

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 29, 2015

CASE NO.: 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 Official Plan Amendment No. New Official Plan
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184

BEFORE:

J. CHEE-HING)
MEMBER)
)
) Wednesday, the 29th
)
) day of April, 2015

THESE MATTERS having come on for a public hearing and the Board in its Decision issued March 25, 2015, withheld its order pending receipt of the suggested wording of certain clauses to be submitted to the Board;

THE BOARD ORDERS that

- a) In accordance with the provisions of section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, (the "**Act**") in respect of Volume 1, Chapter 3, 5 and 9 of the City of Vaughan Official Plan (2010) (the "**Plan**"), as adopted by the City of Vaughan (the "**City**") on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, as modified and endorsed by the Regional Municipality of York (the "**Region**") on June 28, 2012, those portions of the Plan as set out in Schedule "B" attached to and forming part of this Order are hereby

modified and as modified are approved, save and except those policies and land use schedules which remain under appeal on a site-specific or area-specific basis.

- b) That in accordance with the provisions of section 17(50) of the Act, in respect of Volume 2, Chapter 12 of the Plan, as adopted by the City on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, those portions of the Plan as set out in Schedule "B" attached to and forming part of this Order are hereby modified and as modified are approved, save and except those policies and land use schedules which remain under appeal on a site-specific or area-specific basis.
- c) That the partial approval of the Plan shall be strictly without prejudice to, and shall not have the effect of limiting, (a) the rights of a party to seek to modify, delete or add to the unapproved policies, schedule, maps, figures definitions, tables and associated text in the Plan, 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 Plan on a general, area-specific or site-specific basis, as the case may be, provided that the parties shall be bound by the commitments made by them to scope their issues to a site-specific or area-specific basis.
- d) That the scoping of appeals to a specific site or area is without prejudice to the positions taken by the parties to those appeals so that if those appeals proceed to a subsequent hearing or motion, 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 or area-specific modifications to the affected policies, schedules, maps, figures, definitions, tables and associated text on the mere basis that they deviate from or are inconsistent with such policies, schedules, maps, figures, definitions, tables and associated text on a City-wide basis (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 or areas without modification on the basis that doing so is consistent with the Act, provincial policies, conform to provincial plans and/or constitutes good planning.

Notwithstanding the above, the Board hereby retains jurisdiction to consider and approve modifications 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.

That the Pending Appeals filed in respect of the Plan shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Board.

That it may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

A handwritten signature in black ink, appearing to read "Janne Hege". The signature is written in a cursive, flowing style.

SECRETARY

Ontario Municipal Board

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