

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: July 15, 2015

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 Official Plan Amendment No. New Official Plan
Municipality:	City of Vaughan
OMB Case No.:	PL111184
OMB File No.:	PL111184
OMB Case Name:	Duca v. Vaughan (City)

Heard: June 15, 2015 in Vaughan, Ontario

APPEARANCES:

Parties

See Attachment 1

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON
JUNE 15, 2015 AND ORDER OF THE BOARD**

[1] At this pre-hearing conference, the Board was provided with an update on the status of the multiple appeals of the Vaughan 2010 Official Plan ("VOP 2010"). The Board also dealt with a number of administrative issues and disposed of eight settlement motions – two brought by the City of Vaughan ("City") and six brought by

individual Appellants.

[2] Bruce Engell, counsel for the City, provided a status update on the remaining appeals against the VOP 2010. He advised that there are now 146 appeals filed and to date 47 appeals have been either withdrawn or settled. The outstanding appeals were grouped into categories as follows:

1. Maple Industrial Issue - 3 appeals
2. Vaughan Metropolitan Centre (VMC) – 24 appeals
3. Vaughan Mills – 8 appeals
4. Parkland – 18 city-wide appeals, 40 overall appeals relating to parkland
5. Centre Street – 6 appeals
6. Yonge-Steeles – 5 appeals
7. Other site-specific – 33 appeals
8. Other development applications – 31 appeals

[3] Negotiations with Appellants and Board-led mediations continue.

[4] There was considerable discussion on the “without prejudice” clauses for Board Orders with respect to partial approvals and settlements. Daniel Artenosi and Jeffrey Streisfield, counsel for a number of Appellants re-iterated that motions for partial approvals of the City’s VOP 2010 on a city wide or site specific basis are without prejudice to outstanding appeals of the same plan. Mr. Engell provided the context for which the City has used the without prejudice language in scoping, partial approvals and settlements (Exhibit 77B). The Board directed that all motions for partial approvals brought either by the City or Appellants will include the without prejudice language that have been used by the Board in past Board Orders relating to the partial approvals of the VOP 2010.

[5] Mr. Engell advised that a number of appeals have advanced to a stage where it would be necessary to seek hearing dates including the setting of pre-hearing conferences ("PHC") for these appeals. The City identified a number of appeals that would be proceeding to the PHC stage (Appeals 32, 48, 9, 94, 129, 130, 131, 98, 52, 81, 124, 2, 22, and 46). Mr. Engell advised that discussions with these Appellants are ongoing and there remains the possibility of further settlements.

[6] The City requested that the Board dismiss Appeal 76 filed by Traci Schatz on the basis that Ms. Schatz has not responded to repeated requests for additional information on the status of her appeal. The City submitted that Aynsley Anderson, Ms. Schatz's previous counsel advised that it was Ms. Schatz's intention to withdraw her appeal. In support of the City's request, Patrick Harrington, solicitor for FCHT Holdings (Ontario) Corporation submitted that Ms. Schatz's appeal has affected his client's lands (9300-9700 Bathurst Street) which was the subject of a Board decision dated December 6, 2013. In that decision, the Board allowed FCHT's appeal, approved OPA No.743 to the City's OP and directed the City to amend By-law 1-88. The Board directed the City to provide further information on the efforts made to contact Ms. Schatz on the status of her appeal. The Board further advised that the City should bring a motion for the dismissal of Ms. Schatz's appeal.

City Motions

Volume 1, VOP 2010

[7] The City's motion sought partial approval of the VOP 2010 only for those lands which are noted in green in the in Schedule C of its motion record and for those lands that are subject to Appeal 103 (Exhibit 79B). The Board had the sworn affidavit evidence of Steve Dixon, a qualified planner for the City. A number of appeals have been withdrawn by the respective Appellants. The lands which are subject to these appeals are identified in green in Schedule C of Exhibit 79B. Catarina Facciolo, counsel

for Appellant 104 noted that her client's lands are to be removed from Schedule C. The Board adopted and relied on Mr. Dixon's affidavit and *viva voce* evidence. The Board granted the City's motion for partial approval of the VOP 2010 but will withhold its Order pending receipt of all of the Appellant's withdrawal letters pertaining to this motion.

