

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



ISSUE DATE: January 17, 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 (also known as Royal Centre)
Appellant:	1096818 Ontario Inc.
Appellant:	11333 Dufferin Street 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: January 8, 2020 in Vaughan, Ontario

APPEARANCES:

Parties

City of Vaughan (“City”)

Parties in attendance

Counsel

Bruce Engell
Christian Guerette

See Schedule 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON
JANUARY 8, 2020 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This proceeding was a further Pre-hearing Conference (“PHC”) to address appeals to the 2010 Vaughan Official Plan (“VOP”). The 168 appeals have been managed according to various categories by area or subject matter. With many of the appeals resolved and most of the remaining appeals now in discussions or moving towards resolution, the City aims to resolve all remaining appeals by the end of 2021.

MOTIONS

Appeal 98 - Overiver Holdings Limited

[2] The City’s motion to dismiss and Overiver Holdings Limited’s (“Overiver”) response to the motion tabled at the last PHC were resolved by producing a Procedural Order (“PO”) with scoped Issues List on consent, as approved below. The Parties requested a 12-day hearing on account of the number of witnesses, and the Tribunal directed the Parties to file a Work Plan at the commencement of the hearing to ensure that all proposed witnesses are heard and the hearing concludes within the allotted time.

[3] The PO is approved as set out in Schedule 2.

[4] The Overiver hearing will commence at **10 a.m. on Monday, August 31, 2020 for 12 days** (except September 7, 14 and 15) to conclude on or before **Friday, September 18, 2020 at:**

**Vaughan City Hall
Hearing Room
2141 Major Mackenzie Drive West
Vaughan, Ontario**

Appeal 10 - Wal-Mart Canada Corp.

[5] Wal-Mart Canada Corp. (“Wal-Mart”) brought a motion on consent with the City reflecting a settlement of Wal-Mart’s appeal to the commercial policy pertaining to its site and surrounding lands on Major Mackenzie Drive West (“site”). The area had been subject to a maximum commercial floor area that was incorporated into the VOP. The settlement increases the floor area cap from 25,000 square metres to 29,850 square metres, removes the cap from lands to the west of the site now developed for residential purposes, exempts retail warehouses from the cap, and amends two related map schedules.

[6] The Tribunal accepted the unchallenged affidavit of Ryan Mino-Leahan, Registered Professional Planner, in which he attests that the proposed modifications to resolve the appeal satisfy all statutory tests: have regard for s. 2 of the *Planning Act*, consistent with the Provincial Policy Statement, 2014, conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, and conforms with the Region of York Official Plan. Mr. Mino-Leahan also attests that these modifications conform with the general intent and structure of the VOP regarding commercial policies, intensification and compact form. The Tribunal approved the modification to the VOP as set out in the Order below.

[7] The Tribunal orders that the appeal by Wal-Mart Canada Corp. (Appeal 10) 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 Schedule 3 to this order and is approved as modified in respect of the lands subject to Appeal 10 (commercial policy affecting 1900 Major Mackenzie Drive West and adjacent lands).

The Thornhill Club

[8] The motion for Party status by The Thornhill Club tabled at the last PHC was further deferred on consent for the Parties to discuss how best to proceed. The Parties may wish to argue the motion but are endeavouring to find a mutually satisfactory way to address the issues.

Other Settlements

[9] The City advised that settlement motions are anticipated for Appeals 7, 47, 67 and 70 which may be filed for the next PHC or a separate telephone conference call as appropriate.

VAUGHAN METROPOLITAN CENTRE

[10] The City advised that, with the environmental assessment for Black Creek now complete, modifications will be proposed to the VOP that may resolve appeals related to the Vaughan Metropolitan Centre.

YONGE STEELES CORRIDOR SECONDARY PLAN

[11] Mediation has commenced for the appeals to the Yonge Steeles Corridor Secondary Plan but may require several months owing to the complexity of issues.

PARKLAND APPEALS

[12] Bill 108 contains changes to legislation related to parkland requirements that have not been proclaimed or for which regulations are anticipated. The Parties will continue to develop a process for addressing the parkland appeals as the provincial framework becomes known.

