

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** March 20, 2018

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

BEFORE:

R.G.M. MAKUCH ) Tuesday, the 20<sup>th</sup>  
VICE-CHAIR )  
) day of March, 2018

**THESE MATTERS** having come on for a public hearing;

**AND THE BOARD** in its Decision issued November 26, 2015 granted the partial approval of the Vaughan Official Plan 2010 ("VOP 2010") to bring the Kipling Avenue and Highway Area Specific Plan into full force and effect, save and except the lands that are subject to a site-specific appeal by John Duca (Appeal 113) and Liberata D'Aversa (Appeal 148) and modifying the VOP 2010 policies applicable to the Kipling/Highway 7 Area specific Plan to include certain specific policies applicable to the Duca lands and withheld its Order pending the draft wording of the Order from the City;

**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”) Volume 1, Schedule 13 of the City of Vaughan Official Plan (2010) (the “Plan”), as adopted by the City of Vaughan (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, shall be modified in accordance with Schedule “B” attached to and forming part of this Order, and as modified approved in respect of the lands subject to the appeal of Appellant 113 (John Duca);

That in accordance with the provisions of section 17(50) of the Act, those portions of Volume 2 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, identified as the Kipling Avenue and Highway 7 Area Specific Plan, are hereby modified as set out in Schedule “C” and as modified are approved, save and except in respect of the lands subject to the appeal of Appellant 148 (Liberata D’Aversa);

That Appellant 148 (Liberata D’Aversa) scope its appeal by identifying the issues, specific policies and schedules it is appealing, and if possible, provide alternative policy language for consideration by the City;

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 subsequent hearing or motion, 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 mere 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 doing so is consistent with the Act, provincial policies, conform to provincial plans and/or constitutes good planning;

**AND THE BOARD FURTHER ORDERS** that the pending appeals filed in respect of the Plan shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Board.

The Board may be spoken to in the event any matter or matters should arise in the connection with the implementation of this Order.



SECRETARY

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario

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**SCHEDULE "A"**

<b>APPELLANT</b>	<b>APPEAL</b>	<b>REPRESENTATIVE</b>
<del>1042710 Ontario Ltd.</del>	<del>1</del>	<del>Patricia A. Foran / Patrick Harrington</del>
Briardown Estates Inc.	33	Patrick Harrington
<del>Amar Transport Inc.</del>	<del>84</del>	
1406284 Ontario Inc.	164	
Glenwood Property Management Ltd. and The Gupta Group	165	David Bronskill
<del>Highway 27 Langstaff GP Ltd.</del>	<del>2</del>	Susan Rosenthal
<del>Highway 27 Langstaff GP Ltd.</del>	<del>22</del>	
<del>Longyard Properties Inc.</del>	<del>23</del>	
Solmar Inc.	3	Michael Melling / Meaghan McDermid / Matthew Di Vona
Tesmar Holdings Inc.	4	
<del>1668872 Ontario Inc.</del>	<del>5</del>	
<del>77 Woodstream Inc.</del>	<del>25</del>	
Block 40/47 Developers Group Inc.	28	
<del>York Major Holdings Inc.</del>	<del>55</del>	
1539253 Ontario Inc.	68	
<del>Celebration Estates Inc.</del>	<del>96</del>	
Block 66 West Landowners Group Inc.	125	
Teston Green Landowners Group	149	
Block 42 Landowners Group	151	
Teston Villas Inc.	152	
<del>2264319 Ontario Inc.</del>	<del>6</del>	
<del>Block 41-28E Developments Limited, Block 41-28W Developments Ltd., 1212765 Ontario Inc. and 1213763 Ontario Ltd.</del>	<del>35</del>	
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38	Ira T. Kagan
2 Steeles Avenue West Ltd.	39	
Auto Complex Ltd.	40	
<del>Castlepoint Huntington Ltd.</del>	<del>49</del>	
Salz & Son Ltd.	51	
<del>Monarch Castlepoint Kipling North &amp; South</del>	<del>154</del>	
<del>Queen's Quay Avante Limited</del>	<del>155</del>	
Haulover Investments Ltd.	7	
David and Kathy Lundell	42	Jeffrey Streisfield

