

ISSUE DATE:

April 14, 2014



PL111184

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1042710 Ontario Limited (aka Royal Centre)
Appellant:	1191621 Ontario Inc.
Appellant:	1529749 Ontario Inc.
Appellant:	1541677 Ontario Inc.; and others
Subject:	Failure to announce a decision respecting Proposed New Official Plan Amendment City of Vaughan
Municipality:	City of Vaughan
OMB Case No.:	PL111184
OMB File No.:	PL111184

APPEARANCES:

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON
MARCH 26, 2014 AND ORDER OF THE BOARD**

[1] At this prehearing conference ("PHC"), the City of Vaughan ("City") provided a status update on the progression of these matters on appeals against the Vaughan 2010 Official Plan ("VOP 2010"). Bruce Engell, counsel for the City advised that there are now 108 appeals outstanding. This has been reduced from the 134 appeals filed through settlements with appellants. 15 appellants still had City-wide appeals and there were 93 site-specific appeals outstanding. The City was hopeful that through ongoing negotiations and Board-led mediations that the number of outstanding appeals would be further reduced by way of settlements.

[2] The Board set April 30, 2014 as the deadline for appellants to submit their policy language to the City for review on matters affecting them. Mr. Engell confirmed that at this time the deadline would not apply to s. 7.3.3 of the VOP on matters relating to parkland dedication and gas stations.

[3] The Board confirmed that Concetta Marciano and Pro Catering Limited have filed appeals (Appeals # 135 and 136 respectively) and as appellants are Parties to these proceedings.

[4] The Board heard and disposed of a motion for partial approval of the VOP 2010 and the Yonge Steeles Corridor Secondary Plan ("YSCSP") with respect to the appeals of Teresa Marando ("Marando") and the Lundell's (Appeals #123 and #42 respectively). The motion was brought by Marando (Exhibit 56). Marando owns the property known as 9 Dorian Place. Marando represents the balance of the property owners on Dorian Place known collectively as the Dorian Place Residents. The Lundell's owns the abutting property to the south known as 5 Dorian Place. The motion was not opposed.

[5] The City and the Lundell's supported the motion for partial approval and are parties to executed Minutes of Settlement with Marando (Exhibit 61). The City and the Lundell's filed responding motion records (Exhibits 59 and 61 respectively).

[6] Affidavit planning evidence was filed by Marando and the City as part of their motion and response to motion filings. Additionally, on consent of the involved Parties, the Board heard *viva voce* planning evidence from the City's senior planner, Clement Chong, on the proposed modifications to the VOP 2010 and YSCSP.

[7] Mr. Chong testified that the proposed modifications apply only to 5 Dorian Place and the Dorian Place Development Block. The proposed modifications provide for a mix of uses and greater densities in the Dorian Place subdivision. It provides for the development of this block as a unified parcel with a Mid-Rise, Mixed-Use designation. This designation would permit a maximum height of eight storeys. The proposed modifications provide criteria for two development scenarios – Dorian Place Development Block and 5 Dorian Place develop together or they develop independently of each other (Exhibit 56, Tab E).

[8] Mr. Chong gave his planning opinion that the proposed modifications and the partial approval of the VOP 2010 and the YSCSP provide for the resolution of the issues raised by the Marando and Lundell's appeals without prejudicing any other appeals or Parties to the VOP appeals. He gave his planning opinion that the proposed modifications were are consistent with the Provincial Policy Statement and conform to the Growth Plan. The proposed modifications also conform to the policy intent and direction of the VOP and represent good land use planning.

[9] The Board adopted and relied upon the evidence and planning opinion of Mr. Chong and found that the proposed modifications found in Tab E of the Marando Motion record (Exhibit 56) meet the requirements of the *Planning Act*, conform to the applicable provincial and municipal plans and represent good planning.