FURTHER PHCs

[13] At the City's request, the Tribunal scheduled two more PHCs after the March 5, 2020 PHC, to provide for continued case management of the remaining VOP appeals.

ORDER

[14] The Tribunal's orders and directions set out above are so ordered.

[15] The next PHC will commence at **10 a.m. on Thursday, March 5, 2020 at:**

**Vaughan City Hall
Multi-Purpose Room
2141 Major Mackenzie Drive West
Vaughan, Ontario**

[16] After the above PHC, the subsequent PHCs will commence at **10 a.m. on Tuesday, June 30, 2020** and on **Tuesday, November 24, 2020 at:**

**Vaughan City Hall
Multi-Purpose Room
2141 Major Mackenzie Drive West
Vaughan, Ontario**

[17] No further notice will be given.

[18] This Member is seized for case management purposes subject to the Tribunal's calendar and may be spoken to if issues arise.

"S. Tousaw"

S. TOUSAW
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



**SIGN-IN SHEET
CITY OF VAUGHAN OFFICIAL PLAN 2010**

APPELLANTS

APPELLANT(S)	APPEAL	REPRESENTATIVE(S)	ATTENDEE(S)
Solmar Inc.	3	Michael Melling / Jamie Cole / Samantha Lampert (for Appellant 40 only) Davies Howe LLP	NADIA KADRI AK
Block 40/47 Developers Group Inc.	28		
Auto Complex Ltd.	40		
1539253 Ontario Inc.	68		
Teston Green Landowners Group	149		
Block 42 Landowners Group	151		
Haulover Investments Ltd.	7 ✓	Jeffrey Streisfield Jeffrey Streisfield Land Law	
David and Kathy Lundell (Partially resolved March 26, 2014)	42		
Portside Developments (Kipling) Inc.	116 ✓		
Mario Tedesco	117		
First Vaughan Investments Inc., Ruland Properties Inc., and Skyrange Investments Inc.	72	Roslyn Houser / Joseph Hoffman / Ian Andres Goodmans LLP	
Calloway REIT (Sevenbridge) Inc.	73		
1834371 Ontario Ltd.	30	Barry A. Horosko Horosko Planning Law	
1541677 Ontario Inc.	43		
2159645 Ontario Ltd. (Liberty)	56		
Nine-Ten West Ltd.	80		
Cedarbrook Residential Inc. (formerly Norstar Building Corporation)	103		
2128475 Ontario Corp.	146		

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APPELLANT(S)	APPEAL	REPRESENTATIVE(S)	ATTENDEE(S)
RioCan Holdings Inc. (Springfarm Marketplace)	32	Joel D. Farber Fogler Rubinoff LLP	
RioCan Holdings Inc. (Centre Street Corridor)	82		
1306497 Ontario Inc. (Sisley Honda)	133		
Briardown Estates Inc.	33	Patrick J. Harrington Aird & Berlis LLP	<i>Shomasselle S. Tomacella for P. Harrington</i>
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38	Ira T. Kagan Kagan Shastri LLP	<i>Kristie M. Jennings Kagan Shastri LLP</i>
Salz & Son Ltd.	51		
Yonge & Steeles Developments Inc.	39	Daniel Artenosi / Christopher Tanzola / Natalie Ast Overland LLP	<i>Gregory Smith (Planner) For D. Artenosi / C. Tanzola / N. Ast</i>
Berkley Commercial (Jane) Inc.	119		
FCF Old Market Land 2013 Inc.	140		
Liberata D.Aversa	148		
Project 8188 Yonge St. Inc.	157		
1966711 Ontario Inc.	164		
Yonge & Steeles Developments Inc.	165		
Danlauton Holdings Ltd.	46		
1529749 Ontario Inc. (the "Torgan Group")	47		
390 Steeles West Holdings Inc.	153		
398 Steeles Avenue West Inc.	160		