Portside Developments (Kipling) Inc.	116	
Mario Tedesco	117	
York Region Condominium Corporation 730	137	Reza Fakhim / Ali Shojaat / Domenica Perruzza
<del>Baif Developments Limited</del>	<del>8</del>	
Costco Wholesale Canada Ltd.	9	
Wal-Mart Canada Corp.	10	Roslyn Houser / Michael Stewart / Joseph Hoffman
First Vaughan Investments Inc., Ruland Properties Inc. and Skyrange Investments Inc.	72	
Calloway REIT (Sevenbridge) Inc.	73	
<del>LTF Real Estate Company, Canada Inc. ("Life Time")</del>	<del>134</del>	
<del>TDL Group Corp.</del>	<del>44</del>	
<del>McDonald's Restaurants of Canada Ltd.</del>	<del>42</del>	
<del>A&amp;W Food Services of Canada Inc.</del>	<del>43</del>	<del>Michael S. Polowin / Denise Baker</del>
<del>Wendy's Restaurants of Canada Inc.</del>	<del>44</del>	
<del>Ontario Restaurant Hotel &amp; Motel Association</del>	<del>45</del>	
West Rutherford Properties Ltd.	16	Bruce C. Ketcheson
Ozner Corporation	17	
<del>836115 Ontario Inc.</del>	<del>48</del>	
<del>4491621 Ontario Inc.</del>	<del>49</del>	
<del>Granite Real Estate Inc. (formerly MI)</del>	<del>20</del>	
1834375 Ontario Ltd.	29	
1834371 Ontario Ltd.	30	
Delisle Properties Ltd.	34	
1541677 Ontario Inc.	43	
<del>Novagal Development Inc.</del>	<del>52</del>	
2159645 Ontario Ltd. (Liberty)	56	
Centre Street Properties Inc.	78	Barry Horosko
Vogue Investments Ltd.	79	
Nine-Ten West Limited	80	
Cedarbrook Residential	103	
<del>Allegra on Woodstream Inc.</del>	<del>112</del>	
<del>588701 Ontario Limited</del>	<del>124</del>	
2128475 Ontario Corp.	146	
<del>4930328 Ontario Inc.</del>	<del>147</del>	
Caldari Land Development Corporation	150	
<del>Hollywood Princess Convention and Banquet Centre Ltd.</del>	<del>50</del>	Quinto M. Annibale /

MCN (Pine Valley) Inc.	57	Steven Ferri
<del>785345 Ont. Ltd and I &amp; M Pandolfo Holdings</del>	59	
Kirbywest Ltd.	66	
Royal 7 Developments Limited	84	
<del>Maple Industrial Landowners Group</del>	118	
<del>Blue Sky Entertainment Corp.</del>	126	
Holcim (Canada) Inc.	129	
2203012 Ontario Limited	130	
Blair Building Materials Inc.	131	
10350 Pine Valley	163	
Lormel Developments Ltd.	167	
<del>Blackwood Realty Fund I Limited Partnership</del>	24	
Lucia Milani and Rizmi Holdings Ltd.	62	
<del>2117969 Ontario Inc.</del>	106	
<del>Midvale Estates Ltd.</del>	107	
Potestas Properties Inc.	108	
Covenant Chapel	115	
Ivanhoe Cambridge II Inc.	142	
<del>Roybridge Holdings Ltd., Vaughan West II Ltd., and Squire Ridge Investment Ltd.</del>	26	Susan D. Rogers
<del>Adidas Canada Ltd., 2029832 Ontario Inc., and Conair Consumers Products Inc.</del>	27	
<del>John Duca</del>	113	
<del>RioCan Holdings Inc. (Coulter's Mills Marketplace)</del>	31	Joel D. Farber
RioCan Holdings Inc. (Springfarm Marketplace)	32	
<del>Riotrin Properties (Langstaff) Inc., SRF Vaughan Property Inc., and SRF Vaughan Property II Inc.</del>	36	
<del>Riotrin Properties (Vaughan) Inc., Riotrin Properties (Vaughan2) Inc. and Riotrin Properties (Vaughan3) Inc.</del>	48	
RioCan Holdings Inc. (Centre Street Corridor)	82	
1306497 Ontario Inc. (Sisley Honda)	133	
<del>Ms. Ronni Rosenberg</del>	37	
<del>Canadian Fuels Association</del>	41	N. Jane Pepino
<del>Imperial Oil Ltd.</del>	74	
Country Wide Homes (Pine Valley Estates) Inc.	166	
<del>Home Depot Holdings Inc.</del>	44	Steven A. Zakem
Granite Real Estate Inc. and		

