

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



ISSUE DATE: December 11, 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: November 24, 2020 by video conference

APPEARANCES:

Parties

Counsel

City of Vaughan (“City”)

B. Engell, G. Perhar, E. Lidakis

Parties in Attendance

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON
NOVEMBER 24, 2020 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This proceeding was a further Case Management Conference (“CMC”) 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 60 appeals now in discussions or moving towards resolution, the City aims to resolve most appeals by the end of 2021, as it hopes to consider a new Official Plan in 2022.

CASE MANAGEMENT CONFERENCES

[2] CMCs for the VOP have been held on a regular basis to plan for and address procedural matters related to the appeals. Without opposition from any Party, the City requested three CMCs in 2021. The Tribunal scheduled the CMCs as follows that will be held by video.

Tuesday, April 27, 2021, 10 a.m.:

GoTo Meeting: <https://global.gotomeeting.com/join/535174429>

Access code: 535-174-429

Audio-only telephone line: 1 (647) 497-9373 or Toll Free 1 (888) 299-1889

Audio-only access code: 535-174-429

Tuesday, October 5, 2021, 10 a.m.:

GoTo Meeting: <https://global.gotomeeting.com/join/192336437>

Access code: 192-336-437

Audio-only telephone line: 1 (647) 497-9373 or Toll Free 1 (888) 299-1889

Audio-only access code: 192-336-437

Monday, December 6, 2021, 10 a.m.:

GoTo Meeting: <https://global.gotomeeting.com/join/386317533>

Access code: 386-317-533

Audio-only telephone line: 1 (647) 497-9373 or Toll Free 1 (888) 299-1889

Audio-only access code: 386-317-533

[3] Statutory Parties and anyone seeking Party or Participant status are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[4] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://global.gotomeeting.com/join/386317533) or a web application is available: <https://app.gotomeeting.com/home.html>

[5] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line.

[6] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearings by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[7] No further notice will be given.

YONGE STEELES CORRIDOR SECONDARY PLAN (“YSCSP”)

Motion to Combine Appeals

[8] The City sought a hearing date for its Motion filed on November 9, 2020. The City seeks a Tribunal Order to combine four site-specific appeals related to development applications within the YSCSP with the hearing to be scheduled for all remaining appeals to the YSCSP. The City requested the Motion hearing early in 2021 and suggested that 12 weeks be set aside for a combined hearing, if approved, in the spring of 2022.

[9] Several affected Parties to the YSCSP and the four site-specific Appellants support the City’s request to schedule the eventual hearing for the YSCSP, but did not comment on their possible response to the Motion itself.

[10] Responses to the Motion may be filed in accordance with the Tribunal’s *Rules of Practice and Procedure*. The Motion hearing is scheduled to proceed by video on:

Friday, January 15, 2021 at 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/723952237>

Access code: 723-952-237

Audio-only telephone line: 1 (647) 497-9391 or (Toll Free): 1 (888) 455-1389

Audio-only access code: 723-952-237

[11] Please refer to the hearing instructions included on paragraphs [3] to [7].

[12] The Tribunal refused to schedule the eventual hearing date for the YSCSP hearing at this PHC. The next PHC will provide sufficient opportunity to reconsider its scheduling with the benefit of knowing the Decision on the Motion, as well as an Issues List (“IL”) and draft Procedural Order (“PO”) to be prepared by the Parties.

Request for Party Status

[13] Mercedes Benz Canada Inc. (“Mercedes”) requested Party status in the YSCSP appeals through its Motion filed on October 30, 2020. Neither the City nor any other Party opposed the request.

[14] Since 2016, Mercedes has operated an automotive sales centre at 228 Steeles Avenue West, located just north of the intersection of Yonge Street and Steeles Avenue within the YSCSP area. Mercedes argues that reasonable grounds exist to add it as a Party, similarly approved for other landowners in the area, and supported by the six “obvious factors” as established by Vice-Chair S.J. Stefanko in *1137528 Ontario Ltd. v. Oakville (Town) 2010 CarswellOnt 18558*. Mercedes considers that its property will be affected by any land use designations and policies resulting from the appeals, that no new issues will be added, and that no prejudice or delay result from its involvement.

[15] The Tribunal accepted the arguments of Mercedes noted above and granted it Party status to the YSCSP appeals, pursuant to s. 17(44.2) of the *Planning Act* (“Act”).

HEARINGS SCHEDULED

Appeal 3, Solmar Inc.