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APPELLANT(S)	APPEAL	REPRESENTATIVE(S)	ATTENDEE(S)
West Rutherford Properties Ltd.	16	Quinto Annibale / Steven Ferri	<i>Tom Barlow Fesken</i>
Ozner Corporation	17	Loopstra Nixon LLP	
MCN (Pine Valley) Inc.	57	<i>[Signature]</i>	
Royal 7 Developments Limited	84		
Holcim (Canada) Inc.	129		
2203012 Ontario Limited	130		
Blair Building Materials Inc.	131		
Caldari Land Development Corporation	150		
2090396 Ontario Ltd.	60	Mark R. Flowers	<i>NADIA KADRI</i>
Arthur Fisch & 1096818 Ontario Inc.	61	Davies Howe LLP	
H & L Title Inc. and Ledbury Investments Ltd.	75		
Centre Street Properties Inc.	78		
Vogue Investments Ltd.	79		
Lucia Milani and Rizmi Holdings Ltd.	62	Matthew Di Vona	
Teston Villas Inc.	152	Di Vona Law Professional Corporation	
Zzen 2	108	John Alati / Susan Rosenthal	
Ivanhoe Cambridge II Inc.	142	Davies Howe LLP	
Anland Developments Inc.	83	Chris Barnett	
		Osler Hoskin & Harcourt LLP	
281187 Ontario Ltd.	64	Gerard C. Borean	<i>[Signature]</i>
L-Star Developments Group	65	Parente, Borean LLP	
1034933 Ontario Ltd.	120		
Concetta Marciano	135		
Pro Catering Ltd.	136		
Royal Group Inc.	70	David Tang	<i>[Signature]</i>
		Miller Thomson LLP	

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APPELLANT(S)	APPEAL	REPRESENTATIVE(S)	ATTENDEE(S)
Camelot on 7 Inc. / Elia Breda	93	Paul R. Bottos Piccin. Bottos	
Overriver Holdings Ltd.	98	Adam J. Brown Sherman Brown Dryer Karol	
TDC Medical Properties Inc.	105	Stephen D'Agostino Thomson Rogers	
Antonio Di Benedetto	109	Antonio De Benedetto	
Magna International Inc. and Granite Real Estate Inc.	110	Steven A. Zakem / A-Skinner Aird & Berlis / Aird & Berlis LLP	<i>Stamosella</i> S. Tomasella for A. Skinner
Bentall Kennedy (Canada) LP	111	Patrick Duffy Stikeman Elliot LLP	
Toromont Industries Ltd.	114	Michael B. Miller Dickinson Wright	
York Region Condominium Corporation 730	137	Reza Fakim, Secretary Ali Shojaat, Vice-President Domenica Perruzza, President	
Tien De Religion Lands	141	Alan Heisey PHM Law	<i>James Quigley on behalf of Alan Heisey</i>
Tan-Mark Holdings Limited, Telast Enterprises Inc.	156	William Friedman Friedman Law Professional Corporation	
Tan-Mark Holdings Limited, Gino Matrundola and Telast Enterprises Inc.	168		
Maria and Joe Pandolfo	163	Steven Ferri Loopstra Nixon LLP	
Country Wide Homes (Pine Valley Estates) Inc.	166	N. Jane Pepino Aird & Berlis LLP	

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PARTIES

PARTY		REPRESENTATIVE(S)	ATTENDEE(S)
Region of York	A	Pitman Patterson Borden Ladner Gervais Bola Ogunmefun Region of York	<i>Pitman Patterson</i>
Ministry of Municipal Affairs and Housing	B	Kenneth Hare / Ugo Popadic Ministry of Attorney General	
Toronto and Region Conservation Authority	C	Jonathan H. Wigley <i>Tim Duncan</i> Gardiner Roberts LLP Coreena Smith Toronto & Region Conservation Authority	<i>[Signature]</i> <i>[Signature]</i>
611428 Ontario Ltd.	F	David Bronskill Goodmans LLP	
York Region Catholic District School Board	G	Thomas McRae Shibley Righton Christine Hyde York Catholic District School Board	
York Region District School Board	H	Gilbert Luk York Region District School Board	
FCHT Holdings (Ont) Corp.	I	Steven A. Zakem Aird & Berlis	
CNR	K	Alan Heisey PHM Law	<i>James Quigley on behalf of Alan Heisey</i>
Ivanhoe Cambridge Inc.	M	John Alati Davies Howe LLP	