Magna International Inc.	110		
<del>350 Creditstone Investments</del>	<del>143</del>		
<del>Lorwood Holdings Incorporated</del>	<del>158</del>		
Casertano Development Corporation and Sandra Mammone	45	Mary Flynn-Guglietti / Annik Forristal	
Danlauton Holdings Ltd.	46		
1529749 Ontario Inc. (the "Torgan Group")	47		
<del>Suncor Energy Products Partnership</del>	<del>54</del>		
<del>CST Canada Co.</del>	<del>85</del>		
2157160 Ontario Inc.	99		
<del>Woodbridge Farmers Co. Ltd., 1510904 Ontario Ltd., and 1510905 Ontario Ltd.</del>	<del>100</del>		
<del>1693143 Ontario Inc. and 1693144 Ontario Inc.</del>	<del>101</del>		
Antonia & Bertilla Taurasi	138		
390 Steeles West Holdings Inc.	153		
398 Steeles Avenue West Inc.	160		
<del>165 Pine Grove Investments Inc.</del>	<del>53</del>		Adam J. Brown / Jessica Smuskowitz
1525233 Ontario Inc.	97		
Overriver Holdings Ltd.	98		
<del>Estates of Gladys Smith</del>	<del>58</del>	Robert Miller	
<del>Palmerston Properties Limited</del>	<del>122</del>		
<del>York Condominium Corporation 499</del>	<del>139</del>		
2090396 Ontario Ltd.	60	Mark R. Flowers	
Arthur Fisch & 1096818 Ontario Inc.	61		
H&L Title Inc. & Ledbury Investments Ltd.	75		
Teefy Developments Inc.	63	Chris Barnett / Alexis Alyea	
281187 Ontario Ltd.	64	Gerard C. Borean	
L-Star Developments Group	65		
<del>Kipco Lands Development Inc.</del>	<del>86</del>		
Lanada Investments Limited	87		
Market Lane Holdings Limited	88		
<del>Gold Park (Woodbridge) Inc.</del>	<del>89</del>		
<del>Mrs. Anna Greco</del>	<del>90</del>		
<del>Luigi Bros. Paving Company Ltd.</del>	<del>91</del>		
<del>Mr. Silvio Di Giammarino</del>	<del>94</del>		
1034933 Ontario Ltd.	120		
Luigi Bros. Paving Company Ltd.	128		

