

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



ISSUE DATE: November 26, 2018

CASE NO(S):

PL140839
PL070347
PL110419
PL111184
PL140154

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(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants (jointly):	Casertano Developments Corporation and Sandra Mammone
Appellants (jointly):	Limestone Gallery Investments Inc. and Damara Investment Corp.
Appellants (jointly):	Granite Real Estate Investment Trust and Magna International Inc.
Appellants (jointly):	H & L Title Inc. and Ledbury Investments Ltd.
Appellant:	Canadian National Railway
Appellant:	Rutherford Land Development Corporation
Appellant:	281187 Ontario Ltd.
Appellant:	Anland Developments Inc.
Subject:	Proposed Official Plan Amendment No. 2 to the Official Plan for the City of Vaughan (2010)
Municipality:	City of Vaughan
OMB Case No.:	PL140839
OMB File No.:	PL140839
OMB Case Name:	Mammone v. Vaughan (City)

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

Appellant:	Tesmar Holdings Inc.
Subject:	Failure of Regional Municipality of York to announce a decision respecting Proposed Official Plan Amendment No.

653
 Municipality: City of Vaughan
 OMB Case No.: PL070347
 OMB File No.: O070048
 OMB Case Name: Tesmar Holdings Inc. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Tesmar Holdings Inc.
 Subject: Application to amend Zoning By-law No. 1-88 – Refusal or neglect of City of Vaughan to make a decision
 Existing Zoning: Service Commercial (C7) Zone
 Proposed Zoning: Specific Apartment Residential (RA3) Zone
 Purpose: To permit two twenty-eight (28) storey high-rise residential condominium buildings
 Property Address/Description: Part of Lot 15, Concession 4
 Municipality: City of Vaughan
 OMB Case No.: PL070347
 OMB File No.: PL120974

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject: Site Plan
 Referred by: Tesmar Holdings Inc.
 Property Address/Description: Part of Lot 15, Concession 4, Parts 1 to 12 on Reference Plan 65R-32119
 Municipality: City of Vaughan
 OMB Case No.: PL070347
 OMB File No.: PL141275

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Casertano Development Corporation
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
 Existing Designation: "General Commercial"
 Proposed Designation: "High-Density Residential/Commercial"
 Purpose: To permit the development of six (6) residential apartment buildings ranging from 26 to 40 storeys containing

approximately 2,050 residential units and two (2) freestanding 2-storey office/commercial buildings and ground floor retail commercial uses totaling 4,234 square metres (45,574 square feet) in gross floor area in Blocks “B” and “C”

Property Address/Description: 9060 Jane Street
 Municipality: City of Vaughan
 Approval Authority File No.: OP.07001
 OMB Case No.: PL110419
 OMB File No.: PL110419
 OMB Case Name: Casertano Development Corporation v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Casertano Development Corporation
 Subject: Application to amend Zoning By-law No. 1-88, as amended – Refusal or neglect of the City of Vaughan to make a decision

Existing Zoning: “C1(H) Restricted Commercial Zone”
 Proposed Zoning: “RA3(H) Apartment Residential Zone”

Purpose: To permit the development of six (6) residential apartment buildings ranging from 26 to 40 storeys containing approximately 2,050 residential units and two (2) freestanding 2-storey office/commercial buildings and ground floor retail commercial uses totaling 4,234 square metres (45,574 square feet) in gross floor area in Blocks “B” and “C”

Property Address/Description: 9060 Jane Street
 Municipality: City of Vaughan
 Municipal File No.: Z.09.038
 OMB Case No.: PL110419
 OMB File No.: PL110420

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Sandra Mammone
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment

Existing Designation: “General Commercial”
 Proposed Designation: “High-Density Residential/Commercial”

Purpose: To permit the development of six (6) residential apartment buildings ranging from 25 to 35 storeys containing approximately 1,600 residential units and two (2) freestanding 2-storey office/commercial buildings (Blocks "D" and "E") and ground floor office/commercial uses in Blocks "A", "B" and "C"

Property Address/Description: 8940 Jane Street
 Municipality: City of Vaughan
 Approval Authority File No.: OP.09.006
 OMB Case No.: PL110419
 OMB File No.: PL110455