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PARTY		REPRESENTATIVE(S)	ATTENDEE(S)
Sustainable Vaughan	P	Sony Rai	
Velmar Centre Property Ltd.	T	Michael Melling / Jamie Cole Davies Howe LLP	
Argo Lumber Inc., Alpa Trusses Inc.	U	Thomas Barlow / Sarah Jane Turney Fasken Martineau DuMoulin LLP	
One-Foot Developments Inc.	AA		
Two Seven Joint Venture Limited	AB		
Anatolia Capital Corp.	AC		
Di Poce Management Limited	AD		
Toromont Industries Ltd.	AE		
John Simone	AF		
Domenic Simone	AG		
Silvia Bellissimo	AH		
Enza Cristello	AI		
Maria Simone	AJ		
Anthony Simone	AK		
Anthony Simone	AL		
Roybridge Holdings Ltd., Vaughan West II Ltd., Squire Ridge Investment Ltd.	V		
Adidas Canada Ltd. 2029832 Ontario Inc. Conair Consumers Products Inc.	W		

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PARTY		REPRESENTATIVE(S)	ATTENDEE(S)
Sidney Isenberg (Medallion Fence)	Y	Sidney Isenberg c/o Medallion Fence Limited	
Liberata D'Aversa	Z	Gregory T.A. Gryguc Zeppieri & Associates	
Teresa Marando (Appeal resolved March 26, 2014 – to remain a Party)	AN	Daniel Artenosi / Christopher Tanzola Overland LLP	<i>GREGORY SMITH (PLANNER) For: D. Artenosi / C. Tanzola</i>
Seven 427 Developments Inc.	AO	Johanna Shapira Wood Bull LLP	

YONGE STEELES SECONDARY PLAN PARTY		REPRESENTATIVE(S)	ATTENDEE(S)
City of Toronto		Ray Kallio City of Toronto	
City of Markham		Bruce C. Ketcheson Ritchie Ketcheson Hart & Biggart LLP Francesco Santaguida City of Markham	
2636786 Ontario Inc. (Toys "R" Us)		Roslyn Houser Goodmans LLP	
Roman Catholic Episcopal Corporation for the Diocese of Toronto		David Tang Miller Thomson LLP	<i>xc/sg</i>
Mizrahi Constantine (180 Saw) Inc.		Quinto Annibale / Brendan Ruddick Loopstra Nixon	
Yonge Steeles Landowners Group (Appellants 38, 40, 51, 165)		Ira T. Kagan / Kristie Jennings Kagan Shastri LLP	

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PARTICIPANTS

PARTICIPANTS		REPRESENTATIVE(S)	ATTENDEE(S)
Block 27 Landowners	1	Michael Melling Davies Howe LLP	
City of Brampton	2	Diana Soos City of Brampton	
America Ferrari	4	America Ferrari	
Crown Heights Coop Housing	5	Ellen Schacter	
Maria, Yolanda, Laura, Guiseppe Pandolfo and Cathy Campione	6	Guiseppe Pandolfo	
Brownridge Ratepayers Association	7	Mario G. Racco	
Bellaterra Corporation	8	Gerard C. Borean Parente, Borean LLP	
Mary Mauti and Elisa Testa	9	Mary Mauti / Elisa Testa	
Village of Woodbridge Ratepayers Association	10	Maria Verna	

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

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

Appellant: 1042710 Ontario Limited
Appellant: 191621 Ontario Inc.
Appellant: 1529749 Ontario Inc.
Appellant: 1541677 Ontario Inc. et al
Subject: Failure of the Regional Municipality of York to announce a decision respecting the proposed new Official Plan for the City of Vaughan
Municipality: City of Vaughan
L.P.A.T. Case No.: PL111184
L.P.A.T. File No.: PL111184
L.P.A.T. Case Name: *Duca v. Vaughan (City)*

PROCEDURAL ORDER

The Tribunal orders that:

1. The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

2. The Hearing will begin on **August 31, 2020 at 10:00 a.m.** at **Vaughan City Hall, 2141 Major Mackenzie Drive, Vaughan, Ontario**. No further notice shall be required.
3. The length of the Hearing will be approximately **12 days**. The length of the Hearing may be shortened as issues are resolved or settlement is achieved.
4. The Parties are listed in **Attachment 1** to this Order.
5. The Issues are set out in the Issues List attached as **Attachment 2**. With the exception of the elimination or reduction of issues, there will be no changes to this list unless the Tribunal permits, and a Party who asks for changes may have costs awarded against it.

