

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 05, 2023

CASE NO(S): OLT-22-004885
(Formerly: PL141138)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellants (jointly):	Gillian Evans & David Toyne
Appellants (jointly):	Maria Pandolfo, Yolanda Pandolfo, Laura Pandolfo, Giuseppe Pandolfo & Cathy Campione
Subject:	Proposed Official Plan Amendment No. 744
Municipality:	City of Vaughan
OLT Case No.:	OLT-22-004885
Legacy Case No.:	PL141138
OLT Case Name:	Campione v. Vaughan (City)

Heard: March 28, 2023 by Video Hearing

APPEARANCES:

Parties

Counsel

Country Wide Homes
(Pine Valley Estates) Inc.

Meaghan Barrett

Block 40/47 Developers Group

Andy Margaritas

Toronto and Region Conservation
Authority

Matthew Rutledge

City of Vaughan

Effie Lidakis

**MEMORANDUM OF ORAL DECISION DELIVERED BY SHARYN VINCENT ON
MARCH 28, 2023 AND ORDER OF THE TRIBUNAL**

[1] The Tribunal was presented with a request to consolidate and hear evidence in support of settlement of two outstanding appeals with respect to the westerly portion of lands known as 10390 Pine Valley Drive (“Subject Lands”). Specifically, the settlement seeks to bring resolution to the policy framework to guide the future use of lands known as Skandatut, the site of an historic village of the Huron-Wendat dating back to the late 16th and early 17th century along the banks of the Humber River. The lands subject of this Decision fall outside of the adjacent, protected natural heritage areas documented as the Humber River Valley and Ossuary. The Tribunal was in receipt of a sworn Affidavit from Paul Lowes (marked as Exhibit 1), and heard uncontradicted *viva voce* qualified opinion evidence in support of the planning merit of the recommended settlement language.

[2] Counsel for the Block 40/47 Developers Group was in attendance, taking no position on the proposed language other than to advise the Tribunal that the silence of the Group at this point was not to be construed in any way as to erode the rights of the Group or constituent members to contest future approvals for the Subject Lands.

[3] The designation of, and enactment of policies related to these lands have been the subject of appeals since 2015, when a previous owner appealed a site specific policy of Secondary Plan 744 (“OPA 744”). The balance of the holdings was not subject of the appeal and is now part of a registered plan of subdivision. In 2015, Country Wide Homes (Pine Valley Estates) Inc. (“CWH Inc.”) purchased all of the lands and assumed the appeal. The then Ontario Municipal Board adjourned the appeal *sine die* and rendered a decision on the balance of OPA 744 and the CWH Inc. holdings.

[4] In 2010, the City of Vaughan (“City”) adopted a new Official Plan which imported the impugned policy of OPA 74, which, as owner of the Subject Lands, CWH Inc. appealed. Also at that time, ploughzone stripping work was carried out on the site contrary to the wishes of the Huron-Wendat Nation and a Stop Work Order was issued by the Ministry of Tourism, Culture and Sport, followed by two investigations.

[5] The site remained protected until the Huron-Wendat decided in 2020 that, given the extensive previous disturbance, excavation would be permitted under their direction and supervision. Through a partnership of Archaeological Services Inc (“ASI”) and the Huron-Wendat Nation, the Stage 4 Salvage excavation of Skandatut commenced in 2021, and is projected to continue for several years.

[6] Pursuant to direction from the Tribunal in 2020, when the appeals to the Vaughan Official Plan (“VOP”) were under consideration, CWH Inc. drafted proposed language for a policy intended to be applied to the Subject Lands. Through without prejudice iterations, the language was honed and ultimately endorsed by Vaughan Council in May of 2022.

[7] Policy 12.13.2.10 (b)(iii) to VOP 2010 was summarized by Mr. Lowes to:

- identify the Subject Lands;
- permit a full range of housing types and densities;
- permit a public park, a private park and conservation uses;
- require that all details be established through future amendments to the approved Block Plan 40/47, the zoning by-law and an approved plan of subdivision;
- require all development standards to be determined in a future zoning by-law amendment; and
- require that any future zoning by-law approval be subject to the submission of satisfactory Stage 4 Archaeological Assessment to the Ministry of Heritage, Sport, Tourism and Culture Industries and associated Commemoration and Interpretation strategy in consultation with the Huron-Wendat Nation.