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Sandra Mammone
 Subject: Application to amend Zoning By-law No. 1-88, as amended – Refusal or neglect of the City of Vaughan to make a decision "EM1(H) Prestige Employment Area Zone" and "EM2 General Employment Area Zone"
 Existing Zoning: "EM1(H) Prestige Employment Area Zone" and "EM2 General Employment Area Zone"
 Proposed Zoning: "RA3(H) Apartment Residential Zone"
 Purpose: To permit the development of six (6) residential apartment buildings ranging from 25 to 35 storeys containing approximately 1,600 residential units and two (2) freestanding 2-storey office/commercial buildings (Blocks "D" and "E") and ground floor office/commercial uses in Blocks "A", "B" and "C"

Property Address/Description: 8940 Jane Street
 Municipality: City of Vaughan
 Municipal File No.: Z.09.037
 OMB Case No.: PL110419
 OMB File No.: PL110456

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
 OMB Case Name: Duca v. Vaughan (City)

PLEASE NOTE:

- **Only the appeals filed specifically by Tesmar Holdings Inc. (Appeal No. 4), Sandra Mammone and Casertano Development Corporation (both Appeal No. 45) and Granite Real Estate Inc. and Magna International Inc. (both Appeal No. 110) are consolidated with Vaughan Official Plan Amendment No. 2 – being the Vaughan Mills Centre Secondary Plan – under OMB Case No. PL140839;**
- **Only the appeals filed by Rutherford Land Development Corp. (Appeal No. 34), 281187 Ontario Inc. (#64), H & L Title Inc. and Ledbury Investments Ltd. (both Appeal No. 75), and Anland Developments Inc. (Appeal No. 83), save and except Policy 7.3.3 (Parkland Dedication), are consolidated with Vaughan Official Plan Amendment No. 2 – being the Vaughan Mills Centre Secondary Plan – under OMB Case No. PL140839**

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Rutherford Land Development Corp.
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
 Existing Designation: "Prestige Area" under Official Plan Amendment No. 450 (Employment Area Plan)
 Proposed Designation: "High Density Residential/Commercial" under Official Plan Amendment No. 600
 Purpose: To permit a mixed-use development consisting of approximately 303,000 square metres (3,261,464 square feet) in size containing 3,700 residential units in a built form containing 13 towers above a podium base with heights up to 38 storeys, as well as 10,300 square metres (110,868 square feet) of retail/institutional/community space and 4,500 square metres (48,437 square feet) of office space
 Property Address/Description: 2901 Rutherford Road (south-east corner of Jane Street and Rutherford Road)
 Municipality: City of Vaughan
 Approval Authority File No.: OP.06.028
 OMB Case No.: PL140154
 OMB File No.: PL140154
 OMB Case Name: Rutherford Land Development Corp. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Rutherford Land Development Corp.

Subject: Application to amend Zoning By-law 1-88, as amended – refusal or neglect of the City of Vaughan to make a decision

Existing Zoning: EM1 Prestige Employment Zone

Proposed Zoning: “RA3(H)” Apartment Residential (Holding) Zone and “OS2” Open Space Park Zone

Purpose: To permit a mixed-use development consisting of approximately 303,000 square metres (3,261,464 square feet) in size containing 3,700 residential units in a built form containing 13 towers above a podium base with heights up to 38 storeys, as well as 10,300 square metres (110,868 square feet) of retail/institutional/community space and 4,500 square metres (48,437 square feet) of office space

Property Address/Description: 2901 Rutherford Road (south-east corner of Jane Street and Rutherford Road)

Municipality: City of Vaughan

Municipal File No.: Z.06.075

OMB Case No.: PL140154

OMB File No.: PL140155

BEFORE:

C. CONTI) Monday, the 26th day of
 VICE-CHAIR)
) November, 2018

THIS MATTER having come on for a prehearing conference and the Tribunal having issued a Decision on June 14, 2018 (the “Decision”) to address a motion by Rutherford Land Development Corp. (“Rutherford”) pertaining to certain modifications to the City of Vaughan Official Plan 2010 and the Vaughan Mills Centre Secondary Plan for the Rutherford Lands in order to resolve the Rutherford appeals related to those instruments;

AND THE TRIBUNAL in its Decision having allowed the motion by Rutherford in part but withheld its final Order approving the amendments to the City of Vaughan Official Plan 2010 and Vaughan Mills Centre Secondary Plan pending confirmation that the conditions included in Attachment 1 of the Decision have been satisfied, and now having received such confirmation;

THE TRIBUNAL ORDERS that the City of Vaughan Official Plan 2010 and Vaughan Mills Secondary Plan are amended in the manner as set out in Attachment 1 to this Order.