[16] The hearing for the Solmar Inc. (“Solmar”) appeal was originally scheduled for mid-2020 but had been adjourned with the consent of all Parties to allow Solmar to submit site-specific development applications. Solmar advised that its applications were submitted to the City recently but will remain incomplete until certain studies are finished and filed in the coming weeks. Solmar requested that a three-week hearing be scheduled in the autumn of 2021, being one week longer than the cancelled hearing, in order to accommodate its appeals, if any, to the City’s decisions on its current applications.

[17] Canadian National Railway (“CNR”) opposed the request as premature given that CNR has not received Solmar’s applications and may identify new issues arising from development in proximity to its significant rail yard.

[18] The Regional Municipality of York (“Region”) considers the original two-week hearing length as sufficient in that its issues of transportation remain the same. The City reiterated its desire to complete most appeals in 2021 and asked that hearing dates be established either now or at the April 2021 CMC.

[19] The Tribunal declined the scheduling of hearing time for matters not under appeal at present. However, based on the existing approved PO for the Solmar hearing related to the VOP, the Tribunal scheduled a two-week hearing commencing by video on:

Monday, October 18, 2021, 10 a.m.:

GoTo Meeting: <https://global.gotomeeting.com/join/771119005>

Access code: 771-119-005

Audio-only telephone line: 1 (647) 497-9373 or Toll Free 1 (888) 299 1889

Audio-only access code: 771-119-005

[20] Please refer to the hearing instructions included on paragraphs [3] to [7].

[21] The Parties agreed to provide, at the next CMC, an updated PO reflecting document exchange dates based on the new hearing date. Should appeals arise from Solmar’s current planning applications before the City, the Parties may raise at the next CMC the potential for combining them with this hearing.

Appeal 141, Tien De Religion

[22] The City and the Toronto and Region Conservation Authority (“TRCA”) asked that an eight-day hearing be scheduled for Tien De Religion’s appeal. The hearing was

originally scheduled for mid-2020 but had been adjourned with the consent of all Parties to allow the Appellant to respond to matters affecting the TRCA. Tien De Religion advised that it recently circulated a proposed resolution and asked that this request for a hearing date be deferred to the April 2021 CMC.

[23] Given the months that have elapsed while this appeal remains outstanding, and given the existing PO previously approved by the Tribunal, the Tribunal scheduled an eight-day hearing commencing by video on:

Monday, November 8, 2021 at 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/454793541>

Access code: 454-793-541

Audio-only telephone line: 1 (647) 497-9391 or Toll Free 1 888 455 1389

Audio-only access code: 454-793-541

[24] Please refer to the hearing instructions included on paragraphs [3] to [7].

[25] The Parties agreed to provide, at the next CMC, an updated PO reflecting document exchange dates based on the new hearing date, and may include changes to the IL, if any, resulting from the Parties' discussions.

REMAINING APPEALS

[26] The City requested that Appellants whose cases remain outstanding be directed to provide their proposed modifications and/or an IL and draft PO to the City within two months.

[27] Without objection from any Appellant, the Tribunal directed the following Appellants to provide proposed modifications and/or an IL and draft PO to the City:

- by **January 22, 2021** for Appeals 30, 32, 62 and 68;
- by **January 29, 2021** for Appeal 166.

[28] Similarly, for all remaining appeals related to Parklands, without objection from any Appellant, the Tribunal directed the following Appellants, collectively or individually, to provide proposed modifications to the City:

- by **January 25, 2021** for Appeals 30, 38, 40, 42, 43, 51, 56, 60, 61, 72, 73, 78, 79, 80, 103, 111, 114, 119, 135, 136 and any other remaining Appellants with an interest in Parkland matters.

CENTRE STREET APPEALS

[29] The City presented a draft PO for approval on behalf of all Parties to the scheduled Centre Street hearing, noting one change required in paragraph 2 regarding the current necessity for a video hearing. With that minor amendment, the Tribunal approved the PO attached to this Decision as Attachment 2.

SETTLEMENTS

Appeal 70, Royal Group Inc.

[30] With the consent of Royal Group Inc., the City filed a Motion to resolve Appeal 70 affecting 131 and 154 Regalcrest Court ("site"). No Responses to the Motion were filed. David Marcucci, Registered Professional Planner with the City and previously qualified in these proceedings to give opinion evidence in land use planning, signed an affidavit in support of the settlement and was present at this CMC to assist the Tribunal.