Volume II, VOP 2010

[8] The City's motion sought an Order for partial approval of the VOP 2010 to bring the Steeles West Secondary Plan ("SWSP") into full force and effect, except those lands that are still subject to a site-specific appeal as identified in Tabs C and D of the City's motion record (Exhibit 81B). The Board had the affidavit and *viva voce* evidence of Clement Chong, a qualified planner for the City in support of this motion. The SWSP is one of several secondary plans contained in Volume II of the VOP 2010. The City submitted that the approval of the SWSP would provide certainty for the City and landowners without prejudice to any outstanding appeals. The Board adopted and relied on Mr. Chong's evidence.

[9] The Board granted the City's motion but withheld its Order pending receipt of the draft order from the City which would include the appropriate "without prejudice" clause and the modification to the SWSP with respect to Appeal 92 (United Parcel Service Canada Ltd. ("UPS")). The motion brought by UPS is addressed in the Appellant Motions section of this disposition.

Appellant Motions

United Parcel Service Canada Ltd. ("UPS"), (Appellant 92)

[10] The Board allowed the appeal in part and granted a motion to modify the SWSP component of the Vaughan VOP 2010 as set out in Tab C of UPS's motion record (Exhibit 82B). The Board had before it the affidavit and *viva voce* evidence of Robert Dragicevic, a qualified planner. The proposed site specific modifications to the UPS

lands located at 2900 Steeles Avenue will recognize the entitlement of UPS to continue and to expand its operations on its lands. The City supported the site specific modifications. The Board relied on and adopted the planning evidence of Mr. Dragicevic. The Board withheld its Order pending receipt of a draft order from the Appellant which is to be first vetted by the City.

Baif Developments Limited (Appellant 8)

[11] The Board allowed the appeal in part and granted a motion for the approval of site specific modifications to the VOP 2010 as set out in Tab K of its motion materials (Exhibit 80B). These site specific modifications apply to lands known as 2 Beverley Glen Boulevard. The Board had before it the affidavit and *viva voce* evidence of Michael Goldberg, a qualified planner. The proposed modifications would redesignate the subject site from mid-rise residential to high-rise mixed-use and to add a maximum height of 25 storeys and a maximum FSI of 4.35 metres ("m"). The City supported the proposed modifications. The Board adopted and relied on the planning evidence of Mr. Goldberg.

Home Depot Holdings Inc. (Appellant 44)

[12] The Board allowed the appeal in part and granted the motion of Home Depot Holdings Inc. to modify the VOP 2010 to implement the proposed site specific modifications as it affects the subject lands located at 140 Northview Boulevard. The Board had before it the affidavit and *viva voce* planning evidence of Michael Bissett, a qualified planner. The proposed modifications are found in Tab N of Exhibit 83B. These modifications resolve the balance of Home Depot's VOP 2010 appeal. The City supported the motion request. The Board adopted and relied upon the affidavit planning evidence of Mr. Bissett and granted the motion.

2159645 Ontario Ltd. (Appellant 56)

[13] The Board allowed the appeal in part and granted the motion to modify the VOP 2010 in accordance with the site specific modifications found in Tab K of the Appellant's motion materials (Exhibit 84B) for the lands located at 7777 Weston Road. The Board had before it the affidavit and *viva voce* planning evidence of David McKay, a qualified planner. The proposed modifications will carry forward the previous approvals granted by this Board through OPA 729 to permit the redevelopment of the subject lands for a high-rise mixed use development. The City is in support of the proposed modifications to the VOP 2010. These modifications represent a full settlement of the Appellant's appeal save and except for its appeal of the Parkland Dedication policies (Section 7.3.3) of the VOP. The Board adopted and relied upon the planning evidence of Mr. McKay.

1541677 Ontario Inc. (Appellant 43)

[14] The Board allowed the appeal in part and granted the motion to modify the VOP 2010 in accordance with the site specific modifications found in Tab J of the Appellant's motion materials (Exhibit 85B) for the subject lands located at 7890 Bathurst Street. The Board had before it the affidavit and *viva voce* planning evidence of Mr. McKay, a qualified planner. The proposed modifications will carry forward the approvals granted under OPA 732 by redesignating the subject lands from mid-rise mixed-use to high-rise mixed use with a maximum FSI of 4.43 m and a maximum height of 25 storeys. The building is currently under construction. The City supported the motion request. These modifications represent a full settlement of the Appellant's appeal save and except for its appeal of the Parkland Dedication policies (Section 7.3.3) of the VOP. The Board adopted and relied upon the planning evidence of Mr. McKay.