REGISTRAR

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

Local Planning Appeal Tribunal

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

Attachment 1

PL140116
 PL140154
 PL140839
 PL111184

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF proceedings commenced under subsections 17(36), 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

Appellant: Rutherford Land Development Corporation (formerly Delisle Properties Limited)

Subject: Appeals in respect of the City of Vaughan Official Plan 2010 (the "VOP 2010"), the Vaughan Mills Centre Secondary Plan forming part of Volume 2 of the VOP 2010, and site specific applications for Official Plan Amendment and Zoning By-law Amendment filed with respect to 2901 Rutherford Road ("Subject Lands").

Municipality: City of Vaughan

OMB Case Nos.: PL140116, PL140154, PL140839, PL111184

OMB File Nos.: PL140116, PL140154, PL140839, PL111184

THESE MATTERS having come on for a public hearing.

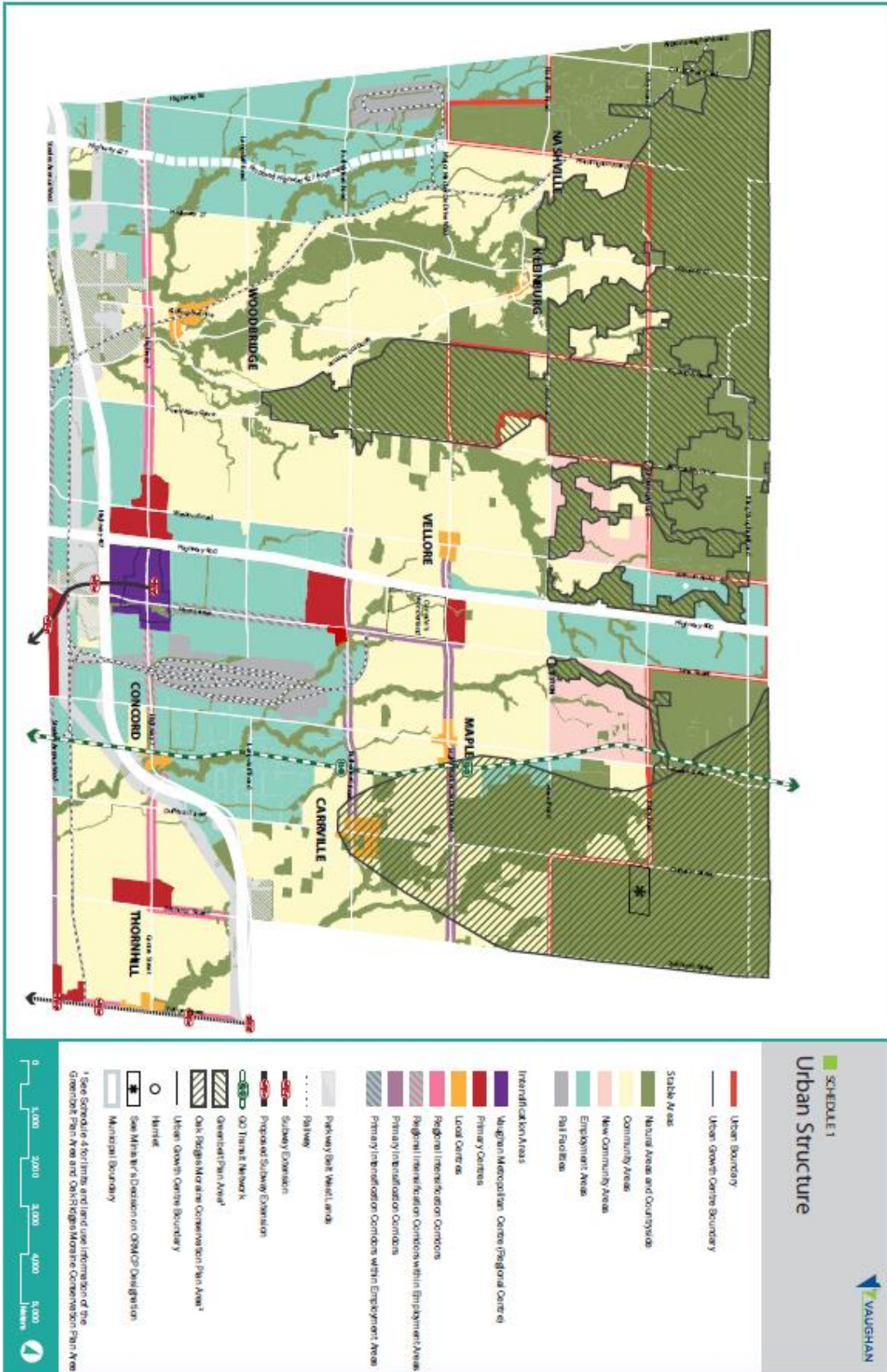
THE BOARD ORDERS that in accordance with the provisions of sections 17(50) and 34(26) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, in respect of the VOP 2010, and in respect of the Vaughan Mills Centre Secondary Plan, being Official Plan Amendment No. 2 to the VOP 2010 and forming part of Volume 2 of the VOP 2010, as adopted by the City of Vaughan on March 18, 2014, and modified and approved by the Region of York on June 26, 2014:

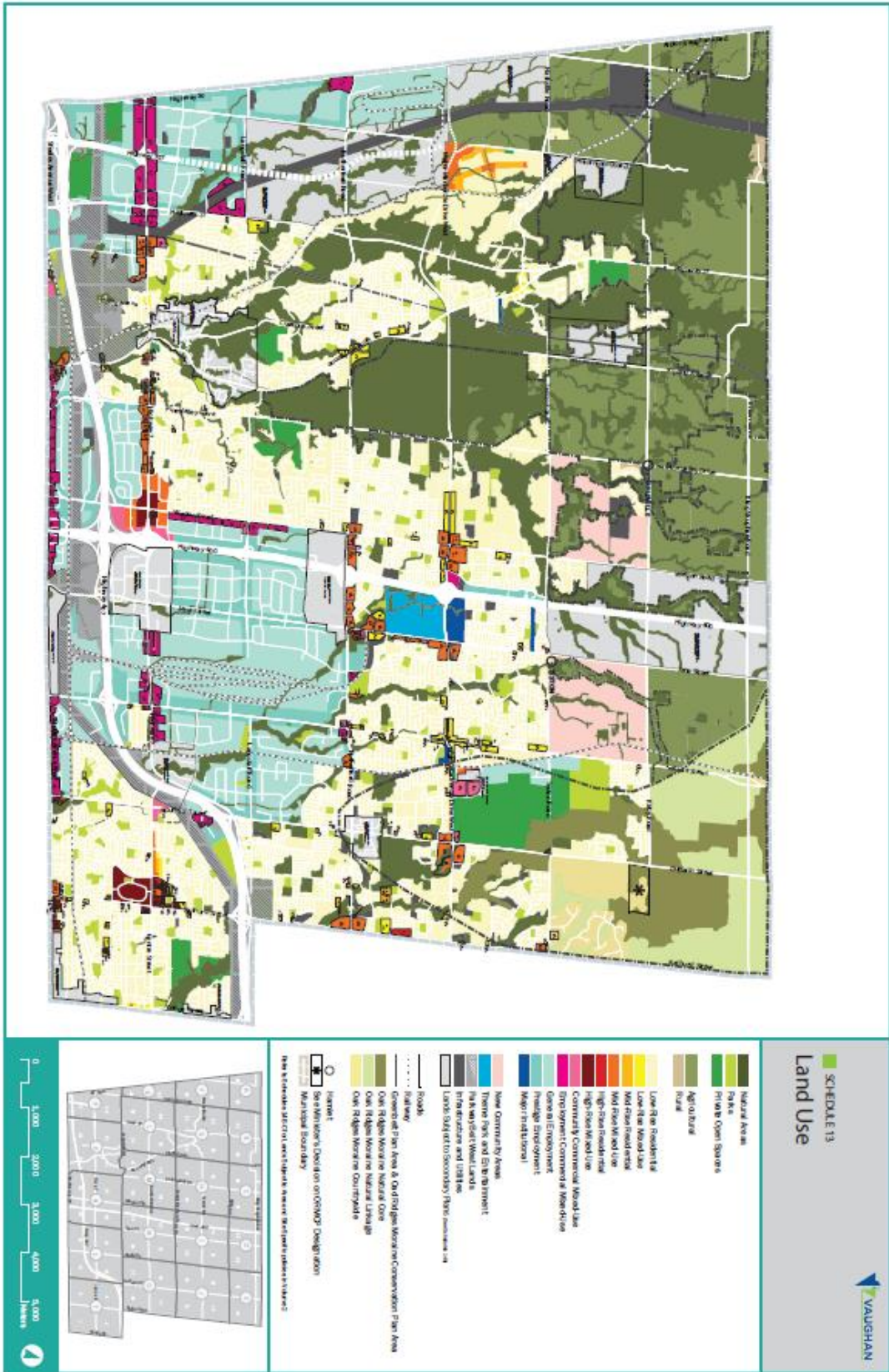
1. Schedules 1, 13 and 14A of the VOP 2010 are hereby modified as set out in Attachment "A" attached hereto and forming part of this Order, and hereby approved as they relate to the Subject Lands.
2. The policies, tables and schedules of the Vaughan Mills Centre Secondary Plan are hereby modified as set out in Attachment "B" attached hereto and forming part of this Order, and hereby approved as modified herein as they relate to the Subject Lands, save and except for Schedules "B" and "D" of the said Plan, and without prejudice to and without limiting the ability of Rutherford Land Development Corporation or the City of Vaughan to seek further modifications of the Vaughan Mills Centre Secondary Plan on a site-specific basis in relation to the Subject Lands, pursuant to the Appellant's site-specific appeals.