[8] The Tribunal adopts the witness’s uncontradicted opinion evidence that:

- appropriately addresses matters of provincial interest, specifically, the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; provision of the potential for a full range of

housing; protection of the natural areas, features and functions; the resolution of planning conflicts involving public and private interests; and the provision for growth within an urban area;

- the proposed amendment is consistent with, and conforms to the policies of, the Provincial Policy Statement, the Growth Plan, the Regional Official Plan, and the Vaughan Official Plan, as amended, which give effect to the underlying matters of Provincial Interest, and most particularly, with the conservation of the archaeological resources through the Stage 4 Assessment being undertaken by the joint venture of the Huron-Wendat Nation in association with ASI as Yändata' Limited Partnership, which has engaged Field Liaison representatives from five other Indigenous Nations to participate in the excavation;
- the former Huron-Wendat Village will be commemorated on the subject site;
- the site will incorporate an appropriate vegetation protection zone adjacent to the valleylands;
- the amendment provides for a diverse range of unit types and sizes in multi unit buildings, which remain an under represented built form in the City, thereby responding to the objective of achieving complete communities with compact urban form.

ORDER

[9] **THE TRIBUNAL HEREIN ORDERS** Official Plan Amendment No. 744, filed by Maria Pandolfo, Yolanda Pandolfo, Laura Pandolfo, Guiseppe Pandolfo, and Cathy Campione, which appeal was assumed and continued by Country Wide Homes (Pine Valley Estates) Inc., is allowed in part, and Official Plan Amendment No. 744, which amends Official Plan Amendment No. 600 is hereby modified and approved as modified in accordance with Attachment 1 forming a part of this Order.

[10] Pursuant to section 17(50) of the *Planning Act*, The City of Vaughan Official Plan 2010 as adopted by the City on September 7th, 2010 and subject to Council modifications on September 27th, 2011, March 20th, 2012, and April 17th, 2012 as

modified and endorsed by the Regional Municipality of York on June 28, 2012:

- a. Appeal 166 of the City of Vaughan Official Plan 2010 filed by City Wide Homes (Pine Valley Estates) Inc. is allowed in part;
- b. City of Vaughan Official Plan 2010, Volume 2, Block 40/47 Policy 12.13 is hereby modified and approved as modified in accordance with Attachment 1 forming part of this order.
- c. the balance of Appeal 166 of the City of Vaughan Official Plan 2010 is dismissed.

“Sharyn Vincent”

SHARYN VINCENT
VICE-CHAIR

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

OLT Case Nos. PL141138 and OLT-21-001787

Proposed Amendment to Policy 4.2.6.4.(b)(iii) of OPA 600 as amended by OPA 744 and Policy 12.13.2.10.(b)(iii) of VOP 2010

1. Amend OPA 600 as amended by OPA 744 by removing policy 4.2.6.4.(b)(iii) and the same policy within VOP 2010 referred to as Policy 12.13.2.10.(b)(iii).
2. Remove policy 12.13.1.4 within VOP 2010 Policy 12.13
3. Add the following policy to OPA 744 as Policy 4.2.6.4.(b)(iii) and within VOP 2010 as Policy 12.13.2.10.(b)(iii)
 - iii. The following policies shall apply to the lands identified on Schedule B and be referred to as the "Subject Lands". The Subject Lands may be developed for the following uses:
 - Residential uses within the following designations:
 - Low Density Residential Areas
 - Medium Density Residential – Commercial Areas
 - High Density Residential – Commercial Areas
 - Public park
 - Private Park
 - Conservation uses
 - A. The development standards for the uses set out in 4.2.6.4.(b)(iii) will be determined through an amendment to the approved Block Plan for Block 40/47, an approved draft plan of subdivision, and a Zoning By-law amendment.
 - B. Notwithstanding policy 4.2.6.4.(b)(iii)(A), approval of a zoning by-law is subject to the submission of a satisfactory Stage 4 archaeological assessment to the Ministry of Heritage, Sport, Tourism and Cultural Industries.
4. Amend Schedule B of OPA 600 (as amended by OPA 744) and VOP 2010 Map 12.13.A., that the lands identified as "See Section 4.2.6.4.i.b" be revised to " See Section 4.2.6.4.(b)(iii) and remove the reference and boundary to "Area Subject to Future OMB Decisions".

Excerpt from Schedule B of OPA 600 and Map 12.13.A.

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