

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



ISSUE DATE: February 21, 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 (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: February 13, 2020 by telephone conference call

APPEARANCES:

Parties

Counsel

City of Vaughan ("City")

C. Guerette

Haulover Investments Ltd.

J. Streisfield

**MEMORANDUM OF ORAL DECISION DELIVERED BY G.C.P. BISHOP ON
FEBRUARY 13, 2020 AND ORDER OF THE TRIBUNAL**

[1] This proceeding is the result of a settlement between the City and a property located at 8100 Yonge Street (“subject lands”) in the ownership of Haulover Investments Ltd (“Haulover”). The lands relate to Appeal No. 7, being one of several appeals that were filed in relation to the 2010 Vaughan Official Plan (“VOP”). This is a motion brought by the City, with the consent of Haulover, resolving Appeal No. 7 and seeking approval on the relevant policies and Schedules of VOP relating to same. The only response to the motion, received by one of the parties, was from the Region of York who is in support of the settlement.

[2] The subject lands are also located within the Yonge Steeles Corridor Secondary Plan (“YSCSP”) which is one of many secondary plans contained in the VOP. Haulover participated in the YSCSP process and sought a greater height and density for the Haulover lands.

[3] There were 14 Appellants to the YSCSP with ten of these Appellants located in the South Area and four of the Appellants in the North Area of the YSCSP. Of the four Appellants in the North Area, two are fully resolved and one partially resolved (Appeal No. 42). With respect to Appellant No. 42 amendments to the YSCSP have been approved by Local Planning Appeal Tribunal (“Tribunal”) and the matters have been scoped to two specific policies dealing with parking and parkland found in Volume 1 of the VOP.

[4] Given this is the last appeal to the North Area of the YSCSP this will allow the Tribunal to consider both the site-specific amendments to the Haulover lands and also finalize schedules relating specifically to the North Area of the YSCSP.

[5] The Tribunal accepted the unchallenged affidavit of David Marcucci, a Registered Professional Planner and a Senior Planner in the Policy Planning and Environmental Sustainability Department of the City of Vaughan. The proposed modification to the YSCSP to permit a maximum 3.8 Floor Space Index (“FSI”) associated with a maximum 12 storey height is aligned with Schedule 13 of the VOP for

similar heights and densities for the reasons as outlined in his affidavit. The proposed modifications to resolve the appeal have regard to s. 2 of the *Planning Act* (“Act”), are consistent with the Provincial Policy Statement, 2014, conforms with the Growth Plan for the Greater Golden Horseshoe, 2019, and conforms with the Region of York Official Plan.

ORDER

[6] The Tribunal orders that the appeal by Haulover Investments Ltd. (Appeal No. 7) is allowed in part and that in accordance with the provisions of s. 17(50) of the Act, the City of Vaughan Official Plan (2010), as adopted by the City on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, and as modified and endorsed by the Regional Municipality of York on June 28, 2012, is modified as set out in Tab 14, of Exhibit 1, being Schedule 2 (North), Land Use, Height and Density forming part of the YSCSP.

[7] The body of the YSCSP is also amended to include the wording as presented on page 14, paragraph 42 of Mr. Marcucci’s affidavit as follows:

- a. Modifications proposed to the Yonge Street Corridor Secondary Plan
 - i. Schedule 2 (North) Land Use, Height & Density: Modification for the Subject Lands (8100 Yonge Street) by amending the maximum height from 8 storeys to 12 storeys and the maximum FSI from 1.5 to 3.8.

and, given that this is the last remaining appellant in the North area of the YSCSP, the Tribunal also approves Schedule 1 (North) Secondary Plan Area, as set out on page 124 in Tab 6, of Exhibit 1, and approves Schedule 5 (North) Proposed Local Streets as set out on page 131 in Tab 6, of Exhibit 1.

[8] The Tribunal further orders that Haulover’s status in the Appeals shall be converted to Party Status in relation to appeals of the following unapproved policies in the Plan: “Parkland Sections” VOP Vol. 1 - section 7.3, 7.3.3 and 7.5.1.3, VOP Vol 2 -

section 4.4 and “Non-Parkland Sections” VOP Vol. 2 - section 5.7, section 6.0 (6.1, 6.2 and 6.3), section 7.1 and 7.3 and section 9.1.

[9] The Tribunal may be spoken to by the parties to this Order in the event any matter or matters should arise in the connection with the implementation of this Order.

“G.C.P. Bishop”

G.C.P. BISHOP
MEMBER

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