

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: December 4, 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: November 20, 2015 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel

City of Vaughan

D. Jubb

Silvio Di Giammarino

G. Borean

Riotrin Properties Vaughan Inc.

J. Farber

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON
NOVEMBER 20, 2015 AND ORDER OF THE BOARD**

[1] This is the first pre-hearing conference (“PHC”) event relating to the Weston Road & Highway 7 Secondary Plan (“SP”) component of the City of Vaughan (“City”) Official Plan (“VOP”) 2010. The VOP 2010 is currently under appeal.

[2] Dawn Jubb, counsel for the City advised that settlement discussions are ongoing with Costco Wholesale Canada Limited (Appeal 9). The Board directed that the parties to Appeal 9 contact the Board’s case coordinator to schedule a PHC/Settlement Hearing for this site specific appeal which is to be held in 2016.

[3] With respect to Riotrin Properties Vaughan Inc. et al (Appeal 48), both the City and the Appellant have agreed to request a two-day hearing for this site-specific appeal for some time in March of 2016 or later. Both parties agreed to finalize the procedural order (“PO”) with an issues list to be submitted to the Board for approval no later than January 30, 2016. Settlement discussions are ongoing on this appeal.

[4] The Board had before it a motion brought by Silvio Di Giammarino (Appeal #94) seeking a modification of the VOP 2010 with respect to its site specific appeal (Exhibit 93A). The Board also had the City’s response to motion filings (Exhibit 93C). The motion was supported by the City. The Board had the affidavit and *viva voce* evidence of Kurt Franklin, a qualified professional planner in support of the motion.

[5] The relief being sought was to redesignate the property located at 3883 Highway 7 (“subject lands”) from Mid-Rise Mixed Use to High-Rise Mixed Use in accordance with the modified Schedule 13 found in Exhibit L of the motion record. It was Mr. Franklin’s evidence that the proposed modification allows for the re-development of the subject property for a high-rise mixed use development that is transit supportive, and supports the intensification policies of the Provincial Plans and the VOP 2010.

[6] The Board noted the planning evidence of Mr. Franklin that the subject lands will be subject to a future Secondary Plan process where the final height, land use, and density permissions will be established.

[7] The Board accepted and relied on the planning evidence of Mr. Franklin. The Board granted the motion and the relief sought. The Board also granted the request for an Order abridging the time for service of the notice of motion filings.

ORDER

[8] The Board allows the appeal in part and grants the motion of Silvio Di Giammarino (Appeal 94) to modify the VOP 2010 in accordance with the modification outlined in Exhibit L of the Notice of Motion. The modification is provided as Attachment 1 attached hereto.

[9] The Board further abridges the time for service of the notice of Motion.

[10] I remain seized of the case management of these matters.

“Jason Chee-Hing”