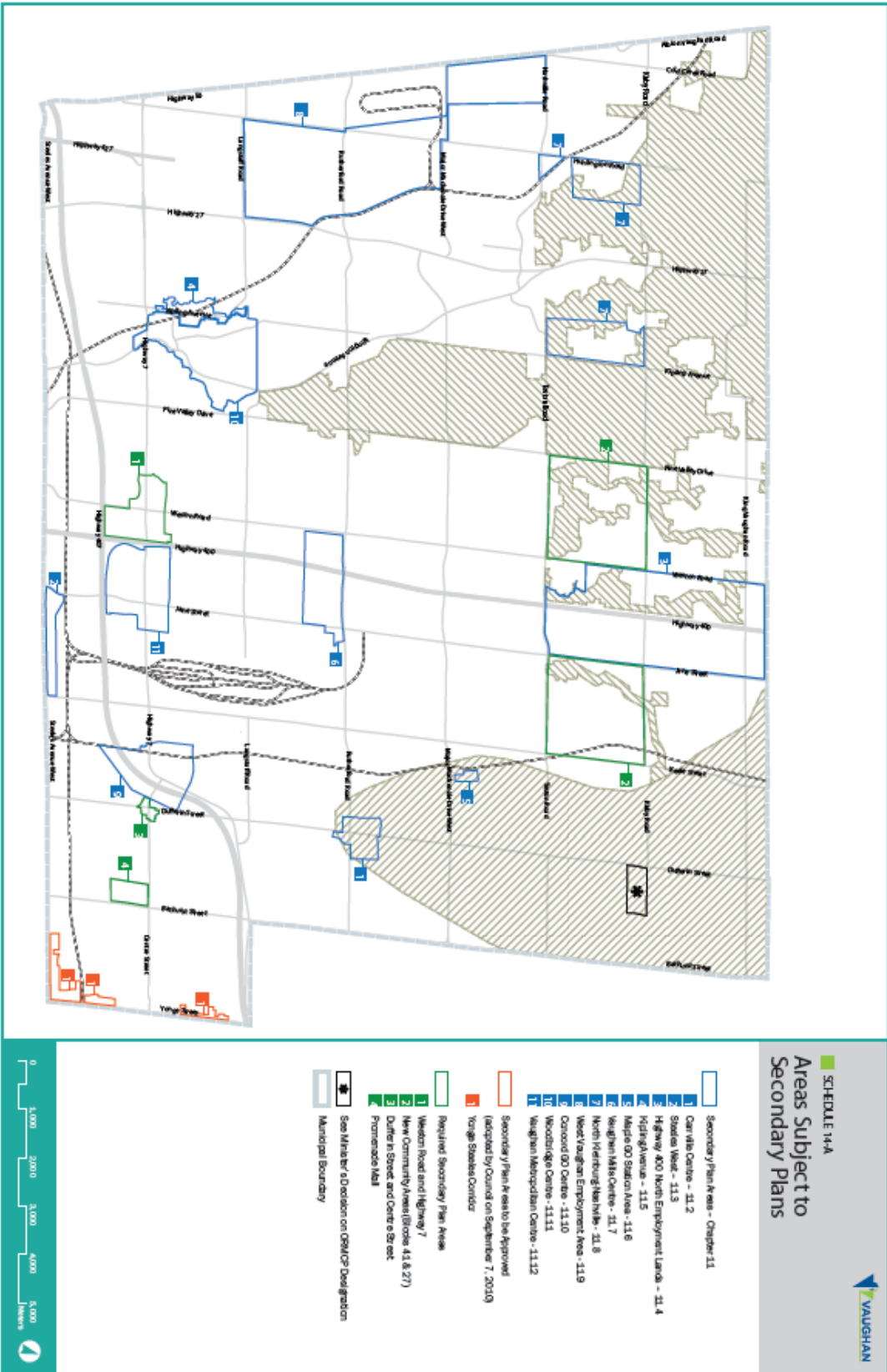
3. This partial approval of the VOP 2010 and the Vaughan Mills Centre Secondary Plan shall be strictly without prejudice to, and shall not have the effect of limiting, (a) the rights of any other party to seek to modify, delete or add to the unapproved policies, schedule, maps, figures definitions, tables and associated text in the said Plans, or (b) the jurisdiction of the Board to consider and approve modifications, deletions or additions to the unapproved policies, schedules, maps, figures, definitions, tables and associated text in the said Plans on a general, area-specific or site-specific basis, as the case may be.
4. The appeals by the Appellants with respect to the VOP 2010 and the Vaughan Mills Centre Secondary Plan are hereby allowed to the extent necessary to give effect to this Order, and in all other respects are hereby dismissed, subject to paragraph 2 hereof.

