd., 1510904 Ontario Ltd., and	100	Annik Forristal
1510905 Ontario Ltd.		
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	Mark R. Flowers
Centre Street Properties Inc.	78	
Vogue Investments Ltd.	79	
Teefy Developments Inc.	63	Chris Barnett
Anland Developments Inc.	83	Chris Barnett
281187 Ontario Ltd.	64	
L-Star Developments Group	65	
Kipco Lands Development Inc.	86	Carard C. Danaar
Lanada Investments Limited	87	Gerard C. Borean
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	5
FCF Old Market Lane 2013 Inc.	140	Daniel Artenosi / Christopher J.
Liberata D'Aversa	148	Tanzola / Natalie Ast
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	NICHOIAS 1. MACOS
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	
Highway 27 Langstaff GP Ltd.	22	Susan Rosenthal
Longyard Properties Inc.	23	
TDL Group Corp.	11	
McDonald's Restaurants of Canada Ltd.	12	
A&W Food Services of Canada Inc.	13	Michael S. Polowin / Denise Baker
Wendy's Restaurants of Canada Inc.	14	Define Baker
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 /
1525233 Ontario Inc.	97	Jessica Smuskowitz
Estates of Gladys Smith	58	
Palmerston Properties Limited	122	Robert Miller
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	Саценна ғассіою
Dufferin Vistas Ltd.	21	David Bronskill
Country Wide Homes Woodend Place Inc.	121	Jane Pepino
2464879 Ontario Inc. and Ultra Towns Inc.	159	Loclongo
The Ravines of Islington Encore Inc.	161	Leo Longo

<u>Parties</u>	Party No.	<u>Representative</u>
Haulover Investments Ltd.	7	Jeffrey Streisfield
Region of York	А	Pitman Patterson / Bola Ogunmefun
Ministry of Municipal Affairs and Housing	В	Ugo Popadic / Anna-Lee Beamish
Toronto and Region Conservation Authority	С	Tim Duncan / Coreena Smith
PEARLS Inc.	Đ	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	Н	Gilbert Luk
FCHT Holdings (Ont) Corp	I	Steven A. Zakem /
Magna International Inc. and Granite Real Estate Inc.	Ĵ	Andrea Skinner
CNR	K	Alan Haisay
Alex & Michelle Marrero (5859 Rutherford)	F	Alan Heisey
Ivanhoe Cambridge Inc. (now Appeal 142)	M	John Alati
Vaughan 400 North Landowners Group Inc.	N	Michael Melling
1233389 Ontario Inc.	θ	Alan Heisey
Sustainable Vaughan	Р	Sonny Rai
RioCan Holdings Inc.	Q	Joel Farber
Brownridge Ratepayers Association	R	Mario G. Racco

<u>Parties</u>	Party No.	<u>Representative</u>
Joseph & Teresa Marando	S	Carmine Marando
Velmar Centre Property Ltd.	Т	Michael Melling
Argo Lumber Inc., Alpa Trusses Inc.	U	
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	Thomas Barlow /
Domenic Simone	AG	Sarah Jane Turney
Silvia Bellissimo	AH	
Enza Cristello	Al	
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 Gryguc
Teresa Marando	AN	Chris Tanzola / Daniel Artenosi
Seven 427 Developments Inc.	AO	Johanna Shapira

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

Yonge Steeles Secondary Plan Parties	<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		
Associated Vaughan Properties Limited	Mary Flynn-Guglietti / Kailey Sutton		

<u>Participants</u>	No.	<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

ATTACHMENT 2

Schedule "B"

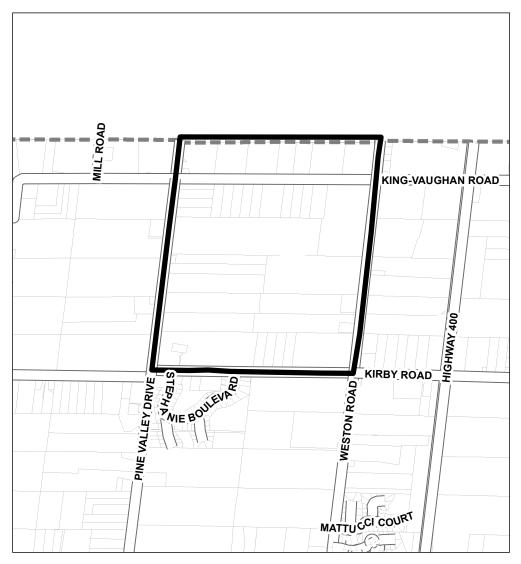
LPAT approval of the following VOP 2010 schedules and revisions