[31] Mr. Marcucci explains that the site has contained a manufacturing facility and outdoor storage for over 30 years but the VOP designated it as Employment Commercial Mixed-Use in recognition of future anticipated land uses associated with improved transit as it develops over time. To resolve the appeal, the modification would add a policy in the VOP to permit the site to continue its manufacturing function for 20 years.

[32] With reference to several provincial, regional and local policies related to employment, housing and transportation planning, Mr. Marcucci attests that this modification is consistent with the Provincial Policy Statement, 2020 (“PPS”), conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“GP”), conforms with the Region Official Plan (“ROP”) and aligns with the intentions of the VOP. In particular, Mr. Marcucci notes that the timeframe for the continued manufacturing use corresponds with the anticipated transit improvements in the area that would support future mixed-use development.

[33] The Tribunal accepted the unchallenged affidavit evidence of Mr. Marcucci and found that the proposed modification satisfies all statutory tests. It has regard for s. 2 of the Act, is consistent with the PPS, conforms with the GP and conforms with the ROP. The Tribunal approved the modification to the VOP as follows.

[34] The Tribunal orders that, on the resolution of the appeal by Royal Group Inc. (Appeal 70), the appeal 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 Attachment 3 to this order and is approved as modified in respect of the lands subject to Appeal 70, and the balance of Appeal 70 is dismissed.

Appeal 152, Teston Villas Inc.

[35] With the consent of Teston Villas Inc., the City filed a Motion to resolve Appeal 152 affecting natural heritage features at 1136 Teston Road (“property”). No Responses to the Motion were filed.

[36] Mr. Marcucci signed an affidavit in support of the settlement and was present at this CMC to assist the Tribunal, as were the Appellant’s experts who prepared the natural heritage reports for the property.

[37] Mr. Marcucci explains that the property contains agriculture and natural heritage uses within the Non-Urban Area and is designated as Oak Ridges Moraine Natural Linkage and Oak Ridges Moraine Countryside on Schedule 13 of the VOP. At issue is the designation on Schedule 2 of a one hectare wooded area at the west end of the property. Based on studies conducted by the Appellant, the City agrees that the wooded area need not be designated as Core Features on Schedule 2. At the same time, both Parties agree that the areas identified as Unapproved within the Oak Ridges Moraine Conservation Area be designated as Core Features, subject to further confirmation of their extent in the forthcoming Official Plan Review. To resolve the appeal, the modification would amend Schedule 2 with the foregoing designations.

[38] With reference to several provincial, regional and local policies related to natural heritage and environmental protection, Mr. Marcucci attests that this modification is consistent with the PPS, conforms with the GP, conforms with the ROP and aligns with the intentions of the VOP. Mr. Marcucci notes that the studies found the woodland not significant and not providing critical ecosystem functions, and that, if reduced in size or removed in future, the City and Region’s tree by-laws would ensure appropriate compensatory measures. The Tribunal accepted the unchallenged affidavit evidence of Mr. Marcucci and found that the proposed modification satisfies all statutory tests. It has regard for s. 2 of the Act, is consistent with the PPS, conforms with the GP and conforms with the ROP. The Tribunal approved the modification to the VOP as follows.

[39] The Tribunal orders that, on the resolution of the appeal by Teston Villas Inc. (Appeal 152), the appeal 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 Attachment 4 to this order and is approved as modified in respect of the lands subject to Appeal 152, and the balance of Appeal 152 is dismissed.

ORDER

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

[41] This Member is not seized but may be spoken to for case management purposes.

"S. Tousaw"

S. TOUSAW
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

VAUGHAN VOP 2010 (PL111184)