Concetta Marciano	135	
Pro Catering Ltd.	136	
<del>Michael Termini, Salvatore Termini and Rosa Bancheri</del>	<del>145</del>	
Blue Water Ranch Developments Inc.	67	Daniel Artenosi / Christopher J. Tanzola / Kelly Oksenberg
Berkley Commercial (Jane) Inc.	119	
<del>Teresa Marando</del>	<del>123</del>	
FCF Old Market Lane 2013 Inc.	140	
Liberata D'Aversa	148	
8188 Master Holding Inc.	157	
<del>2058258 Ontario Ltd. (Forest Green Homes)</del>	<del>69</del>	<del>Christopher J. Williams / Andrea Skinner</del>
Royal Group Inc.	70	Robert J. Gray
<del>Ms. Traci Shatz</del>	<del>76</del>	<del>Aynsley L. Anderson</del>
<del>Langvalley Holdings</del>	<del>77</del>	Nicholas T. Macos
<del>K &amp; K Holdings Limited</del>	<del>132</del>	
Anland Developments Inc.	83	Laura Bisset
<del>United Parcel Service Canada Ltd.</del>	<del>92</del>	<del>Tim Bermingham</del>
Camelot on 7 Inc. and Elia Breda	93	Paul R. Bottos
<del>Weston Downs Ratepayers Association</del>	<del>95</del>	<del>Anthony Francescucci</del>
<del>Mr. Alex Marrero</del>	<del>102</del>	<del>Alex Marrero</del>
Tien De Religion Lands	141	Alan Heisey
TDC Medical Properties Inc.	105	Stephen D'Agostino
Mr. Antonio Di Benedetto	109	Self-Represented
Bentall Kennedy (Canada) LP	111	James Harbell / Patrick Duffy / Maggie Bassani
Toromont Industries Ltd.	114	Michael Miller / Alexandra Schwarz
Monica Murad	127	Micheal Simaan
<del>Seven 427 Developments Inc.</del>	<del>144</del>	<del>Valeria Maurizio / Johanna Shapira</del>
<del>Kau &amp; Associates LP</del>	<del>74</del>	Caterina Facciolo
<del>Trimax on Islington</del>	<del>104</del>	
<del>Dufferin Vistas Ltd.</del>	<del>21</del>	<del>David Bronskill</del>
<del>Country Wide Homes Woodend Place Inc.</del>	<del>121</del>	<del>Jane Pepino</del>
Tan-Mark Holdings Limited & Telast Enterprises Inc.	156	Alexander Burton-Vulovic
Tan-Mark Holdings Limited, Gino Matrundola and Telast Enterprises Inc.	168	
2464879 Ontario Inc. and Ultra Towns Inc.	159	Leo Longo

