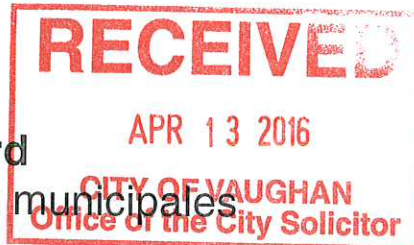


Ontario Municipal Board  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** April 11, 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)

**Heard:** March 23, 2016 in Vaughan, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON  
MARCH 23, 2016 AND ORDER OF THE BOARD**

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[1] At this pre-hearing conference (“PHC”), the Board was provided with a status update on the Vaughan Official Plan (“VOP”) 2010 appeals. The Board also dealt with some other matters relating to a supplementary motion of the City of Vaughan (“City”).

[2] To date 157 appeals have been filed of which 53 have been resolved. Board led mediations continue with the respect to the appeals within the VMC and Vaughan Mills secondary plans.

### **PROPOSED SCHEDULE 2 VOP 2010 MODIFICATIONS**

[3] There was discussion on the status of the proposed modifications to Schedule 2 – Natural Heritage Network (“NHN”) of the VOP. City Council had reviewed the staff report which contained recommendations for certain modifications to Schedule 2. City Council voted in favour of referring the NHN Study and any potential Schedule 2 Modifications to the next Comprehensive Review of the VOP.

[4] Ken Hare, counsel with the Ontario Ministry of Municipal Affairs and Housing (“MMAH”), expressed concern that City Council had voted to refer this matter to the next comprehensive review of the VOP. Comprehensive reviews of Official Plans are required by the province every five years. In his view the proposed modifications should be addressed as part of the VOP 2010 and not wait until the next five year review. Mr. Hare’s concerns were also shared by several counsel representing landowners whose appeals are affected by the City’s proposed modifications to Schedule 2. The City solicitor provided the Board with an extract of the council meeting minutes of February 16, 2016 (Exhibit 98).

[5] The Board was advised that 30 appeals of the VOP could be affected by the proposed modifications to Schedule 2. The Board directed that this matter be brought back for full discussion at the next PHC and that the City provide the Board with a complete package of the staff report together with the minutes of the City Council meeting in advance of the next PHC.

### **APPELLANT MOTIONS**

**Motion for Consolidation. Appellant 140 – FCF Old Market Lane 2103 Inc.**

[6] At the request of the City and with the consent of the Appellant, the Board adjourned the hearing of this motion for consolidation until September 13, 2016. The appellant seeks to consolidate the pending appeals of its site-specific development applications with its appeal of the VOP 2010 and the Woodbridge Centre Secondary Plan. The City advised that City Council will at the June 2016 meeting discuss these development applications and give appropriate instructions to City staff and City solicitor.

[7] The Board granted participant status to Maria Verna, president of the Village of Woodbridge Ratepayers Association in this matter.

[8] The Board granted the adjournment request and set September 13, 2016 for the hearing of this motion as well as for the first PHC into this matter. Notice of the PHC is to be given in accordance with the Board's directions.

#### **CITY'S SUPPLEMENTARY MOTION FOR PARTIAL APPROVAL OF THE VOP 2010**

[9] The Board granted the City's motion for partial approval of the VOP 2010 for the following lands:

1. 9300-9370 Bathurst Street, Vaughan (Appeal 76- Traci Shatz)
2. 8013 Islington Avenue, Vaughan (Appeal 104 – Trimax on Islington Avenue)
3. 2268 Rutherford Road, Vaughan (Appeal 85 - CST Canada Co.)
4. Part south-west quarter of Lot 17, Concession 9 in Vaughan (Appeal 124 – 588701 Ontario Limited)

[10] The Board relied on the affidavit planning evidence of Steve Dixon, senior planner for the City (Exhibit 99). The Board also had the letters of withdrawal of appeals from Appellants 76, 85, 104, and 124. There were no objections to the City's supplementary motion for partial approval.

[11] The Board will withhold its Order on the City's supplementary motion for partial approval of the VOP 2010 pending receipt of a draft Board Order to be prepared by the City.