[10] The next PHC has been set down for 2 days (**Tuesday, September 30 and Wednesday, October 1, 2014**), and will be held at:

**Multipurpose Room
Municipal Building
City of Vaughan
2141 Major MacKenzie Drive
Vaughan ON L6A 1T1**

[11] No further notice is required.

[12] I will remain seized of the case management of these matters.

ORDER

[13] The Board orders that the Marando motion is granted. The Board's order is set out as Attachment 2.

"Jason Chee-Hing"

**JASON CHEE-HING
MEMBER**

ATTACHMENT 1

PL111184

<u>Appellants</u>	<u>Appeal No.</u>	<u>Representative</u>
1042710 Ontario Ltd.	1	Patricia A. Foran / Patrick Harrington
Briardown Estates Inc.	33	Patrick Harrington
Amar Transport Inc.	81	
Highway 27 Langstaff GP Ltd.	2	Kim Beckman, Susan Rosenthal & Jason Lewis
Highway 27 Langstaff GP Ltd.	22	
Solmar Inc.	3	Michael Melling & Jason Lewis
Tesmar Holdings Inc.	4	
Block 40/47 Developers Group Inc.	28	
1539253 Ontario Inc.	68	
Celebration Estates Inc.	96	
Block 66 West Landowners Group Inc.	125	
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	
Salz & Son Ltd.	51	
Haulover Investments Ltd.	7	
David and Kathy Lundell	42	
Portside Developments (Kipling) Inc.	116	Jeffrey Streisfield
Mario Tedesco (Fifthshire Homes Ltd.)	117	
York Region Condominium Corporation 730	137	
Baif Developments Limited	8	
Costco Wholesale Canada Ltd.	9	Roslyn Houser, Michael Stewart & Jennifer Drake
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	
TDL Group Corp.	11	
McDonald's Restaurants of Canada Ltd.	12	Michael S. Polowin & Denise Baker
A&W Food Services of Canada Inc.	13	
Wendy's Restaurants of Canada Inc.	14	
Ontario Restaurant Hotel & Motel Association	15	

West Rutherford Properties Ltd.	16	Bruce C. Ketcheson	
Ozner Corporation	17		
836115 Ontario Inc.	18	Barry Horosko & Caterina Facciolo	
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		
Centre Street Properties Inc.	78		
Vogue Investments Ltd.	79		
Nine-Ten West Ltd.	80		
Cedarbrook Residential	103		
Trimax on Islington Avenue	104		
Allegra on Woodstream Inc.	112	Quinto M. Annibale & Steven Ferri	
588701 Ontario Limited	124		
Eugene and Lillian Iacobelli	21		
Hollywood Princess Convention and Banquet Centre Ltd.	50		
MCN (Pine Valley) Inc.	57		
785345 Ont. Ltd and I & M Pandolfo Holdings	59		
Kirbywest Ltd.	66		
Royal 7 Developments Limited	84		
Mr. Antonio Di Benedetto	109		
Holcim (Canada) Inc.	129		
2203012 Ontario Limited	130		
Blair Building Materials Inc.	131		
Lucia Milani and Rizmi Holdings Ltd.	62		Jeffrey L. Davies & Aaron I. Platt
Blackwood Realty Fund I Limited Partnership	24		
H&L Title Inc. & Ledbury Investments Ltd.	75	Susan D. Rogers	
John Duca	113		
RioCan Holdings Inc. (Coulter's Mills Marketplace)	31	Joel D. Farber	
RioCan Holdings Inc. (Springfarm Marketplace)	32		
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		
Ms. Ronni Rosenberg	37	Amber Stewart	
Canadian Fuels Association	41	N. Jane Pepino	
Imperial Oil Ltd.	71		