6. The order of evidence at the Hearing shall be as set out in **Attachment 3** hereto. The Tribunal may limit the amount of time allocated for opening statements, direct evidence (including the qualification of witnesses), cross examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on consent or by Order of the Tribunal.

Requirements Before the Hearing

7. A Party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other Parties a list of the witnesses and the order in which they will be called. This list must be delivered by at least **June 17, 2020**. For expert witnesses, a Party shall identify the area of expertise in which the witness is proposed to be qualified.
8. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the Hearing. Copies of this must be provided as in section 11. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony.
9. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the Party calling them must file a brief outline of the expert's evidence, as in section 11.
10. Expert witnesses in the same discipline shall have at least one meeting prior to the exchange of witness statements identified in section 11 to try to resolve or reduce the issues for the hearing. The experts shall prepare a list of any agreed facts and provide this list to all of the Parties and the Tribunal.
11. On or before **July 2, 2020**, the Parties shall provide copies of their written evidence and expert witness statements to the other Parties and the Tribunal.
12. On or before **July 31, 2020**, the Parties may provide to all other Parties and file with the Tribunal a written reply to any written evidence or expert witness statement.
13. On or before **August 17, 2020** the Parties shall provide copies of their visual evidence to all of the other Parties and the Tribunal. If a model will be used, all Parties must have a reasonable opportunity to view it before the Hearing
14. A person wishing to change written evidence, including expert witness statements, must make a written motion to the Tribunal in accordance with the Tribunal's Rules.

15. A Party who provides a witness' written evidence or expert witness statement to the other Parties must have the witness attend the Hearing to give oral evidence, unless the Party notifies the Tribunal at least 7 days before the Hearing that same is not part of their record.
16. The Parties shall co-operate to prepare a Joint Document Book, the reasonable cost of which shall be shared by the Parties, and which will be filed with the Tribunal on the first day of the Hearing.
17. Documents may be delivered by personal delivery, email, facsimile or registered or certified mail, or otherwise as the Tribunal may direct. The delivery of documents by fax shall be governed by the Tribunal's Rules (Rule 7) on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
18. No adjournments or delays will be granted before or during the Hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

This Member is not seized.

So Orders the Tribunal.

ATTACHMENT 1

Parties

OVERIVER HOLDINGS LIMITED

Davies Howe LLP
425 Adelaide Street West, 10th Floor
Toronto, ON M5V 3C1

Michael Melling

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E: *michaelm@davieshowe.com*

Jamie Cole

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E: *jamiec@davieshowe.com*

THE CORPORATION OF THE CITY OF VAUGHAN

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E: *christian.guerette@vaughan.ca*

WeirFoulds LLP
66 Wellington Street West, Suite 4100
Toronto, ON M5K 1B7

Bruce Engell

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E: *bengell@weirfoulds.com*

**TORONTO AND REGION
CONSERVATION AUTHORITY**

Gardiner Roberts LLP
22 Adelaide Street West, Suite 3600
Toronto, ON M5H 4E3

Tim Duncan

T: 416.865.6682

E: *tduncan@grllp.com*

ATTACHMENT 2

Issues List

1. Are the Overiver Lands developable and, if so, how much of the Overiver Lands is developable, bearing in mind:
 - a. the requirement for consistency with the *Provincial Policy Statement, 2014* and its provisions, including sections 1.1.1, 2.1.1 – 2.1.8, 2.2.1, 2.2.2, 3.1.1 – 3.1.3 and 3.1.5;
 - b. the requirement for conformity with the *Growth Plan for the Greater Golden Horseshoe, 2019* and its provisions, including sections 1.2.1, 1.2.3, 2.1, 2.2.1.2, 4.1 and 4.2.2.6;
 - c. the requirement for conformity with the *Region of York Official Plan, 2010*, including sections 2.1 – 2.3, 8.4.10 and Maps 1, 2, 4, 5 and 14; and
 - d. the regulatory jurisdiction of the Toronto and Region Conservation Authority pursuant to the *Conservation Authorities Act*, R.S.O. 1990, c. C.27 and Ontario Regulation 166/06 and *The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority?*
2. Are the following designations in the 2010 Vaughan Official Plan (the “VOP 2010”) appropriate for the developable area of the Overiver Lands:
 - a. “Natural Areas and Countryside” on Schedule 1 – Urban Structure;
 - b. “Core Features” on Schedule 2 – Natural Heritage Network; and
 - c. “Natural Areas” on Schedule 13 – Land Use?

