

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



**ISSUE DATE:** September 19, 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)

**Board Rule 107 states:**

**107. Effective Date of Board Decision** A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

**Heard:** August 25, 2016 in Vaughan, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representative**

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON  
AUGUST 25, 2016 AND ORDER OF THE BOARD**

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[1] This was a further pre-hearing conference (“PHC”) event into the multiple appeals filed against the City of Vaughan (“City”) Official Plan (“VOP”) 2010.

[2] The Board was provided with a status update and disposed of three motions for partial approval of the VOP 2010 brought by the City.

[3] Bruce Engell, external counsel for the City advised that to date 163 appeals had been filed. Fifty five appeals have been settled leaving 108 to be resolved.

[4] The Board dealt with the following motions:

**Tan-Mark Holdings et al (Appeal 156)**

[5] This motion for partial approval of the VOP 2010 as it related to the appellant’s lands was adjourned at the request of the parties. The lands are located on Yonge Street near Steeles Avenue and are within the Yonge-Steeles Corridor Secondary Plan. Anik Forristal, counsel for Appellants 153 and 160 advised the Board that her clients will be requesting board-led mediation to resolve her clients’ concerns. Mr. Engell advised the Board that the affected parties are having on-going discussions in an effort to resolve outstanding concerns. Alexia DeGasperi, co-counsel for Appellants Nos. 38, 39, 40, and 51 advised that while her clients are interested in board-led mediation that informal on-going discussions among the affected parties should continue and be concluded first.

**City’s Motions:**

Natural Heritage Network (“NHN”)

[6] The City’s in this motion for partial approval of its VOP 2010 sought a Board Order modifying and approving Schedule 2 of the VOP (Exhibit 101A). The City

submitted that the partial approval of the Revised Schedule 2 will provide a substantial degree of certainty to the City, landowners and the public with respect to Vaughan's NHN. The Board had the *viva voce* and affidavit planning evidence of Steve Dixon in support of the City's motion.

[7] Concerns were raised by several appellants' counsel (Anik Forristal, Steve Ferri, Leo Longo) that the text of proposed draft Board Order and the revised Schedule B do not have the appropriate level of specificity in identifying the current 35 appeals that are affected by the NHN and Schedule 2.

[8] The Board directed that the draft Board Order as prepared by the City be revised to include an additional schedule/map which lists and identifies the location of all 35 appeals (Exhibit104). The text of the draft Board Order is to include appropriate wording that would refer to the schedule.

[9] The Board adopted and relied on Mr. Dixon's planning evidence. The Board granted the City's motion with respect to Schedule 2 subject to the revisions as directed by the Board.

[10] The Board noted that Appellants 154 and 155 have resolved their appeals in respect of the NHN designations of their lands (Exhibit 101A).

[11] The Board will withhold its order pending receipt of a revised draft Board Order reflecting the changes as directed by the Board.

#### Portside Development (Kipling) (Appeal 116)

[12] This appeal has been settled between the City and Portside Development. The Board had before it the *viva voce* and affidavit planning evidence of Mr. Dixon in support of the settlement and the City's motion (Exhibit 102A). Jeffrey Streisfield, counsel for Portside Development requested that the phrase "including pedestrian access" be

included in the pertinent subsection of the Natural Area designation as it affects his client's lands.

[13] The Board noted that Portside's appeals of the VOP have been resolved except for its parkland policy appeal and the roads schedule/map for Kipling Avenue south of Highway 7 (Exhibit 102C).

[14] The Board adopted and relied on the planning opinion evidence of Mr. Dixon in support of the City's motion. The Board granted the City's motion for partial approval of the VOP 2010 as it relates to the Appellant's lands.

[15] The Board will withhold its Order pending receipt of a draft Board Order reflecting the revisions as directed by the Board.

Weston Downs Ratepayers Association (Appeal 95)

[16] The Weston Downs Ratepayers Association ("WDRA") has withdrawn its appeal. The Board had *viva voce* and affidavit planning evidence from Steve Dixon. The Board accepted and relied on Mr. Dixon's planning evidence (Exhibit 103A).

[17] The City's motion for partial approval of the VOP 2010 as it applies to the lands which were subject to the WDRA appeal was granted. The Board withheld its Order pending receipt of a draft Board Order from the City.

[18] The next PHC into these matters is set for **Monday, December 12-13, 2016 commencing at 10 a.m.** The venue will be:

**Municipal Building (Vaughan)  
2141 Major Mackenzie Drive  
Vaughan, Ontario**

[19] At that PHC it is expected that further settlements and motions will be brought by the Parties.

*"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**

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