Home Depot Holdings Inc.	44	Steven A. Zakem
Granite Real Estate Inc. and Magna International Inc.	110	
Casertano Development Corporation 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	
CST Canada Co.	85	
2157160 Ontario Inc.	99	
165 Pine Grove Investments Inc.	53	Adam J. Brown & Jessica Smuskowitz
1525233 Ontario Inc.	97	
Overriver Holdings Ltd.	98	
Palmerston Properties Limited	122	Robert Miller
2090396 Ontario Ltd.	60	Mark R. Flowers
Arthur Fisch & 1096818 Ontario Inc.	61	
Teefy Developments Inc.	63	Chris Barnett & Alexis Alyea
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	
Mrs. Anna Greco	90	
Luigi Bros. Paving Company Ltd.	91	
Mr. Silvio Di Giammarino	94	
1034933 Ontario Ltd.	120	
Belleterra Corporation	121	
Luigi Bros. Paving Company Ltd.	128	
Concetta Marciano	135	
Pro Catering Ltd.	136	
Blue Water Ranch Development Inc.	67	
Berkley Commercial (Jane) Inc.	119	
Teresa Marando	123	Christopher J. Williams & Andrea Skinner
2058258 Ontario Ltd. (Forest Green Homes)	69	
Royal Group Inc.	70	Robert J. Gray
Ms. Traci Shatz	76	Aynsley L. Anderson
Langvalley Holdings	77	Nicholas T. Macos
Anland Developments Inc.	83	Jason Gabriele
United Parcel Service Canada Ltd.	92	Tim Bermingham
Camelot on 7 Inc. and Elia Breda	93	Paul R. Bottos
Weston Downs Ratepayers Association	95	Anthony Francescucci

Enza Cristello	AI	Sarah Jane Turney
Maria Simone	AJ	
Anthony Simone	AK	
Annarita Guida	AL	
Cole Engineering Group Ltd.	AM	
<u>Participants</u>		
<u>Participants</u>	<u>No.</u>	<u>Representative</u>
Block 27 Landowners	1	Michael Melling & Jason Lewis
City of Brampton	2	Roberto Zuech & David Waters
Americo Ferrari	4	joseph.jgp@gmail.com
Ellen Schacter	5	Crown Hts Coop Housing
Maria, Yolanda, Laura, Guiseppe Pandolfo and Cathy Campione	6	Ellen Schacter Inc.
Brownridge Ratepayers Association	7	Mario G. Racco

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ATTACHMENT 2

O.M.B. Case No.: PL111184

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants: See Attachment "1"
Subject: Failure to announce a decision respecting the proposed new Official Plan of the Regional Municipality for York for the City of Vaughan
Municipality: City of Vaughan
O.M.B. Case No.: PL111184
O.M.B. File No.: PL111184

B E F O R E:

CHEE-HING, J.

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)Monday, the 14th day of April 2014

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ORDER

THIS MATTER having come on for a public hearing on March 26, 2014;

AND THE BOARD having heard the submissions of counsel for the City of Vaughan (the **City**), the Regional Municipality of York (the **Region**), Teresa Marando (**Marando**), David and Katty Lundell (**Lundell**) relating to the partial approval of the City of Vaughan Official Plan (2010) (the **VOP2010**) and the Yonge Steeles Corridor Secondary Plan (the **YSC Secondary Plan**) as modified and as further described herein;

AND THE BOARD having heard the evidence of Clement Chong, and having received and considered the affidavit evidence of Clement Chong and Ryan Mino-Leahan filed in Exhibits 59 and 56 respectively pertaining to the partial approval of the VOP2010 and the YSC Secondary Plan;

AND THE BOARD having received and considered the Minutes of Settlement between the City, Marando, and Lundell filed as Exhibit 61;

THE BOARD ORDERS that:

In accordance with section 17(50) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, in respect of:

- (a) the VOP2010 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 Region on June 28, 2012, and as partially approved by this Board most recently on February 21, 2014; and
- (b) the YSC Secondary Plan as adopted by the City on September 7, 2010;

That the Marando appeal (Appellant 123) and the Lundell appeal (Appellant 42) are allowed in part;

That the amendments to YSC Secondary Plan (being part of Volume 2, Chapter 11 of the VOP2010) as set out in Schedule 1 to this Order are hereby approved, save and except as otherwise set out in this Order;