3. Should the developable area of the Overiver Lands instead be designated:
 - a. “Community Areas” on Schedule 1 – Urban Structure;
 - b. “Built-Up Valley Lands” on Schedule 2 – Natural Heritage Network;
 - c. “Low Rise Residential” on Schedule 13 – Land Use; and
 - d. Site-Specific policy?
4. As they apply to the developable area of the Overiver Lands, are the appealed policies and Schedules of the VOP 2010:
 - a. consistent with the provisions of the *Provincial Policy Statement, 2014*, including Part IV, Page 4, Paragraphs 4 and 5 and sections 1.1.1, 1.1.3.1 – 1.1.3.4, 1.1.3.6, 1.4.3, 2.1.1 – 2.1.8, 2.2.1, 2.2.2, 3.1.1 – 3.1.3 and 3.1.5;
 - b. in conformity with the provisions of the *Growth Plan for the Greater Golden Horseshoe, 2019*, including sections 1.2, 1.2.1, 1.2.3, 2.1, 2.2.1.2, 2.2.1.4, 2.2.6.1, 2.2.6.2, 4.1 and 4.2.2.6; and
 - c. in conformity with the provisions of the *Region of York Official Plan, 2010*, including sections 2.1, 2.2, 2.3, 3.5.4 and Maps 1, 2, 4, 5 and 14?
5. As they apply to the developable area of the Overiver Lands, do the appealed policies and schedules of the VOP 2010 inappropriately preclude the development potential of the lands?
6. Does the principle established by the former Ontario Municipal Board in *Nepean (Township) Restricted Area By-law 73.76*, apply in this matter, and if so, what impact does this have on the VOP 2010 policies under appeal?

ATTACHMENT 3

Order of Evidence

1. Overiver Holdings Limited
2. Corporation of the City of Vaughan
3. Toronto Region Conservation Authority
4. Reply by Overiver Holdings Limited

Appeal 10-C to VOP 2010

Amendments to VOP 2010 for Walmart to present to LPAT

The following are the amendments to VOP 2010 as per the settlement:

1. Proposed revised policy 12.3.2.17

Notwithstanding 12.3.2.16 above, for the lands at 200 MacNaughton Road, commercial development including retail (other than retail warehouses) shall also be permitted provided that the maximum total gross floor area devoted to all such uses does not exceed 29,850 square metres. The maximum total gross floor area does not apply to outdoor storage and the display and sale of goods related to seasonal and garden centre uses accessory to a retail store. Such uses shall be further defined in the implementing zoning by-law. A rezoning application to implement this policy shall be supported by a traffic impact study.

2. Revised Schedule 14-B removing the Maple Go Station Lands from the schedule (Attached)














3. Revised Map 12.3.A Keele Valley Landfill Area – Land Use Plan removing the Maple Go Station Lands from the schedule (Attached)