- 1. LPAT approval of Schedule 2 Natural Heritage Network as approved by LPAT on September 21, 2016 with the following revisions and attached as Attachment 1:
 - a. For the Lands subject to Appeal 57, remove all features identified on Schedule 2 outside of the Greenbelt Plan Area Boundary, except a small portion in the southwest area of the lands that will be identified as "To be determined through Future Development (4)"
 - b. For all remaining lands within Block 42 amend features within Block 42 currently identified as "Unapproved" to "To be determined through Future Development (4)"
 - c. The following note to be added to Schedule 2:
 - "(4) Sites under consideration for Core Feature additions, or classification as an Enhancement Area to be determined through appropriate technical studies during the secondary plan and/or the development approval process."
- 2. LPAT approval of the following revisions to the VOP 2010 to add a Special Site Policy within Volume 2 to VOP 2010:
- a. Add to Volume 1, Schedule 14-C "Areas Subject to Site Specific Policies" by identifying all lands within Block 42 as #56 and known as "Block 42 Lands".
- b. Adding to Volume 2, policy 13.1 "Site Specific Policy" the following policy, to be renumbered in sequential order:
 - 13.1.1.56 "The lands known as Block 42 Lands are identified on Schedule 14-C as Item 56 and are subject to the policies set out in Section 13.57 of this Plan."
- c. Adding the following policies to Volume 2, Section 13 "Site Specific Policies" and renumbering in sequential order

13.57	Block 42 Lands
13.57.1	General
13.57.1.1	The following policies shall apply to the lands identified on Map 13.57.A
13.57.1.2.	Notwithstanding Volume 1 Policies 3.2.3.4 b the following policies shall apply:

- a. Wetlands on the Oak Ridge Moraine or Greenbelt, and those identified as provincially *significant*, with a minimum 30 metre vegetation protection zone.
- Other wetlands, with a minimum vegetation protection zone in accordance with the Region of York Official Plan and TRCA Living City Policies.
- 13.57.1.3 That notwithstanding 3.3.2.2 the following policies shall apply to *development* within the lands, excluding the GTA West Corridor proposal for which 3.3.2.2 shall remain to apply:
 - a. If the lands are included within the Urban Boundary, that prior to any development of the lands for potential urban uses, through the Secondary Plan and/or Block Plan process a wetlands evaluation in accordance with the Provincial criteria shall be undertaken.
 - b. That prior to the completion of the Secondary Plan and/or Block Plan, for non-urban or temporary use *development* or *site alteration* proposed within 120 metres of provincially *significant wetlands* and all other *wetlands*, an environmental impact study shall be prepared that determine their importance, functions and means of protection and /or maintenance of function to the satisfaction of the City and TRCA.

Map 13.57.A Block 42 Lands





SCHEDULE 2

Natural Heritage Network

Built-Up Valley Lands¹ Core Features Enhancement

To be determined through Future Development 4 Unapproved³

Greenbelt Plan Area Boundary Greenbelt

ORM Conservation Plan

Greenbelt Natural Heritage System

Oak Ridges Moraine
 (ORM)Conservation Plan Boundary²

Natural Core

Natural Linkage

Area Subject to ORMCA Minister's Zoning Order

City of Vaughan Boundary

reflect an existing development approval, the schedule may be updated without the need for an Official Plan Plan Amendment. Where the schedule does not accurately Network. Core features shall be precisely delineated on a site-by-site basis through the approval of the Planning Act shown on Schedule 2 in determining the Natural Heritage reflected on this schedule without the need for an Official Applications supported by appropriate technical studies Refinements to the NHN may occur through Secondary The policy text in Chapter 3 prevails over the mapping Plan or development approval processes and shall be

For watercourses and waterbodies outside of well-defined valleys, the vegetation protection zone is to be established according to the policies in Chapter 3.

Amendment.

Enhancement areas are identified conceptually on Schedule 2 and the text shall be consulted to determine the final location and design

- 1) Data provided by Urban Strategies.
 2) See Schedule 4 for limits and the land use information of the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area.

3) Sites under consideration for Core Feature

4) Sites under consideration for Core Feature additions, additions, Core Feature deletions, or classification as an Enhancement Area.

or classification as an Enhancement Area to be determined through appropriate technical studies during the secondary plan and/or the development approval process.