That the Marando appeal (Appellant 123) of the VOP2010 and of the YSC Secondary Plan has been resolved through the approval herein;

That the Lundell appeal (Appellant 42) of the VOP2010 and of the YSC Secondary Plan has been partially resolved through the approval herein, and has hereby been scoped to the following portions of the VOP2010 which remain under appeal on a City wide basis, being Policy 4.3.2 and Policy 7.3;

That Marando and Lundell shall remain parties to these proceedings, for the purpose of receiving all materials distributed, so the respective parties may monitor the proceedings and make representations at any hearing event or with respect to any settlement that may affect the parties' respective interests in the policies of the VOP2010 and the approved policies of the YSC Secondary Plan as modified in accordance with this Order.

The partial approval of the VOP2010 and the YSC Secondary Plan ordered herein, is without prejudice to the positions taken by the parties to these proceedings that have outstanding appeals at the time of this Order, such that if those appeals proceed to a hearing, either on their own or as may be consolidated with other site specific appeals, the City will not take the position that the Board ought not to approve site-specific modifications to the affected policies, schedules, maps, figures, definitions, tables and associated text of the VOP2010 or the YSC Secondary Plan on the basis that they deviate from or are inconsistent with such policies, schedules, maps, figures, definitions, tables and associated text for other parts of the VOP2010 or the YSC Secondary Plan (or as approved in respect of other lands which are subject to the same policies, schedules, maps, figures, definitions, tables and associated text). However, this does not affect the City's right to assert that the approved policies, schedules, maps, figures, definitions, tables and associated text should be applied to the specific sites without modification on the basis that they constitute good planning.

Notwithstanding the above, the Board hereby retains jurisdiction to consider and approve modifications or exceptions to any policies, schedules, maps, figures, definitions, tables and associated text approved herein, as may be appropriate to dispose of any of the outstanding appeals before the Board.

AND THE BOARD FURTHER ORDERS that it may be spoken to in the event any matter or matters should arise in connection with the implementation of this Order.

The schedule which is attached to this Order shall form part of this Order.

SCHEDULE 1
[YSC SECONDARY PLAN POLICIES AND CERTAIN AMENDMENTS TO VOP2010]

8.8 Special Provisions for Dorian Place

- a) Notwithstanding Policy 9.2.2.1 c. respecting uses permitted in "Low Rise Residential" designation on the lands that comprise the Dorian Place subdivision, not including 5 Dorian Place located at the northeast corner of Bunker Road and Dorian Place, as shown on Schedule 2 "Land Use, Height & Density" (North), only Detached Houses shall be permitted;
- b) Notwithstanding Policy 8.8 a) the Dorian Place lands, not including 5 Dorian Place, may be developed in accordance with Schedule 2A "Land Use, Height & Density" (North) subject to satisfying the following criteria:
 - i. The assembly of all lands comprising the Dorian Place subdivision as shown on Schedule 2 (North) "Land Use, Height & Density" to create a single development block (the Development Block) for the purposes of submitting complete development applications under the Planning Act necessary to effect the comprehensive development of the site (e.g. Zoning Amendment, Site Plan and Condominium approval);
 - ii. For the purposes of i. above "assembly" means the acquisition of the single Development Block by a single owner; or where there are multiple owners, entering into an agreement amongst the owners, to the satisfaction of the City, sufficient to enable the submission of development applications applying to the entire Development Block as a single entity;
 - iii. Prior to the submission of any of the implementing applications identified in i) above, or as part of the Pre-Application Consultation (PAC) process, the applicant shall enter into discussions with the City to determine the appropriate disposition and ownership of public lands (future park and laneway and existing street allowance, including the process for proceeding with a Dorian Place road closure) and private lands for the purpose of their integration into the comprehensive plan; and
 - iv. The plan shall make provision, within the subject Development Block for a public laneway, as shown on Schedule 5 (North) "Proposed Local Streets" that will be free of encumbrances to allow for the future connection to Longbridge Road to the north and to provide access to the planned public park located on the west side of the Development Block.
- c) All implementation measures identified in this Plan and the Vaughan Official Plan continue to apply including those respecting submission requirements and bonuses under Section 37 of the Planning Act;
- d) The lot known municipally as 5 Dorian Place, is designated Mid-Rise Mixed Use, with a maximum density of 1.5 FSI and a maximum building height of 5 storeys. It forms an individual development parcel and is shown on Schedule 2 as 5 Dorian Place. In recognition of the Low Rise Residential designation on the remainder of the lands that comprise the Dorian Place subdivision, the following measures will be applied to the development of 5 Dorian Place through the implementing zoning by-law and site plan