SCHEDULE 14B



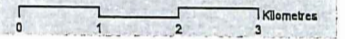
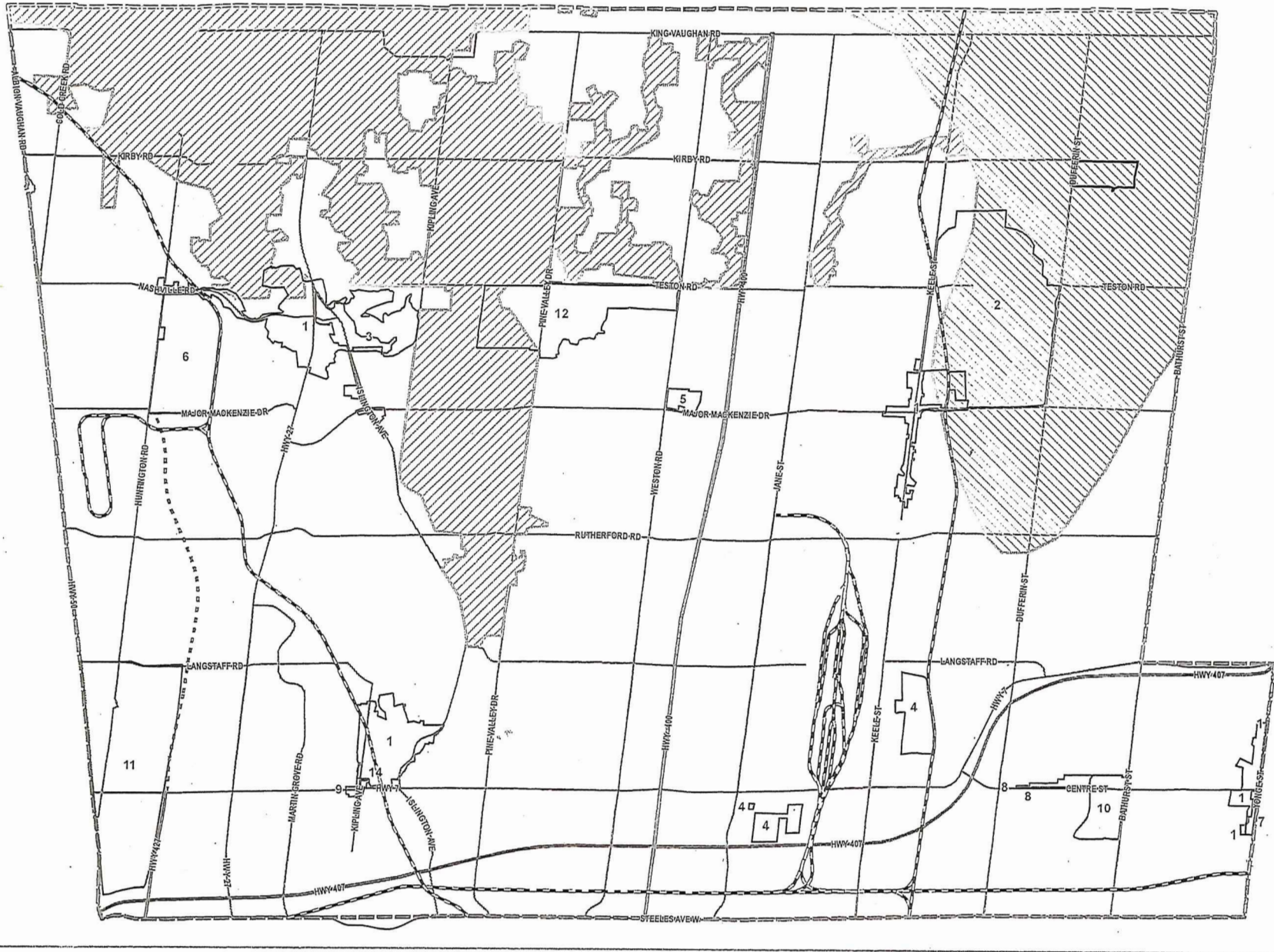
Areas Subject to Area Specific Plans