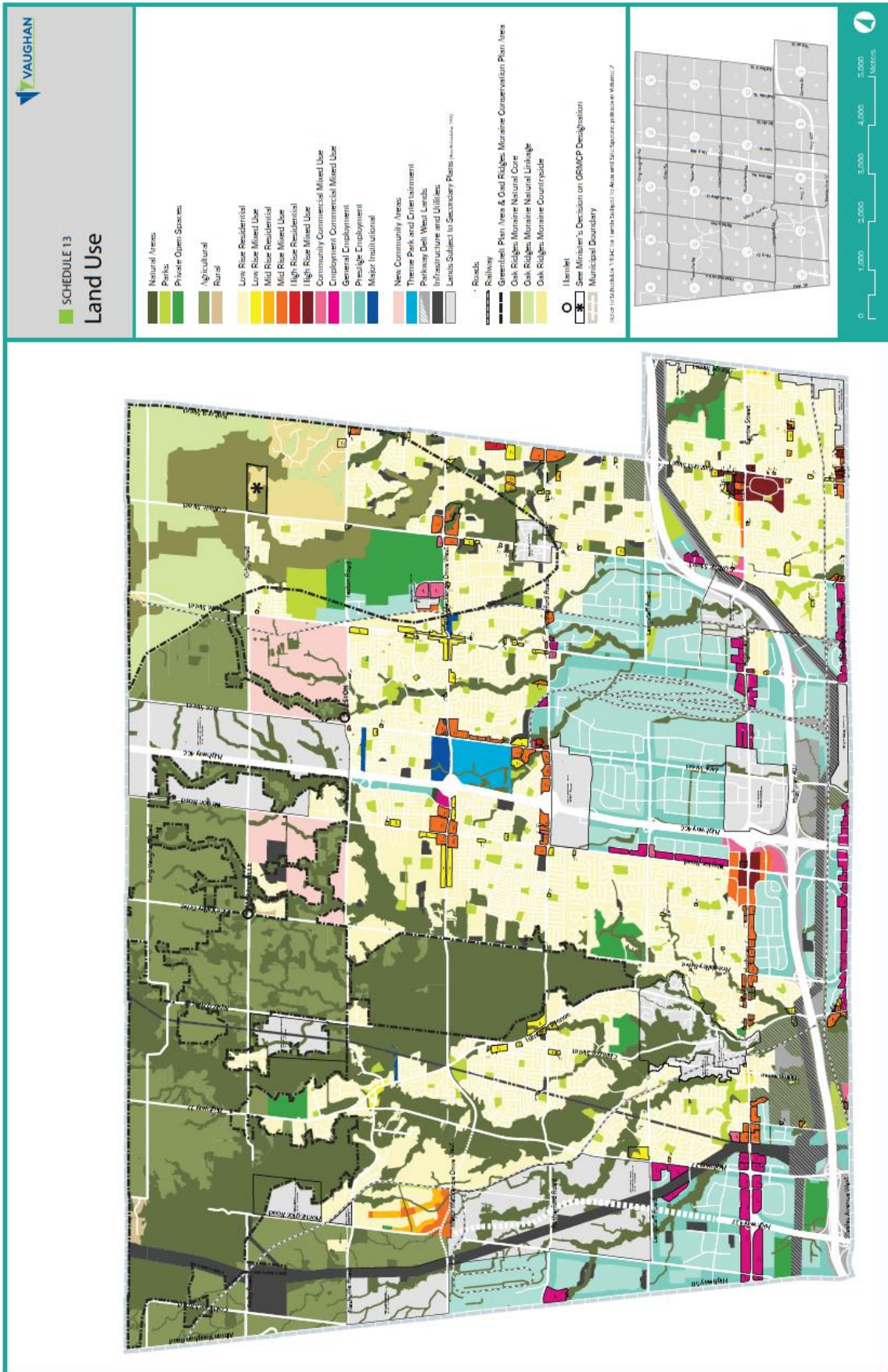


The Ravines of Islington Encore Inc.	161	
Teston Sands Inc.	162	Matthew Di Vona

<b><u>Parties</u></b>	<b><u>Party No.</u></b>	<b><u>Representative</u></b>
Region of York	A	Pitman Patterson / Bola Ogunmefun
Ministry of Municipal Affairs and Housing	B	Kenneth G. Hare / Ugo Popadic
Toronto and Region Conservation Authority	C	Jonathan Wigley / June Little
<del>PEARLS Inc.</del>	<del>D</del>	<del>Bruce McMinn</del>
<del>UPS Canada</del>	<del>E</del>	<del>Tim Bermingham</del>
611428 Ontario Ltd.	F	David Bronskill / Nick Staubitz
York Region Catholic District School Board	G	Tom McCrae / Christine Hyde
York Region District School Board	H	Gilbert Luk
FCHT Holdings (Ont) Corp	I	Steven A. Zakem
<del>Magna International Inc. and Granite Real Estate Inc.</del>	<del>J</del>	
CNR	K	Alan Heisey
<del>Alex &amp; Michelle Marrero (5859 Rutherford)</del>	<del>L</del>	
Ivanhoe Cambridge Inc.	M	John Alati / Matthew Di Vona
<del>Vaughan 400 North Landowners Group Inc.</del>	<del>N</del>	<del>Michael Melling / Matthew Di Vona</del>
<del>4233389 Ontario Inc.</del>	<del>O</del>	<del>Alan Heisey</del>
Sustainable Vaughan	P	Stephen Roberts
<del>RioCan Holdings Inc.</del>	<del>Q</del>	<del>Joel Farber</del>
<del>Brownridge Ratepayers Association</del>	<del>R</del>	<del>Mario G. Racco</del>
<del>Joseph &amp; Teresa Marando</del>	<del>S</del>	<del>Carmino Marando</del>
Velmar Centre Property Ltd.	T	Michael Melling / Matthew Di Vona
Argo Lumber Inc., Alpa Trusses Inc.	U	Thomas Barlow / Sarah Jane Turney
Roybridge Holdings Ltd., Vaughan West II Ltd. and Squire Ridge Investment Ltd.	V	<del>Susan D. Rogers</del>
Adidas Canada Ltd., 2029832 Ontario Inc. and Conair Consumers Products Inc.	W	<del>Susan D. Rogers</del>
<del>Part of Block 50 Landowners Group</del>	<del>X</del>	<del>Thomas Barlow</del>
Sidney Isenberg (Medallion Fence Ltd.)	Y	Shelly Isenberg