approval, in order to ensure continuing compatibility with the existing residential designation.

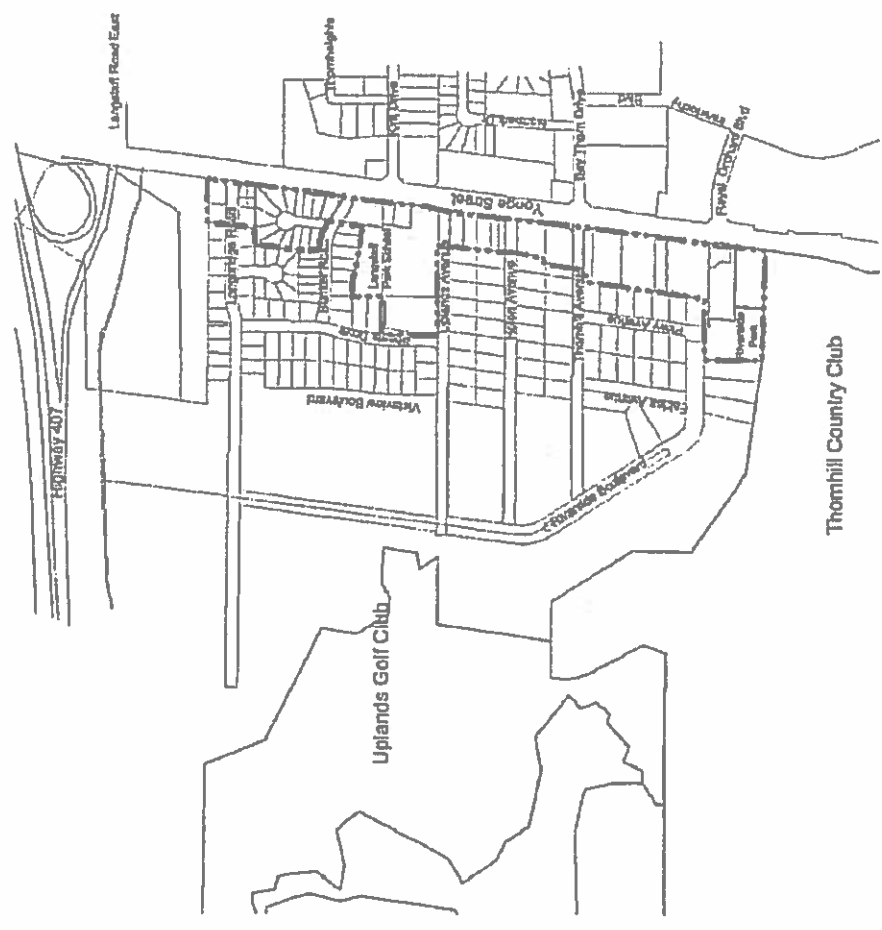
- i. An eating establishment will not be permitted, however a take-out eating establishment of 460 square feet maximum, with no internal seating, shall not be precluded by this policy;
 - ii. No outside storage will be permitted; and garbage will be stored internally between pick-ups;
 - iii. Garbage pick-up will only occur on weekdays between the hours of 7:00 am and 7:00 pm;
 - iv. A minimum 1.5 m interior sideyard abutting the north property line shall be maintained;
 - v. A minimum 60 degree angular plane setback, adjacent to the north property line shall be provided. Starting at the second storey, all storeys above the second shall be within the required angular plane setback, commencing at the minimum 1.5 m interior sideyard setback;
 - vi. At the time of consideration of the implementing development applications, the following matters will be taken into consideration:
 - Providing alternative access to 5 Dorian Place from Bunker Road;
 - Window placement or treatment, for the purposes of minimizing overview on the adjacent residential area;
 - the location of pedestrian accesses into the building;
 - The need for further controls on on-street parking as a result of the proposed development.
- e) If the remaining properties on Dorian Place develop for Mid-Rise Mixed Use development, as permitted in Policy 8.8 b), the compatibility measures identified in Policy 8.8 d) above shall cease to apply, effective on the date that the implementing zoning amendment comes into effect permitting the Mid-Rise Mixed Use development of the abutting Dorian Place Development Block.
- f) Should the lot known municipally as 5 Dorian Place not redevelop in accordance with the policies of this plan and single detached uses continue, the following policies shall apply to the development of the Dorian Place Development Block:
- i. No outside storage will be permitted; and garbage will be stored internally between pick-ups;
 - ii. Garbage pick-up will only occur on weekdays between the hours of 7:00 am and 7:00 pm;