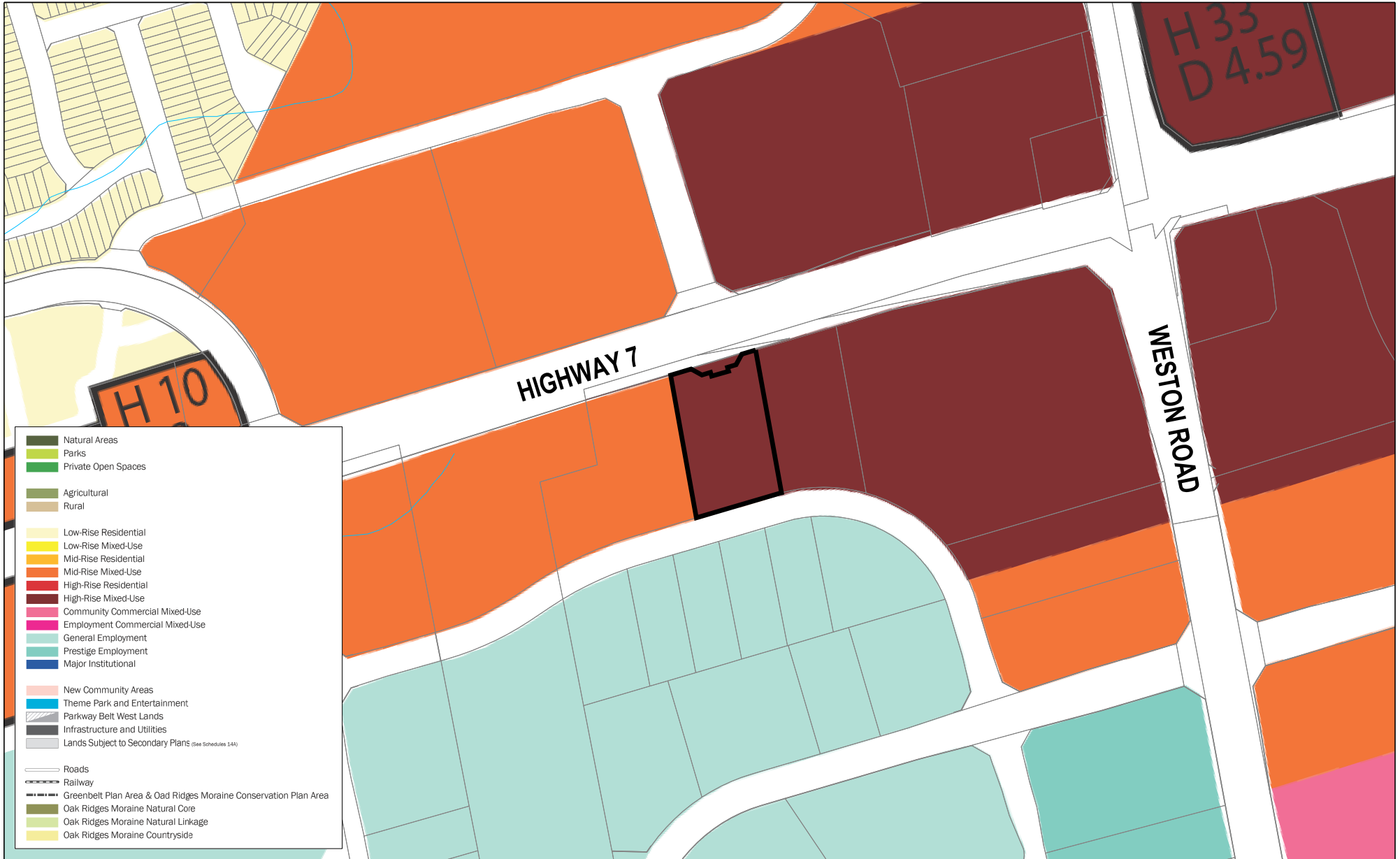
JASON CHEE-HING
MEMBER

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



- Natural Areas
- Parks
- Private Open Spaces
- Agricultural
- Rural
- Low-Rise Residential
- Low-Rise Mixed-Use
- Mid-Rise Residential
- Mid-Rise Mixed-Use
- High-Rise Residential
- High-Rise Mixed-Use
- Community Commercial Mixed-Use
- Employment Commercial Mixed-Use
- General Employment
- Prestige Employment
- Major Institutional
- New Community Areas
- Theme Park and Entertainment
- Parkway Belt West Lands
- Infrastructure and Utilities
- Lands Subject to Secondary Plans (see Schedules 14A)
- Roads
- Railway
- Greenbelt Plan Area & Oak Ridges Moraine Conservation Plan Area
- Oak Ridges Moraine Natural Core
- Oak Ridges Moraine Natural Linkage
- Oak Ridges Moraine Countryside

WESTON CONSULTING
planning + urban design

File Number: 6300
 Date Drawn: 13 NOV 2015
 Drawn By: SM
 Planner: KF
 Scale: see scale bar
 CAD: 6300/OMB/OMB settlement prop modification to VOP sched 13 Nov_13_15.dgn

LEGEND

SUBJECT LANDS

0 25 50 75 100m
SCALE Metres

PROPOSED MODIFICATION TO VAUGHAN OFFICIAL PLAN 2010 JULY 2015 CONSOLIDATION SCHEDULE 13 LAND USE

3883 HIGHWAY 7
 CITY OF VAUGHAN
 REGIONAL MUNICIPALITY OF YORK