Granite Real Estate Inc. (Appellant 20)

[15] The Board allowed the appeal in part and granted the motion to modify the VOP 2010 in accordance with the site specific modifications found in Tab H of the Appellant's motion materials (Exhibit 86B) for the subject lands located at 600, 800 and 1000 Tesma Way. The Board had before it the affidavit and *viva voce* planning evidence of

Mr. McKay, a qualified planner. The proposed modifications will acknowledge that there are in effect three parcels of lands by permitting a total of 30,000 square metres of non-ancillary office space across the entirety of the subject lands. The City supported the motion request. The Board adopted and relied upon the planning evidence of Mr. McKay. The requested modifications represent a full settlement of Granite's appeal of the VOP 2010 for the subject lands.

[16] The next PHC event was set for **October 28-29, 2015, commencing at 10 a.m.** to provide an update on the status of these appeals identified for hearings. The venue will be the:

**Multipurpose Room
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1**

ORDERS

[17] With respect to the City's motions for partial approval of Volume 1 and II of the VOP 2010, the Board granted the motions as detailed in this decision. The Board will withhold its Orders in respect of these partial approvals pending receipt of all of the Appellant's withdrawal letters pertaining to the partial approval of Volume 1, and receipt of the draft orders from the City.

[18] With respect to United Parcel Service Canada Ltd. (Appellant 92), the Board Orders that the appeal is allowed in part and grants the motion to modify the SWSP component of the Vaughan VOP 2010. The Board will withhold its Order pending receipt of a draft order from the Appellant which is to be first vetted by the City.

[19] With respect to Baif Developments Limited (Appellant 8), the Board Orders that the appeal is allowed in part, and grants the motion for the approval of site specific modifications to the VOP 2010 as detailed in Attachment 2 attached hereto.

[20] With respect to Home Depot Holdings Inc. (Appellant 44), the Board Orders that the appeal is allowed in part, and grants the motion for the approval of site specific modifications to the VOP 2010 as detailed in Attachment 3 attached hereto.

[21] With respect to 2159645 Ontario Ltd. (Appellant 56), the Board Orders that the appeal is allowed in part, and grants the motion for the approval of site specific modifications to the VOP 2010 as detailed in Attachment 4 attached hereto.

[22] With respect to 1541677 Ontario Inc. (Appellant 43), the Board Orders that the appeal is allowed in part, and grants the motion for the approval of site specific modifications to the VOP 2010 as detailed in Attachment 5 attached hereto.

[23] With respect to Granite Real Estate Inc. (Appellant 20), the Board Orders that the appeal is allowed in part, and grants the motion for the approval of site specific modifications to the VOP 2010 as detailed in Attachment 6 attached hereto.

[24] No further notice is required. I remain seized of the case management of these matters.

"Jason Chee-Hing"

JASON CHEE-HING
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.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

VAUGHAN OP 2010 (PL111184)

LIST OF PARTIES IN ATTENDANCE AT PRE-HEARING CONFERENCE ON JUNE 15, 2015

City of Vaughan

PL111184

Dawne Jubb, Claudia Storto,
Bruce Engell, (Stephanie Arias,
Stefanie Valente, Mary Caputo,
Steven Dixon, Clement Chong)

<u>Appellants</u>	<u>Appeal No.</u>	<u>Representative</u>
1042710 Ontario Ltd.	1	Patrick Harrington
Briardown Estates Inc.	33	
Amar Transport Inc.	81	
Solmar Inc.	3	Kataryzna Sliwa
Tesmar Holdings Inc.	4	
1668872 Ontario Inc.	5	
77 Woodstream Inc.	25	
Block 40/47 Developers Group Inc.	28	
York Major Holdings Inc.	55	
1539253 Ontario Inc.	68	
Celebration Estates Inc.	96	
Block 66 West Landowners Group Inc.	125	
Haulover Investments Ltd.	7	
David and Kathy Lundell	42	
Portside Developments (Kipling) Inc.	116	
Mario Tedesco (Fifthshire Homes Ltd.)	117	
York Region Condominium Corporation 730	137	
Baif Developments Limited	8	
Costco Wholesale Canada Ltd.	9	Roslyn Houser & Joseph Hoffman & David McKay
Wal-Mart Canada Corp.	10	
First Vaughan Investments Inc., Ruland Properties Inc. and Skyrange Investments Inc.	72	
Calloway REIT (Sevenbridge) Inc.	73	
LTF Real Estate Company, Canada Inc. ("Life Time")	134	
836115 Ontario Inc.	18	Barry Horosko & Brendan Smith (Student-at-Law)
1191621 Ontario Inc.	19	
Granite Real Estate Inc. (formerly MI)	20	
1834375 Ontario Ltd.	29	
1834371 Ontario Ltd	30	
Delisle Properties Ltd. (Rutherford Land Development Corp.)	34	
1541677 Ontario Inc	43	