- iii. A minimum 1.5 m interior side yard setback abutting the lot known municipally as 5 Dorian Place shall be maintained;
- iv. At the time of consideration of the implementing development applications, the following additional matters will be taken into consideration:
 - Window placement or treatment along the portion of the building abutting the lot known municipally as 5 Dorian Place, for the purpose of appropriately limiting overview on the adjacent residential dwelling;
 - The location of pedestrian accesses into the building;
 - Surface parking shall not be permitted between a building and the property line abutting the lot known municipally as 5 Dorian Place.
- g) The compatibility measures identified in Policy 8.8 f) shall cease to apply, effective on the date that the implementing zoning amendment comes into effect permitting Mid-Rise Mixed Use development on the lot known municipally as 5 Dorian Place;
- h)
 - i. Should the owners of 5 Dorian Place and the remaining Dorian Place lands mutually agree that it is appropriate for the 5 Dorian Place property to be included in the Dorian Place Development Block, as established in Policy 8.8 b), then the 5 Dorian Place parcel will be deemed to have the same maximum density and maximum height permissions as the lands in the Dorian Place Development Block located in the Mid-Rise Mixed Use areas as shown on Schedule 2A (North). Such density for 5 Dorian Place will be calculated on the basis of the "Maximum Total GFA" prescribed for the Dorian Place Development Block on Schedule 2A (North) divided by the area of the development parcel created from the Dorian Place Development Block as established through the development approval process to establish the Floor Space Index (FSI). The Floor Space Index (FSI) calculated for the Dorian Place Development parcel will be applied to the ultimate area of 5 Dorian Place development parcel to generate a Maximum Total GFA for the 5 Dorian Place parcel. The Maximum Total GFA for the combined parcels, composed of the Dorian Place Development Block and 5 Dorian Place will be the sum of the "Maximum Total GFA" prescribed on Schedule 2A (North) for the Dorian Place Development Block and the total GFA for the 5 Dorian Place development parcel as calculated from the resulting Floor Space Index.
 - ii. For greater clarity, the owner of the 5 Dorian Place lot is not obligated to participate in the broader Dorian Place Development Block; and the broader Dorian Place Development Block does not require the participation of the 5 Dorian Place lands to proceed with its development.