Liberta D'Aversa	Z	Gregory Gryguc
One-Foot Developments Inc.	AA	Thomas Barlow / Sarah Jane Turney
Two Seven Joint Venture Limited	AB	
Anatolia Capital Corp.	AC	
Di Poce Management Limited	AD	
Toromont Industries Ltd.	AE	
John Simone	AF	
Domenic Simone	AG	
Silvia Bellissimo	AH	
Enza Cristello	AI	
Maria Simone	AJ	
Anthony Simone	AK	
Annarita Guida	AL	
<del>Cole Engineering Group Ltd.</del>	AM	
Teresa Marando	AN	Chris Tanzola / Daniel Artenosi / Kelly Oksenberg
<b><u>Participants</u></b>		
<b><u>Block 27 Landowners</u></b>	<b><u>No.</u></b>	<b><u>Representative</u></b>
City of Brampton	4	Michael Melling / Matthew Di Vona
Antonio DiBenedetto	2	Roberto Zuech
Americo Ferrari	3	Self
Crown Heights Coop Housing	4	joseph.jgp@gmail.com
Maria, Yolanda, Laura, Guiseppe Pandolfo and Cathy Campione	5	Ellen Schacter Inc.
Brownridge Ratepayers Association	6	Guiseppe Pandolfo
Bellaterra Corporation	7	Mario G. Racco
Mary Mauti and Elisa Testa	8	Gerard C. Borean
The Village of Woodbridge Ratepayers Association	9	Mary Mauti and Elisa Testa
	10	Maria Verna

# SCHEDULE "B"



**SCHEDULE “C”****12.10 Kipling Avenue and Highway 7****12.10.1 General**

- 12.10.1.1 Notwithstanding the policies of Section 9.2.1 and 9.2.2 of the Official Plan, the following policies and development criteria shall apply to the lands identified on Map 12.10.A.
- 12.10.1.2 There shall be appropriate height transition between development of the lands identified on Map 12.10.1 and adjacent sensitive land uses.
- 12.10.1.3 For lands identified as **Area A** on Map 12.10.A, the following development criteria apply:
- a. The maximum number of dwelling units shall not exceed 120;
  - b. New development shall generally respect a 45 degree angular plane measured from the south property line. The maximum building height shall not exceed 12 storeys or 38.4 metres, whichever is less; stepping down to a maximum height of 4 storeys or 12.8 metres, whichever is less, towards the lands designated **Low-Rise Residential** to the south as defined in the implementing Zoning By-law 123-2010.
  - c. New development shall minimize shadow impacts on adjacent sensitive land uses demonstrated through the preparation of sun/shadow diagrams to the satisfaction of the City of Vaughan;
  - d. A landscape buffer area shall be provided abutting all lands designated **Low-Rise Residential**; and,
  - e. The ground floor of any building fronting onto Highway 7, the daylighting triangle, and approximately six (6) metres of the northerly portion of the building fronting onto Kipling Avenue shall be used for street related commercial/retail uses. Commercial/retail uses shall not be permitted for the balance of any building frontage onto Kipling Avenue.
- 12.10.1.4 For lands identified as **Area B** on Map 12.10.A, the following development criteria apply:
- a. the maximum number of dwelling units shall not exceed 176;
  - b. the maximum Floor Space Index (FSI) shall not exceed 1.82;
  - c. the maximum building height shall not exceed 4 storeys;
  - d. buildings along the Coles Avenue frontage shall be massed to reflect a semi-detached built form;

- e. the ground floor frontage of buildings facing Highway 7 may consist of residential uses only; and,
- f. Stacked Townhouses shall generally have a minimum facing distance of 12.5m in order to maximize daylight, enhance landscaping treatments and provide privacy for individual units.

12.10.1.5 For all other lands on Map 12.10.A, the following development criteria apply:

- a. New development within thirty (30) metres of a **Low-Rise Residential** designation shall not exceed a height of four storeys or 12.8 metres, whichever is less,
- b. New development shall minimize shadow impacts on adjacent sensitive land uses demonstrated through the preparation of sun/shadow diagrams to the satisfaction of the City; and,
- c. A landscape buffer area shall be provided abutting all lands designated **Low-Rise Residential**.

Map 12.10.A: Kipling Avenue and Highway 7