2159645 Ontario Ltd. (Liberty)	56	Bary Horosko & Brendan Smith (Student-at-Law)	
Centre Street Properties Inc.	78		
Vogue Investments Ltd.	79		
Cedarbrook Residential	103		
Allegra-on-Woodstream Inc.	112		
588701 Ontario Limited	124		
Hollywood Princess Convention and Banquet Centre Ltd.	50	Steven Ferri	
MCN (Pine Valley) Inc.	57		
785345 Ont. Ltd and I & M Pandolfo Holdings	59		
Kirbywest Ltd.	66		
Royal 7 Developments Limited	84		
Mr. Antonio Di Benedetto	109		
Maple Industrial Landowners Group	118		
Blue Sky Entertainment Corp.	126		
Holcim (Canada) Inc.	129		
2203012 Ontario Limited	130		
Blair Building Materials Inc.	131		
RioCan Holdings Inc. (Coulter's Mills Marketplace)	34		Joel D. Farber
RioCan Holdings Inc. (Springfarm Marketplace)	32		
Riotrin Properties (Langstaff) Inc., SRF Vaughan Property Inc., and SRF Vaughan Property II Inc.	36		
Riotrin Properties (Vaughan) Inc., Riotrin Properties (Vaughan2) Inc. and Riotrin Properties (Vaughan3) Inc.	48		
RioCan Holdings Inc. (Centre Street Corridor)	82		
1306497 Ontario Inc. (Sisley Honda)	133		
Home Depot Holdings Inc.	44		
Granite Real Estate Inc. and Magna International Inc.	110	Steven A. Zakem	
350 Creditstone Investments	143		
Casertano Development Corporation and Sandra Mammone	45		
Danlouton Holdings Ltd.	46	Annik Forristal	
1529749 Ontario Inc. (the "Torgan Group")	47		
Suncor Energy Products Partnership	54		
CST Canada Co.	85		
2157160 Ontario Inc.	99		
Woodbridge Farmers Co. Ltd., 1510904 Ontario Ltd., and 1510906 Ontario Ltd.	100		
1603143 Ontario Inc. and 1603144 Ontario Inc.	101		
Antonia & Bertilla Taurasi	138		
281187 Ontario Ltd.	64		Gerard C. Borean
L-Star Developments Group	65		
Kipco Lands Development Inc.	86		

Lanada Investments Limited	87	Gerard C. Borean
Market Lane Holdings Limited	88	
Gold Park (Woodbridge) Inc.	89	
Mrs. Anna Greco	90	
Luigi Bros. Paving Company Ltd.	91	
Mr. Silvio Di Giammarino	94	
1034933 Ontario Ltd.	120	
Belleterra Corporation	121	
Luigi Bros. Paving Company Ltd.	128	
Concelta Marciano	135	
Pro Catering Ltd.	136	
Michael Termini, Salvatore Termini and Rosa Bancheri	145	
Mr. Alex Marrero	102	
Tien De Religion Lands	141	Caterina Facciolo
Kau & Associates LP	74	
Nine-Ten West Ltd.	80	
Novagal Development Inc.	52	
Trimax on Islington	104	
Ivanhoe Cambridge II Inc.	142	Jason Lewis and Matthew Di Vona
Blue Water Ranch Developments Inc.	67	Christie Gibson
Berkley Commercial (Jane) Inc.	119	
Teresa Marando	123	
FCF Old Market Lane 2013 Inc.	140	
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38	Ryan Mino-Leahan (for Ira Kagan)
2 Steeles Avenue West Ltd.	39	
Auto Complex Ltd.	40	
Salz & Son Ltd.	51	
United Parcel Services Canada Ltd.	92	Tim Bermingham & Tara Piurko
Weston Downs Ratepayers' Association	95	Anthony Francescucci
Camelot on 7	93	Kurt Franklin
Lucia Milani and Rizmi Holdings Ltd.	62	Susan Rosenthal
Ivanhoe Cambridge II Inc.	142	
<u>Parties</u>	<u>Party No.</u>	<u>Representative</u>
Region of York	A	Pitman Patterson
Toronto and Region Conservation Authority	C	June Little
York Region District School	G	Gilbert Luk