**HEARING DATES:**

[12] The Board set the following hearing dates:

1. **April 21, 2016.** Motion for Settlement respecting Appeal # 28.
2. **August 25-26, 2016.** Next PHC for the VOP 2010.
3. **September 13, 2016.** Motion for Consolidation brought by FCF Old Market Lane 2013 Inc. (Appellant # 140) and PHC for these matters. Notice of the PHC is to be given in accordance with the Board's directions.

[13] All three hearing events will commence at 10 a.m. and the venue is:

**Municipal Building  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1**

[14] With respect to Hearings #1 and #2, no further notice is required. With respect to hearing #3, notice of the PHC is to be given in accordance with the Board's directions.

[15] I will continue with the case management of these matters.

*"Jason Chee-Hing"*

JASON CHEE-HING  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
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**ATTACHMENT 1**

**PL111184**

**VAUGHAN OP 2010 (PL111184)**

**LIST OF PARTIES IN ATTENDANCE AT PHC ON MARCH 23, 2016**

City of Vaughan

Dawne Jubb, Bruce Engell,  
(Stephanie Arias, Stefanie Valente,  
Mary Caputo, Steven Dixon)

<u>Appellants</u>	<u>Appeal No.</u>	<u>Representative</u>
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	
2 Steeles Avenue West Ltd.	39	
Auto Complex Ltd.	40	
Castlepoint Huntington Ltd.	49	
Salz & Son Ltd.	51	
Haulover Investments Ltd.	7	
David and Kathy Lundell	42	
Portside Developments (Kipling) Inc.	116	
Mario Tedesco (Fifthshire Homes Ltd.)	117	
York Region Condominium Corporation 730	137	
Hollywood Princess Convention and Banquet Centre Ltd.	50	Steven Ferri
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	
Blackwood Realty Fund I Limited Partnership	24	Matthew Di Vona
Lucia Milani and Rizmi Holdings Ltd.	62	
Ivanhoe Cambridge II Inc.	142	
2117969 Ontario Inc.	106	
Midvale Estates Ltd.	107	
Potestas Properties Inc.	108	
Covenant Chapel	115	
Kau & Associates LP	74	Caterina Facciolo
Nine-Ten West Ltd.	80	
Novagal Development Inc.	52	
Trimax on Islington	104	
Royal Group Inc.	70	Phil Stewart

RioCan Holdings Inc. (Coulter's Mills Marketplace)	31	Jared B. Schwartz
RioCan Holdings Inc. (Springfarm Marketplace)	32	
Riotrin Properties (Langstaff) Inc., SRF Vaughan Property		
Riotrin Properties (Vaughan) Inc.,		
RioCan Holdings Inc. (Centre Street Corridor)	82	
1306497 Ontario Inc. (Sisley Honda)	133	
Casertano Development Corporation and Sandra Mammone	45	Annik Forristal
Danlauton Holdings Ltd.	46	
1529749 Ontario Inc. (the "Torgan Group")	47	
Suncor Energy Products Partnership	54	
CST 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	
Baif Developments Limited	8	Joseph Hoffman
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	
LTF Real Estate Company, Canada Inc. ("Life Time")	134	
Tan-Mark Holdings Limited & Telast Enterprises Inc.	156	
Briardown Estates Inc.	33	
Amar Transport Inc.	81	
Blue Water Ranch Developments Inc.	67	
Berkley Commercial (Jane) Inc.	119	Christopher J. Tanzola
Teresa Marando	123	
FCF Old Market Lane 2013 Inc.	140	
Liberata D'Aversa	148	
	<b>Party No.</b>	<b>Representative</b>
Region of York	A	Pitman Patterson
Ministry of Municipal Affairs and Housing	B	Kenneth G. Hare
Toronto and Region Conservation Authority	C	June Little
CNR	K	James S. Quigley
Alex & Michelle Marrero (5859 Rutherford)	L	
Ivanhoe Cambridge Inc.	M	Matthew Di Vona
Teresa Marando	AN	Chris Tanzola
<b>Participants</b> – only to FCF Old Market Lane 2013 Inc. (Appellant 140)		Maria Verna