**NOVEMBER 24, 2020 CASE MANAGEMENT VIDEO CONFERENCE
PARTIES IN ATTENDANCE**

REPRESENTATIVE	#	ON BEHALF OF
B. Engell, WeirFoulds LLP, E. Lidakis & G Perhar, City of Vaughan		City of Vaughan
D. Marcucci (not counsel)		City of Vaughan
M. McDermid, Davies Howe LLP	3	Solmar Inc.
M. Melling & Z. Fleisher, Davies Howe LLP	40	Auto Complex Ltd.
	68	1539253 Ontario Inc.
M. Flowers, Davies Howe LLP	60	2090396 Ontario Ltd.
	61	Jordan Fisch, Ryan Fisch and Brittany Fisch & 1096818 Ontario Inc.
	75	H & L Title Inc. and Ledbury Investments Ltd.
	78	Centre Street Properties
	79	Vogue Investments Ltd.
Q. Annibale, Loopstra Nixon LLP	16	West Rutherford Properties Ltd.
	17	Ozner Corporation
	57	MCN (Pine Valley) Inc.
	84	Royal 7 Developments Limited
	129	Holcim (Canada) Inc.
	130	2203012 Ontario Limited
	131	Blair Building Materials Inc.
	150	Caldari Land Development Corporation
	Mizrahi Constantine (180 Saw) Inc.	
B. Horosko, Horosko Planning Law	30	1834371 Ontario Ltd.
	43	1541677 Ontario Inc.
	56	2159645 Ontario Ltd. (Liberty)
	80	Nine-Ten West Ltd.

REPRESENTATIVE	#	ON BEHALF OF
	103	Cedarbrook Residential Inc. (formerly Norstar Building Corporation)
	146	2128475 Ontario Corp.
J. Farber, Fogler Rubinoff LLP	32	RioCan Holdings Inc. (Springfarm Marketplace)
	82	RioCan Holdings Inc. (Centre Street Corridor)
	133	1306497 Ontario Inc. (Sisley Honda)
J. Park , Devine Park LLP (for I. Kagan, Kagan Shastri LLP)	38	7040 Yonge Holdings Ltd. And 72 Steeles Holdings Ltd.
	51	Salz & Son Ltd.
	165	Yonge & Steeles Developments Inc.
C. Tanzola, D. Arsenosi & N. Ast, Overland LLP	39	Yonge & Steeles Developments Inc.
	105	1150 Centre Street GP Inc.
	119	Berkley Commercial (Jane) Inc.
	140	FCF Old Market Land 2013 Inc.
	148	Liberata D'Aversa
	157	Project 8188 Yonge St. Inc.
	164	1966711 Ontario Inc.
	165	Yonge & Steeles Developments Inc.
	AN	Teresa Marando
A. Forristal, McMillan LLP	46	Danlouton Holdings Ltd.
	47	1529749 Ontario Inc. (the "Torgan Group")
	153	390 Steeles West Holdings Inc.
	160	398 Steeles Avenue West Inc.
		Associated Vaughan Properties Limited
D. Tang & C. Laidlaw, Miller Thomson LLP	70	Royal Group Inc.
		Mercedes Benz of Canada Inc.
		Roman Catholic Episcopal Corporation for the Diocese of Toronto
P. Duffy, Stikeman Elliott LLP	111	Bentall Kennedy (Canada) LP
A. Heisey, PHM Law	141	Tien De Religion Lands
	K	CNR
		1163919 Ontario Limited, 1930238 Ontario Limited, 1211612 Ontario Limited, 1972380 Ontario Limited, 1219414 Ontario Limited

REPRESENTATIVE	#	ON BEHALF OF
M. Di Vona, Di Vona Law	152	Teston Villas Inc.
	62	Lucia Milani and Rizmi Holdings Ltd.
A. Deverett, Friedman Law	156	Tan-Mark Holdings Limited & Telast Enterprises Inc.
	168	Tan-Mark Holdings Limited, Gino Matrundola and Telast Enterprises Inc.
S. Ferri, Loopstra Nixon LLP	163	Maria and Joe Pandolfo
P. Foran (for J. Pepino), Aird & Berlis LLP	166	Country Wide Homes (Pine Valley Estates) Inc.
B. Ogunmefun, Region of York	A	Region of York
T. Duncan, Fogler Rubinoff LLP	C	Toronto and Region Conservation Authority (TRCA)
A. Miller (not counsel)		TRCA
S. Tumey, Fasken Martineau LLP	U	Argo Lumber Inc., Alpha Trusses Inc.
	AA	One-Foot Developments Inc.
	AB	Two Seven Joint Venture Limited
	AC	Anatolia Capital Corp.
	AD	Di Poce Management Limited
	AE	Toromont Industries Ltd.
	AF	John Simone
	AG	Domenic Simone
	AH	Silvia Bellissimo
	AI	Enza Cristello
	AJ	Maria Simone
	AK	Anthony Simone
	AL	Annarita Guida
		Maple Industrial
J. Shapira, Wood Bull LLP	AO	Seven 427 Developments Inc.
		Morguard Investments Limited
F. Santaguida, City of Markham		City of Markham
R. Kallio, City of Toronto		City of Toronto
T. Halinski & A. Skinner, Aird & Berlis LLP	51	Dundee Real Estate Asset Management (DREAM) Salz & Son Ltd.