Attachment "A"

1. That the City of Vaughan Official Plan 2010 ("VOP 2010"), be amended as follows:
 - (a) Modify Schedule 1 "Urban Structure" in VOP 2010 to identify the subject lands as "Primary Centre", as shown on Attachment A.1.
 - (b) Modify Schedule 13 "Land Use" in VOP 2010 to identify the subject lands as within the Vaughan Mills Centre Secondary Plan, as shown on Attachment A.2.
 - (c) Modify Schedule 14A "Areas Subject to Secondary Plans" in VOP 2010 to identify the subject lands as within a Secondary Plan Area, as shown on Attachment A.3.







Attachment "B"

1. That the Vaughan Mills Centre Secondary Plan ("VMCSP"), being Official Plan Amendment Number 2 of the City of Vaughan Official Plan 2010 ("VOP 2010"), be amended as follows:
 - (a) Modify Schedule I "Development Block" to subdivide Block b4 into development blocks b4 (a) and b4 (b).
 - (b) Modify Policy 7.4.1, Part C, Block 4 (Bullet 1) by replacing the first bullet with the following:
 - (i) The northerly extension of Caldari Road from Riverrock Gate to Rutherford Road and the implementation of a signalized intersection at Rutherford Road and Caldari Road, provided that functional completion of the said extension shall be fully achieved and maintained as a component of the first phase of development, but completion of final construction of the extension may be phased according to a phasing plan, all to the satisfaction of the City of Vaughan and York Region. The implementation of the signalized intersection at Rutherford Road and Caldari Road, including the turning lanes on Caldari Road shall be fully constructed prior to achieving functional completion of the Caldari Road extension, to the satisfaction of York Region.
 - (c) Add a new Section 18.5 "Special Provisions Covering the Development of Block b4":
 - (i) The maximum permitted number of units in the first phase of development within Block b4 as identified in Schedule I (to 2021) shall be 985 units, all of which shall be located within the Block b4(a) area unless the location is otherwise determined upon the final determination of the site-specific appeals respecting the Block b4 lands. Additional height and density may be approved through Section 37 bonusing in order to achieve the 985 units, subject to the provisions of Policy 9.0, Part C, and shall conform to the design principles in policy 1.4.1, Part C of this Plan. Development of Block b4 lands may only proceed upon the final determination of the site-specific appeals respecting Block b4 lands, including applicable zoning by-law amendments.

LIST OF SCHEDULES

Schedule I: DEVELOPMENT BLOCKS