Site #, Name, and Chapter

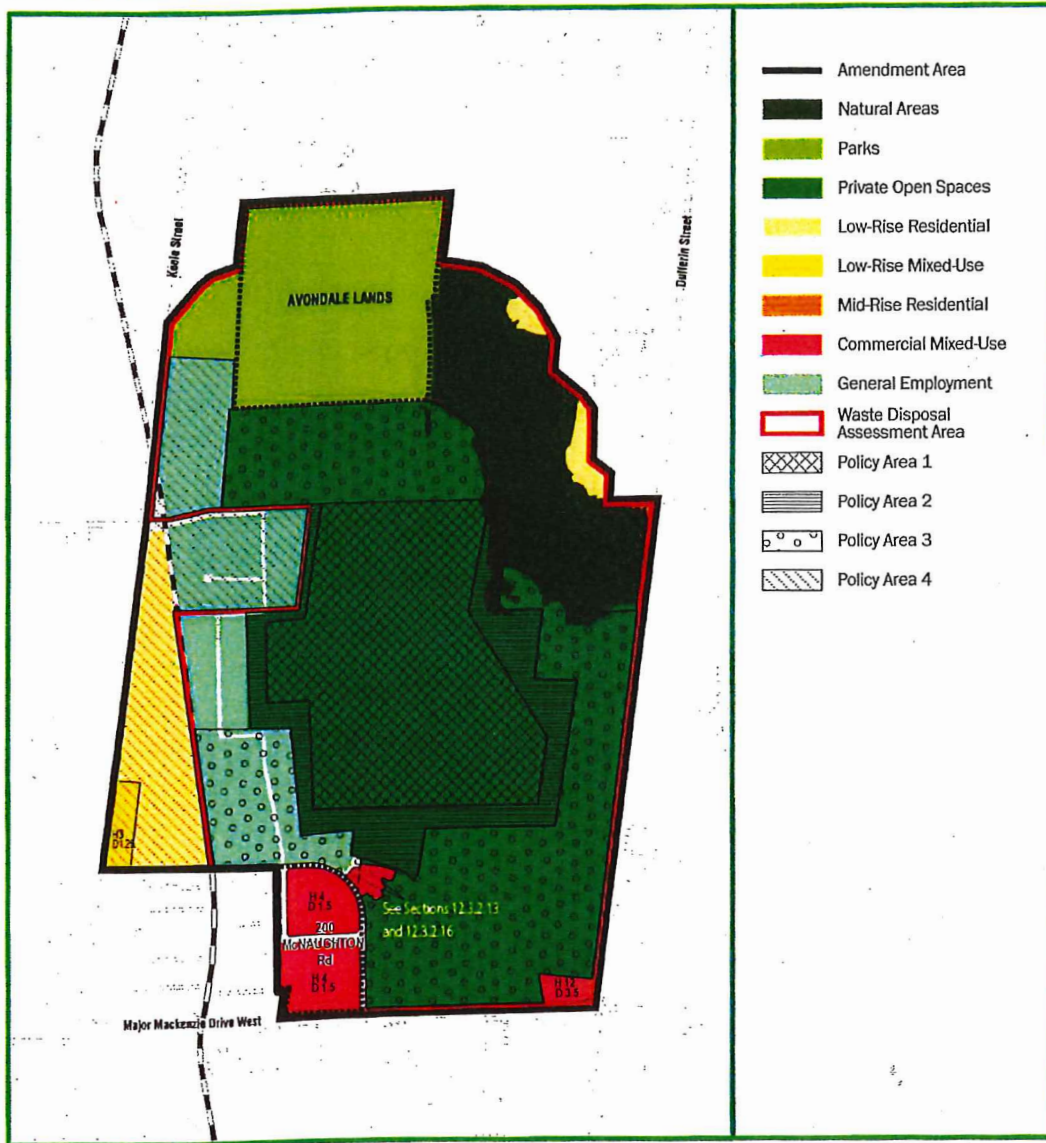
-  1, Heritage Conservation Districts, 12.2
-  2, Keele Valley Landfill Area, 12.3
-  3, Kleinburg Core, 12.4
-  4, Adult Entertainment Uses, 12.5
-  5, N-E Quadrant of Major Mackenzie Dr. and Weston Rd., 12.6
-  6, Block 61 West: Nashville Heights, 12.7
-  7, Yonge Street Corridor in Thornhill, 12.8
-  8, Centre Street Corridor, 12.9
-  9, Kipling Avenue and Highway 7, 12.10
-  10, Bathurst and Centre Street, 12.11
-  11, Huntington Business Park, 12.12
-  12, Block 40/47, 12.13
-  14, NE Quadrant of Kipling Ave. & Highway 7, 12.15

 See Minister's Decision on ORMCP Designation

 Municipal Boundary



Map 12.3.A:
Keele Valley Landfill Area – Land Use Plan



- Amendment Area
- Natural Areas
- Parks
- Private Open Spaces
- Low-Rise Residential
- Low-Rise Mixed-Use
- Mid-Rise Residential
- Commercial Mixed-Use
- General Employment
- Waste Disposal Assessment Area
- ▨ Policy Area 1
- ▨ Policy Area 2
- ▨ Policy Area 3
- ▨ Policy Area 4