Board		
FCHT Holdings (Ont) Corp		
Magna International Inc and Granite Real Estate Inc.	J	Steven A. Zakem
CNR	K	Alan Heisey
Alex & Michelle Marrero (5850 Rutherford)	L	
Vaughan 400 North Landowners Group Inc	N	Katarzyna Sliwa
1233389 Ontario Inc	O	Alan Heisey
RioCan Holdings Inc.	Q	Joel Farber
Velmar Centre Property Ltd	T	Katarzyna Sliwa
<u>Participants</u>	<u>No.</u>	<u>Representative</u>
Block 27 Landowners	ii	Katarzyna Sliwa

ATTACHMENT 2

PL111184

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 17(4) 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.; and others
Subject: Failure to announce a decision respecting the proposed new
Official Plan of the Regional Municipality of York for the
City of Vaughan (2010)
Region: Regional Municipality of York
Municipality: City of Vaughan
OMB File No.: PL111184
OMB Case No.: PL111184

Pertaining to: Baif Developments Limited (Appellant 8)

BEFORE:

J. Chee-Hing
Member

)
)
)

Monday, the 15th day of June, 2015

THIS MATTER having come on for a public hearing;

AND THE BOARD having heard the submissions of counsel for the City of Vaughan (the "City") and Baif Developments Limited (the "Moving Party" or "Baif") relating to the appeal of the Moving Party, Appellant 8 to these proceedings, of the City of Vaughan Official Plan (2010) (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, as modified and endorsed by the Regional Municipality of York (the "Region") on June 28, 2012;

AND THE BOARD having heard the submissions of counsel of certain other parties;

AND THE BOARD having considered the planning evidence of Michael S. Goldberg, a Registered Land Use Planner regarding proposed modifications to Schedule 13 in Volume 1 of the Vaughan Official Plan 2010 as set out in Schedule A hereto, pertaining to the lands of the Moving Party located on the Northwest corner of Bathurst and Beverly Glen Boulevard, municipally known as 2 Beverly Glen Boulevard, in the City of Vaughan. A location map is attached as Schedule B hereto;

THE BOARD ORDERS that 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 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, as modified and endorsed by the Region on June 28, 2012, those proposed modifications to Schedule 13 in Volume 1 of the Vaughan Official Plan 2010 as set out in Schedule A attached to and forming part of this Order, are hereby approved.

THE BOARD ORDERS THAT in accordance with the provisions of section 17(50) of the Act, the Moving Party's appeal is resolved, save and except for the Parkland Dedication policies contained in Section 7.3.3 of the Plan, and the Plan is partially approved with the modifications to the Plan as set out in Schedule "A", attached to and forming part of this Order. For greater certainty, Baif maintains its appeal of Section 7.3.3 of the Plan.

THE BOARD FURTHER ORDERS THAT 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.

AND THE BOARD FURTHER ORDERS 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 hearing, 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 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 they constitute 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.

AND THE BOARD FURTHER ORDERS that it may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

SECRETARY

ATTACHMENT 3

PL111184

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 17(4) 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.; and others
Subject: Failure to announce a decision respecting the proposed new
Official Plan of the Regional Municipality of York for the
City of Vaughan (2010)
Region: Regional Municipality of York
Municipality: City of Vaughan
OMB File No.: PL111184
OMB Case No.: PL111184

Pertaining to: Home Depot Holdings Inc. (Appellant 44)

BEFORE:

J. Chee-Hing
Member

)
)
)

Monday, the 15th day of June, 2015

THIS MATTER having come on for a public hearing;

AND THE BOARD having heard the submissions of counsel for the City of Vaughan (the "City") and Home Depot Holdings Ltd. (the "Moving Party" or "Home Depot") relating to the appeal of the Moving Party, Appellant 44 to these proceedings, of the City of Vaughan Official Plan (2010) (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, as modified and endorsed by the Regional Municipality of York (the "Region") on June 28, 2012;