REPRESENTATIVE	#	ON BEHALF OF
	1	FCHT Holdings (Ont) Corp.
M. Angelucci (not counsel)		Yonge & Steeles Developments Inc.
A. Clutterbuck, Osler Hoskin LLP	38	72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
S.Male (not counsel)		Savanta
R. Houser, Goodmans LLP	8	Baif Developments Ltd.
	72	First Vaughan Investments Inc. et. Al.
	73	Calloway REIT (Sevenbridge) Inc.
C. Lyons, Goodmans LLP		Thornhill Golf Club
A. McDonald, Senior Planner		YCDSB
P. Stewart (not counsel)		Royal Group

ATTACHMENT 2

Local Planning Appeal Tribunal

ISSUE DATE:

CASE NO(S). PL111184

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

Appellant: 1042710 Ontario Limited
Appellant: 1191621 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 of the City of Vaughan [Centre Street Policies]
Municipality: City of Vaughan
LPAT Case No.: PL111184
LPAT File No.: PL111184

PROCEDURAL ORDER CENTRE STREET CORRIDOR POLICIES

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. Phase 1 of the hearing will begin on **Monday, May 3, 2021** at 10:00 a.m. at City Hall, City of Vaughan, in the Hearing Room, 2nd Floor, 2141 Major Mackenzie Drive, Vaughan, Ontario. This hearing may be converted to a video hearing.
3. The length of Phase 1 of the hearing will be about fourteen (14) days. The length of the hearing may be shortened as issues are reordered as settlement is achieved. The Tribunal may not be sitting on Monday, May 10, 2021.
4. Phase 2 of the hearing will begin following the completion of Phase 1 of the hearing at 10:00 a.m., at City Hall, City of Vaughan, in the Hearing Room, 2nd Floor, 2141 Major Mackenzie Drive, Vaughan, Ontario.

5. The length of Phase 2 of the hearing will be approximately four (4) days and the last day of the hearing will be on or before May 28, 2021.
6. The parties and participants to this proceeding are set out in **Attachment 1**.
7. The Issues are set out in the Issues List attached as **Attachment 2**. There will be no further additions to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
8. The order of evidence shall be in accordance with **Attachment 3** to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (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.
9. Any person intending to participate in the hearing should provide an email address and telephone number to the Tribunal as soon as possible. Any person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address, email address and the phone number as soon as possible.

Requirements Before the Hearing

10. The Appellants are to provide to the parties their proposed modifications to the policy language and schedules of the Vaughan Official Plan 2010 relevant to their appeal by **January 18, 2021**.
11. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal, the other parties a list of the witnesses, their professional qualifications, their areas of expertise, completed Acknowledgement of Expert's Duty, the precise area and discipline in which they will seek to be qualified to provide expert testimony, and the intended order in which the witnesses will be called during the hearing. This information must be delivered on or before **January 18, 2021 by the appellants and on or before January 25, 2021 by the City and York Region**. Any challenge by a Party to the qualifications or expertise of a witness must be filed with the Tribunal with supporting reasons within 30 days.
12. Expert witnesses in the same field shall have a meeting on or before **February 22, 2021** to try to resolve or reduce the issues for the hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the hearing and provide this list to all of the parties.
13. 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 paragraph 16 of this Order. 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. For greater certainty, each expert witness statement must comply with the minimum content requirements

specified in Rule 7 of the Tribunal's Rules of Practice and Procedure. If the expert witness has prepared any report(s) that he/she intends to rely on at the hearing, and which did not form part of the submissions made to the City such report(s) shall be provided to the other parties at the same time as the delivery of expert witness statements, as in paragraph 16 of this Order.

14. On or before **February 22, 2021**, a participant shall provide copies of their written participant statement to the other parties. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
15. 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 paragraph 16 of this Order.
16. On or before **March 12, 2021**, the parties shall provide copies of their witness and expert witness statements to the other parties.
17. On or before **April 7, 2021**, the parties shall provide any reply witness statements responding to any written evidence received to the other parties.
18. On or before **April 19, 2021**, the parties shall provide copies of their visual evidence to the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
19. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. Such a motion shall be in accordance with the Tribunal's Rule 10, which require that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.
20. A party who provides written evidence of a witness to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal and the other parties at least 7 days before the hearing that the written evidence is not part of the record.
21. The Tribunal's file number PL111184 is to be clearly marked on all documents served by the parties or filed with the Tribunal.
22. 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.
23. The purpose of the Procedural Order and the meaning of the terms used in the Procedural Order are set out in **Attachment 4**.
24. Documents may be delivered by personal delivery, facsimile, email or registered or certified mail, or otherwise as the Tribunal may direct. The delivery of documents by facsimile and

email 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.