Yonge Steeles Corridor Secondary Plan
 SCHEDULE 1 (NORTH)
Secondary Plan Area




Secondary Plan Boundary



Scale: 1:50,000

March 2014

Yonge Steeles Corridor Secondary Plan
SCHEDULE 2A (NORTH)
Land Use, Height & Density

-  Mid-Rise Mixed-Use
-  Parks (Lands to be Conveyed for Park Purposes)
-  Dorian Place Development Block Subject to Policies in Section 8.8
- D:** Density
- H:** Height
- GFA:** Gross Floor Area

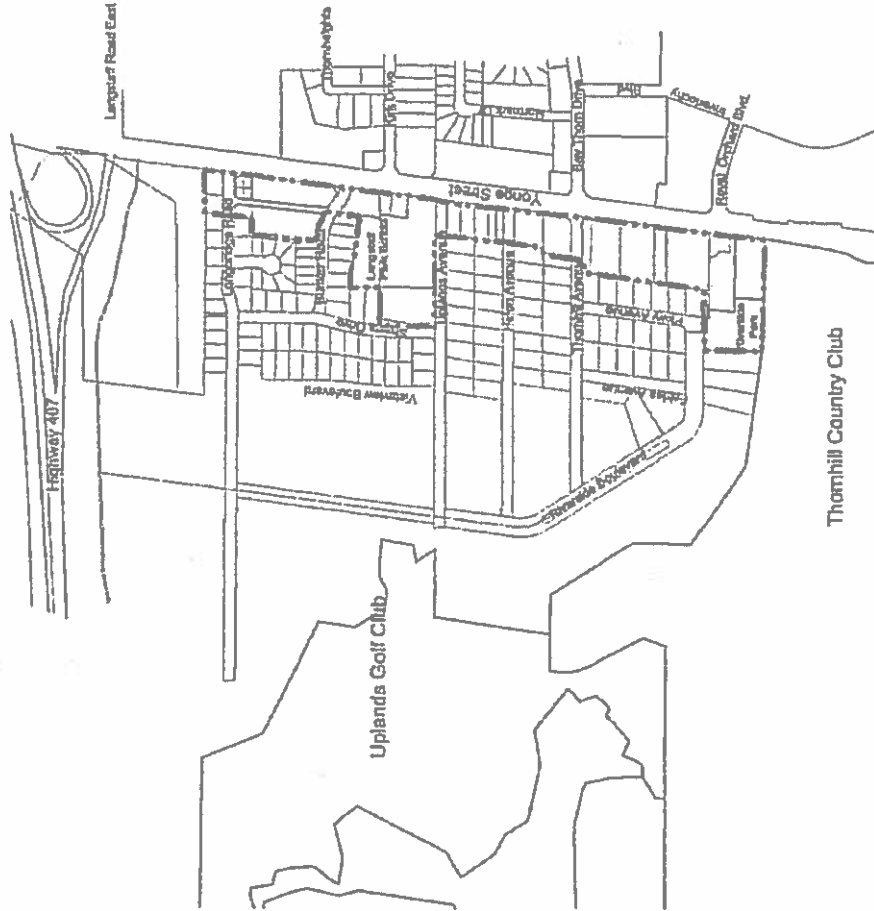




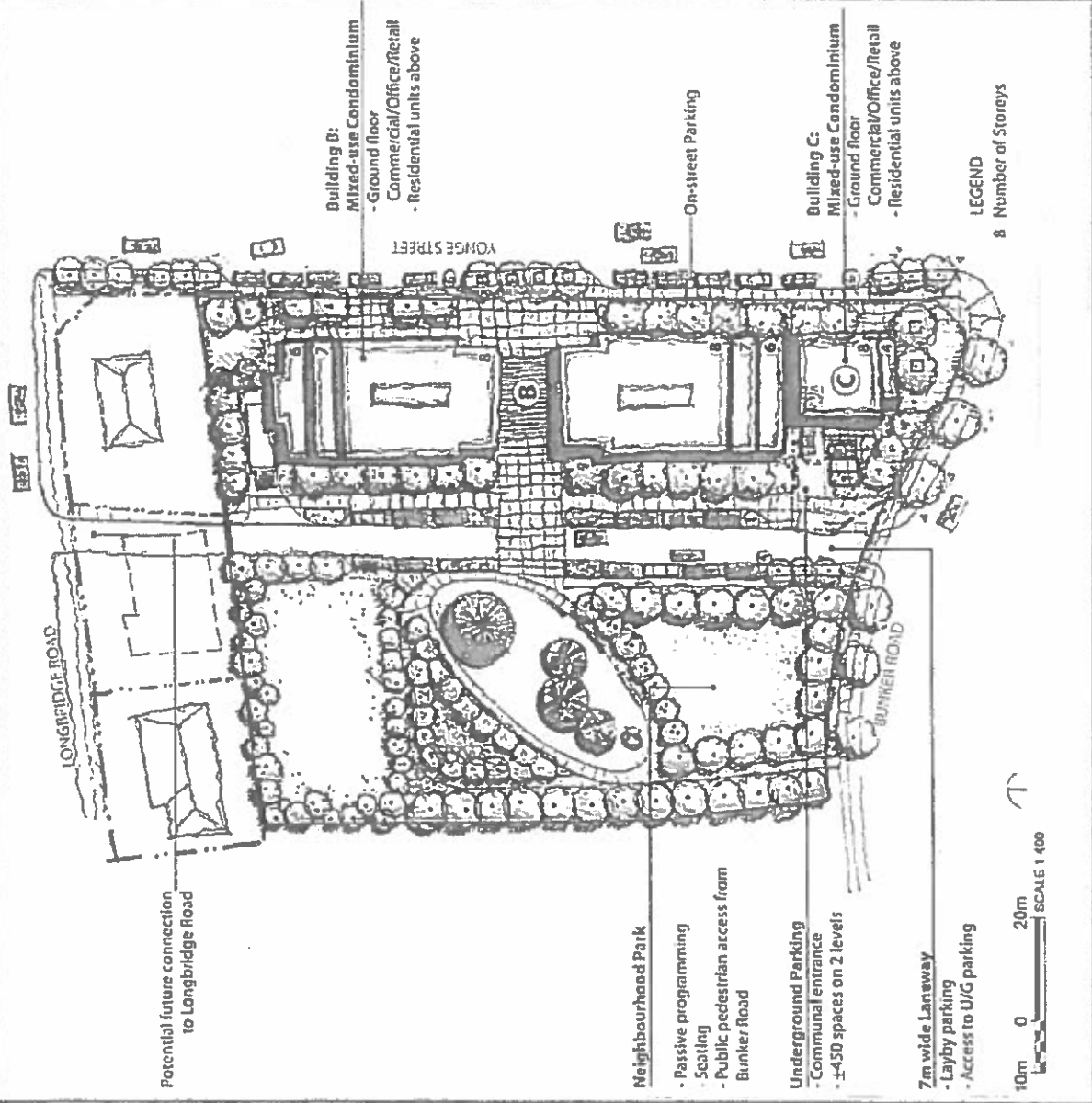
Yonge Steeles Corridor Secondary Plan SCHEDULE 5 (NORTH)

Proposed Local Streets

Proposed Local Streets
Secondary Plan Boundary



Scale 1:50,000



Building D:
 Mixed-use Condominium
 - Ground floor
 Commercial/Office/Retail
 - Residential units above

On-street Parking

Building C:
 Mixed-use Condominium
 - Ground floor
 Commercial/Office/Retail
 - Residential units above

LEGEND
 & Number of Storeys

Potential future connection
 to Longbridge Road

Neighbourhood Park

- Passive programming
- Seating
- Public pedestrian access from Bunker Road

Underground Parking

- Communal entrance
- +450 spaces on 2 levels

7m wide Laneway

- Layby parking
- Access to U/G parking



Yonge Steeles Corridor Secondary Plan

Appendix C (North)

Existing Property Parcels, Proposed Local Streets, Parks & Publicly Accessible Open Space

- Secondary Plan Boundary
- Parks
- Private Open Spaces
- Proposed Local Street