AND THE BOARD having heard the submissions of counsel of certain other parties;

AND THE BOARD having considered the planning evidence of David A. McKay, a Registered Land Use Planner regarding proposed modifications to Schedule 14-A in Volume 1 and Chapter 13 in Volume 2 of the Vaughan Official Plan 2010 as set out in Schedule A hereto, pertaining to the lands of the Moving Party located north of Northview Boulevard in the northeast quadrant of Highway 7 and Weston Road, municipally known as 140 Northview Boulevard in the City of Vaughan. A location map is attached as Schedule B hereto;

THE BOARD ORDERS that 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 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, as modified and endorsed by the Region on June 28, 2012, those proposed modifications to Schedule 14-A in Volume 1 and Chapter 13 in Volume 2 of the Vaughan Official Plan 2010 as set out in Schedule A attached to and forming part of this Order, are hereby approved.

THE BOARD ORDERS THAT in accordance with the provisions of section 17(50) of the Act, the Moving Party's appeal is resolved in full and the Plan is partially approved with the modifications to the Plan as set out in Schedule "A", attached to and forming part of this Order.

THE BOARD FURTHER ORDERS THAT 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.

AND THE BOARD FURTHER ORDERS 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 hearing, 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 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 they constitute 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.

AND THE BOARD FURTHER ORDERS that it may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

SECRETARY

ATTACHMENT 4

PL111184

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF 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.; and others
Subject: Failure to announce a decision respecting the proposed new
Official Plan of the Regional Municipality of York for the
City of Vaughan (2010)
Region: Regional Municipality of York
Municipality: City of Vaughan
OMB File No.: PL111184
OMB Case No.: PL111184

Pertaining to: 2159645 Ontario Ltd. (Appellant 56)

BEFORE:

J. Chee-Hing
Member

)
)
)

Monday, the 15th day of June, 2015

THIS MATTER having come on for a public hearing;

AND THE BOARD having heard the submissions of counsel for the City of Vaughan (the "City") and 2159645 Ontario Ltd. (the "Moving Party" or "7777 Weston Road") relating to the appeal of the Moving Party, Appellant 56 to these proceedings, of the City of Vaughan Official Plan (2010) (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, as modified and endorsed by the Regional Municipality of York (the "Region") on June 28, 2012;

AND THE BOARD having heard the submissions of counsel of certain other parties;

AND THE BOARD having considered the planning evidence of David A. McKay, a Registered Land Use Planner regarding proposed modifications to Schedule 13 in Volume 1 and Chapter 13 in Volume 2 of the Vaughan Official Plan 2010 as set out in Schedule A hereto, pertaining to the lands of the Moving Party located south of Northview Boulevard in the northeast quadrant of Highway 7 and Weston Road, municipally known as 7777 Weston Road in the City of Vaughan. A location map is attached as Schedule B hereto;

THE BOARD ORDERS that 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 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, as modified and endorsed by the Region on June 28, 2012, those proposed modifications to Schedule 13 in Volume 1 and Chapter 13 in Volume 2 of the Vaughan Official Plan 2010 as set out in Schedule A attached to and forming part of this Order, are hereby approved.

THE BOARD ORDERS THAT in accordance with the provisions of section 17(50) of the Act, the Moving Party's appeal is resolved, save and except for the Parkland Dedication policies contained in Section 7.3.3 of the Plan, and the Plan is partially approved with the modifications to the Plan as set out in Schedule "A", attached to and forming part of this Order. For greater certainty, 7777 Weston Road maintains its appeal of Section 7.3.3 of the Plan on a City-wide basis.

THE BOARD FURTHER ORDERS 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.

AND THE BOARD FURTHER ORDERS 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 hearing, 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 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 they constitute 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.