- 25.** The parties shall prepare and file a hearing plan with the Tribunal on or before April 26, 2021 with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the hearing plan. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.
- 26.** The parties shall cooperate in preparing a Joint Document Book for the hearing, and shall equally share the copying costs of same.

This Member is not seized.

So orders the Tribunal.

BEFORE:

Name of Member:

Date:

TRIBUNAL REGISTRAR

ATTACHMENT 1

LIST OF PARTIES

Appellant/ Party	Appeal/ Party no.	Representative	Contact Information
City of Vaughan		Effie Lidakis Bruce Engell	City of Vaughan 2141 Major Mackenzie Drive Vaughan, ON L6A 1T1 (t) 905-832-8585 / (f) 905-832-6130 effie.lidakis@vaughan.ca WeirFoulds LLP 4100 – 66 Wellington Street West Toronto, ON M5K 1B7 (t) 416-947-5081 / (f) 416-365-1876 bengell@weirfoulds.com
Jordan Fisch, Ryan Fisch and Brittany Fisch & 1096818 Ontario Inc. Centre Street Properties Inc. Vogue Investments Ltd.	61, 78 & 79	Mark R. Flowers	Davies Howe Partners LLP 425 Adelaide St. W., 10 th Fl. Toronto, ON M5V 3C1 (t) (416) 977-7088 ex. 246 / (f) (416) 977-8931 markf@davieshowe.com
RioCan Holdings Inc. (Centre Street Corridor)	82	Joel Farber	Fogler, Rubinoff LLP 95 Wellington Street West, Suite 1200 Toronto-Dominion Centre Toronto, ON M5J 2Z9 (t) (416) 365-3707 / (f) (416) 941-8852 jfarber@foglers.com
TDC Medical Properties Inc. (appeal assumed by 1150 Centre Street GP Inc.)	105	Christopher Tanzola	Overland LLP 1101 – 5255 Yonge Street Toronto, ON M2N 6P4 (t) 416-730-0337 / (f) 416-730-9097 ctanzola@overlandllp.ca

Appellant/ Party	Appeal/ Party no.	Representative	Contact Information
Regional Municipality of York	A	Bola Ogunmefun	The Regional Municipality of York Legal & Court Services Department 17250 Yonge Street, 4th Floor Newmarket, ON L3Y 6Z1 (t) 1-877-464-9675 / (f) 905-895-3768 bola.ogunmefun@york.ca

ATTACHMENT 2

ISSUES LIST

1. Height and Density

- a. Are the heights and densities in the proposed designations appropriate?
- b. Are the boundaries of the designations appropriate?
- c. How should the density be calculated (gross or net land area)?
- d. Would density transfer policies be appropriate?

2. Urban Design

- a. Is the amount of parkland appropriate?
- b. Is the location, size and configuration of parks appropriate?
- c. Is the landscape buffer appropriate?
- d. Is the rear yard setback appropriate?
- e. Is the minimum frontage requirement appropriate?
- f. Is the minimum floor to ceiling height requirement too prescriptive?
- g. Are office uses appropriate for the ground floor?
- h. Should interim uses and development be permitted?
- i. Are the urban design policies too prescriptive?

3. Road Network

- a. Is the proposed road network appropriate?
- b. Are all segments of the proposed network required?
- c. Is the alignment and location of the roads in the network appropriate?
- d. Is the proposed rear laneway with easements appropriate?

ATTACHMENT 3

ORDER OF EVIDENCE

City of Vaughan – non-opinion overview evidence for Phase 1 and Phase 2

Phase 1:

1. City of Vaughan
2. Region of York and other parties in support
3. Appellants 78 & 79, 82 and 105
4. City of Vaughan reply, if any

Phase 2:

5. City of Vaughan
6. York Region and other parties in support
7. Appellant 61
8. City of Vaughan reply, if any

ATTACHMENT 4

Attachment to Sample Procedural Order

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.

NOTE that a person who wishes to become a party before or at the hearing, and who did not request this at the case management conference (CMC), must ask the Tribunal to permit this.