AND THE BOARD FURTHER ORDERS that it may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

SECRETARY

ATTACHMENT 5

PL111184

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF 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.; and others
Subject: Failure to announce a decision respecting the proposed new
Official Plan of the Regional Municipality of York for the
City of Vaughan (2010)
Region: Regional Municipality of York
Municipality: City of Vaughan
OMB File No.: PL111184
OMB Case No.: PL111184

Pertaining to: 1541677 Ontario Inc. (Appellant 43)

BEFORE:

J. Chee-Hing
Member

)
)
)

Monday, the 15th day of June, 2015

THIS MATTER having come on for a public hearing;

AND THE BOARD having heard the submissions of counsel for the City of Vaughan (the "City") and 1541677 Ontario Inc. (the "Moving Party" or "Liberty") relating to the appeal of the Moving Party, Appellant 43 to these proceedings, of the City of Vaughan Official Plan (2010) (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, as modified and endorsed by the Regional Municipality of York (the "Region") on June 28, 2012;

AND THE BOARD having heard the submissions of counsel of certain other parties;

AND THE BOARD having considered the planning evidence of David A. McKay, a Registered Land Use Planner regarding proposed modifications to Schedule 13 in Volume 1 of the Vaughan Official Plan 2010 as set out in Schedule A hereto, pertaining to the lands of the Moving Party located within the northwest quadrant of Bathurst Street and Centre Street, south of Beverly Glen Boulevard and north of North Park Road, municipally known as 7890 Bathurst Street in the City of Vaughan. A location map is attached as Schedule B hereto,

THE BOARD ORDERS that in accordance with the provisions of section 17(50) of the *Planning Act*, R.S.C. 1990, c. P.13, as amended (the "Act"), in respect 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, as modified and endorsed by the Region on June 28, 2012, those proposed modifications to Schedule 13 in Volume 1 of the Vaughan Official Plan 2010 as set out in Schedule A attached to and forming part of this Order, are hereby approved.

THE BOARD ORDERS THAT in accordance with the provisions of section 17(50) of the Act, the Moving Party's appeal is resolved, save and except for the Parkland Dedication policies contained in Section 7.3.3 of the Plan, and the Plan is partially approved with the modifications to the Plan as set out in Schedule "A", attached to and forming part of this Order. For greater certainty, Liberty maintains its appeal of Section 7.3.3 of the Plan.

THE BOARD FURTHER ORDERS 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.

AND THE BOARD FURTHER ORDERS 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 hearing, 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 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 they constitute 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.

AND THE BOARD FURTHER ORDERS that it may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

SECRETARY

ATTACHMENT 6

PL111184

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF 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.; and others
Subject: Failure to announce a decision respecting the proposed new
Official Plan of the Regional Municipality of York for the
City of Vaughan (2010)
Region: Regional Municipality of York
Municipality: City of Vaughan
OMB File No.: PL111184
OMB Case No.: PL111184

Pertaining to: Granite Real Estate Inc. (Appellant 20)

BEFORE:

J. Chee-Hing
Member

)
)
)

Monday, the 15th day of June, 2015

THIS MATTER having come on for a public hearing;

AND THE BOARD having heard the submissions of counsel for the City of Vaughan (the "City") and Granite Real Estate Inc. (the "Moving Party" or "Granite") relating to the appeal of the Moving Party, Appellant 20 to these proceedings, of the City of Vaughan Official Plan (2010) (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, as modified and endorsed by the Regional Municipality of York (the "Region") on June 28, 2012;

AND THE BOARD having heard the submissions of counsel of certain other parties;

AND THE BOARD having considered the planning evidence of David A. McKay, a Registered Land Use Planner regarding proposed modifications to Schedule 13 in Volume 1 and Chapter 13 in Volume 2 of the Vaughan Official Plan 2010 as set out in Schedule A hereto, pertaining to the lands of the Moving Party located south of Rutherford Road and east of Jane Street, municipally known as 600, 800 and 1000 Tesma Way in the City of Vaughan. A location map is attached as Schedule B hereto;

THE BOARD ORDERS that 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 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, as modified and endorsed by the Region on June 28, 2012, those proposed modifications to Schedule 13 in Volume 1 and Chapter 13 in Volume 2 of the Vaughan Official Plan 2010 as set out in Schedule A attached to and forming part of this Order, are hereby approved.

THE BOARD FURTHER ORDERS THAT in accordance with the provisions of section 17(50) of the Act, the Moving Party's appeal is resolved in full. Notwithstanding this, Granite maintains its party status in this proceeding for the purpose of monitoring the hearing and making representations at any hearing event or with respect of any settlement that may affect Granite's interests in the Plan, as modified by this Order. As a party to this proceeding, Granite shall continue to be entitled to receive all materials in this proceeding.

THE BOARD FURTHER ORDERS 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.

AND THE BOARD FURTHER ORDERS 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 hearing, 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 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 they constitute 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.

AND THE BOARD FURTHER ORDERS that it may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.

SECRETARY