A **participant** is an individual, group or corporation, whether represented by a lawyer or not, who may make a written submission to the Tribunal. A participant cannot make an oral submission to the Tribunal or present oral evidence (testify in-person) at the hearing (only a party may do so). Subsection 33.2 of the *Local Planning Appeal Tribunal Act* states that a person who is not a party to a proceeding may only make a submission to the Tribunal in writing. The Tribunal may direct a participant to attend a hearing to answer questions from the Tribunal on the content of their written submission, should that be found necessary by the Tribunal. A participant may also be asked questions by the parties should the Tribunal direct a participant to attend a hearing to answer questions on the content of their written submission.

A participant must be identified and be accorded participant status by the Tribunal at the CMC. A participant will not receive notice of conference calls on procedural issues that may be scheduled prior to the hearing, nor receive notice of mediation. A participant cannot ask for costs, or review of a decision, as a participant does not have the rights of a party to make such requests of the Tribunal.

Written evidence includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.

Visual evidence includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing.

An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing.

A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant wishes to address

and the submission of the participant on those issues; and a list of reports, if any, which the participant wishes to refer to in their statement.

Additional Information

Summons: *A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties. (See Rule 13 on the summons procedure.) If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.*

The order of examination of witnesses: *is usually direct examination, cross-examination and re-examination in the following way:*

- *direct examination by the party presenting the witness;*
- *direct examination by any party of similar interest, in the manner determined by the Tribunal;*
- *cross-examination by parties of opposite interest;*
- *re-examination by the party presenting the witness; or*
- *another order of examination mutually agreed among the parties or directed by the Tribunal.*

Schedule "A"

LPAT approval of the following VOP 2010 revisions

1. Add to Volume 1, Schedule 14-C "Areas Subject to Site Specific Policies" by adding the Subject Lands to the schedule and identifying these lands as #XX and known as "131 and 155 Regalcrest Court"
2. Adding to Volume 2, policy 13.1.1.XX "Site Specific Policies" by adding the following policy, to be renumbered in sequential order:

13.1.1.XX "The lands known as 131 and 155 Regalcrest Court are identified on Schedule 14-C as Item XX and are subject to the policies set out in Section 13.XX of this Plan"
3. Adding the following policies to Volume 2, Section 13 – "Site Specific Policies" and renumbering in sequential order:

13.XX 131 and 155 Regalcrest Court
 Approved by the Local Planning Appeal Tribunal on _____

13.XX.1 The following policies shall apply to the lands designated Employment Commercial Mixed Use known municipally as 131 and 155 Regalcrest Court ("Subject Lands") as identified in Map 13.XX.A upon which manufacturing, and warehousing is expected to continue until at least 2040:

▼ Map 13.XX.A:
131 & 155 Regalcrest Court

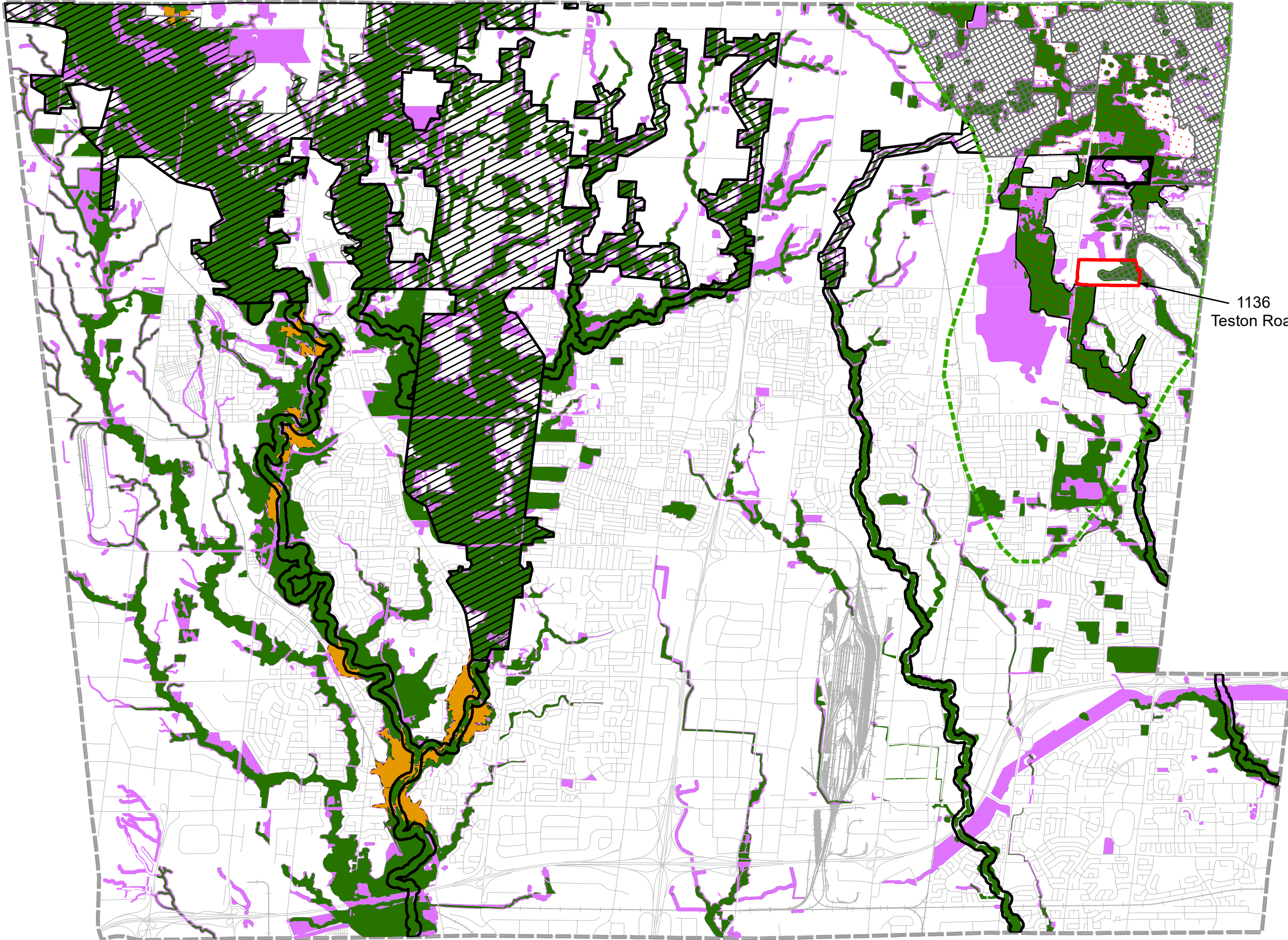


13.XX.2 Notwithstanding Policy 9.2.2.7, manufacturing, warehousing (but not a retail warehouse) and processing are permitted on the Subject Lands up to November 30, 2040.

13.XX.3 Notwithstanding Policy 9.2.2.7, outdoor storage for only plastic pipes and fittings are permitted on the Subject Lands accommodating an area up to fifteen percent 15% of the area of the Subject Lands (area of Subject Lands is 42,394.2 m²) and are permitted on the Subject Lands up to November 30, 2040.

13.XX.4 The Gross Floor Area of the existing buildings on the Subject Lands are permitted to expand to a maximum of fifteen percent (15%) of the existing Gross Floor Area (existing Gross Floor Area is 19,524 m²).

Natural Heritage Network



- Core Features
- Built-Up Valley Lands¹
- Unapproved³
- Greenbelt**
- Greenbelt Plan Area Boundary
- Greenbelt Natural Heritage System
- ORM Conservation Plan**
- Oak Ridges Moraine (ORM) Conservation Plan Boundary²
- Natural Core Area
- Natural Linkage Area
- Area Subject to ORMCA Minister's Zoning Order
- City of Vaughan Boundary

1136
Teston Road

The policy text in Chapter 3 prevails over the mapping shown on Schedule 2 in determining the Natural Heritage Network. Core features shall be precisely delineated on a site-by-site basis through the approval of the Planning Act Applications supported by appropriate technical studies. Refinements to the NHN may occur through Secondary Plan or development approval processes and shall be reflected on this schedule without the need for an Official Plan Amendment. Where the schedule does not accurately reflect an existing development approval, the schedule may be updated without the need for an Official Plan Amendment.

For watercourses and waterbodies outside of well-defined valleys, the vegetation protection zone is to be established according to the policies in Chapter 3.

Enhancement areas are identified conceptually on Schedule 2 and the text shall be consulted to determine the final location and design.

- 1) Data provided by Urban Strategies.
- 2) See Schedule 4 for limits and the land use information of the Greenbelt Plan Area and the Oak Ridges Moraine Conservation Plan Area.
- 3) Sites under consideration for Core Feature additions, Core Feature deletions, or classification as an Enhancement Area.

