

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: December 14, 2021

CASE NO(S): PL111184
PL200260
PL200473
PL210178
PL210333
OLT-21-001218

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

Appellant: 1042710 Ontario Limited (a.k.a. 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
OLT Case No.: PL111184
OLT File No.: PL111184
OLT Case Name: Duca v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Yonge & Steeles Development Inc.
Subject: Request to amend the Official Plan - Failure of the
City of Vaughan to adopt the requested amendment
Existing Designation: General Commercial Area
Proposed Designated: General Commercial Area – Site Specific
Purpose: To permit the existing commercial uses to continue
and permits retail stores, restaurants, banks and
business and professional offices, retail and hotel
uses
Property Address/Description: 7028 Yonge Street & 2 Steeles Avenue West
Municipality: City of Vaughan
Approval Authority File No.: OP.18.016
OLT Case No.: PL200260

OLT File No.: PL200260
 OLT Case Name: Yonge & Steeles Development Inc. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Yonge & Steeles Development Inc.
 Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision

Existing Zoning: C1 Restricted Commercial Zone subject to site-specific Exceptions 9(865) and 9(331)

Proposed Zoning: RA3 Residential Apartment Zone and to permit site-specific zoning exceptions

Purpose: To permit the existing commercial uses to continue and permits retail stores, restaurants, banks and business and professional offices, retail and hotel uses

Property Address/Description: 7028 Yonge Street & 2 Steeles Avenue West
 Municipality: City of Vaughan
 Municipality File No.: Z.18.028
 OLT Case No.: PL200260
 OLT File No.: PL200261

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Development Group (100 SAW) Inc.
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment

Existing Designation: "General Commercial" and "Low Density Residential" in accordance with Official Plan Amendment No. 210 (OPA 210), the Thornhill-Vaughan Community Plan

Proposed Designated: "Mixed Commercial and Residential"

Purpose: To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses

Property Address/Description: 100 Steeles Avenue West
 Municipality: City of Vaughan
 Approval Authority File No.: OP.20.001
 OLT Case No.: PL200473
 OLT File No.: PL200473
 OLT Case Name: Development Group (100 SAW) Inc. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Development Group (100 SAW) Inc.
 Subject: Application to amend Zoning By-law No. 1-88, as amended - Neglect of the City of Vaughan to make a decision

Existing Zoning: "C2 General Commercial Zone"; subject to Exception 9(731)

Proposed Zoning: "RA3 Apartment Residential Zone"; subject to Exception 9(xxx)

Purpose: To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses

Property Address/Description: 100 Steeles Avenue West
 Municipality: City of Vaughan
 Municipality File No.: Z.20.004
 OLT Case No.: PL200473
 OLT File No.: PL200474

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Development Group (100 SAW) Inc.
 Subject: Proposed Plan of Subdivision - Failure of the City of Vaughan to make a decision

Purpose: To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses

Property Address/Description: 100 Steeles Avenue West
 Municipality: City of Vaughan
 Municipality File No.: 19T-20V001
 OLT Case No.: PL200473
 OLT File No.: PL200475

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Mizrahi Constantine (180 SAW) Inc. et. al.
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment

Existing Designation: General Commercial Area and Low Density Residential

Proposed Designated: Mixed Commercial/Residential Area

Purpose: To permit 6, mixed-use residential apartment buildings
 Property Address/Description: 180 Steeles Avenue West
 Municipality: City of Vaughan
 Approval Authority File No.: OP.20.002
 OLT Case No.: PL210178
 OLT File No.: PL210178
 OLT Case Name: Mizrahi Constantine (180 SAW) Inc. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Mizrahi Constantine (180 SAW) Inc. et. al.
 Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of the City of Vaughan to make a decision
 Existing Zoning: C4 Neighbourhood Commercial Zone
 Proposed Zoning: RA3 Apartment Residential Zone
 Purpose: To permit 6, mixed-use residential apartment buildings
 Property Address/Description: 180 Steeles Avenue West
 Municipality: City of Vaughan
 Municipality File No.: Z.20.005
 OLT Case No.: PL210178
 OLT File No.: PL210180

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Eastwood Holdings Corp.
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
 Existing Designation: High Density Residential/Commercial
 Proposed Designated: High Rise Residential
 Purpose: To permit two residential towers
 Property Address/Description: 9291 Jane Street
 Municipality: City of Vaughan
 Approval Authority File No.: OP.20.017
 OLT Case No.: PL210333
 OLT File No.: PL210333
 OLT Case Name: Eastwood Holdings Corp. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Eastwood Holdings Corp.
 Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of the City of Vaughan to make a decision
 Existing Zoning: "Restricted Commercial" with a holding provision C1(H)
 Proposed Zoning: "Residential Apartment Zone 3" (RA3)
 Purpose: To permit two residential towers
 Property Address/Description: 9291 Jane Street
 Municipality: City of Vaughan
 Municipality File No.: Z.20.044
 OLT Case No.: PL210333
 OLT File No.: PL210334

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

Applicant and Appellant: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
 Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
 Existing Designation: General Commercial
 Proposed Designated: Mixed Use – Residential and Commercial
 Purpose: To permit the development of high density, mixed-use development
 Property Address/Description: 72 Steeles Avenue West and 7040/7054 Yonge Street
 Municipality: City of Vaughan
 Approval Authority File No.: OP.20.014
 OLT Case No.: OLT-21-001218
 OLT File No.: OLT-21-001218
 OLT Case Name: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Applicant and Appellant: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
 Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of the City of Vaughan to make a decision
 Existing Zoning: C1 Restricted Commercial Zone
 Proposed Zoning: RA3 Apartment Residential Zone with site specific

exceptions
 Purpose: To permit the development of high density,
 mixed-used development
 Property Address/Description: 72 Steeles Avenue West and 7040/7054 Yonge
 Street
 Municipality: City of Vaughan
 Municipality File No.: Z.20.038
 OLT Case No.: OLT-21-001218
 OLT File No.: OLT-21-001219

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Applicant and Appellant: 72 Steeles Holdings Limited and 7040 Yonge
 Holdings Limited
 Subject: Proposed Plan of Subdivision - Failure of the City
 of Vaughan to make a decision
 Purpose: To permit the development of high density, mixed-
 use development
 Property Address/Description: 72 Steeles Avenue West and 7040/7054 Yonge
 Street
 Municipality: City of Vaughan
 Municipality File No.: 19T-20V007
 OLT Case No.: OLT-21-001218
 OLT File No.: OLT-21-001220

Heard: December 6, 2021 by video hearing

APPEARANCES:

Parties

Regional Municipality of York
 ("Region")

City of Vaughan ("City")

Appellants and
 Added Parties/Participants
 (listed in Attachment 1)

Counsel

P. Patterson
 B. Ogunmefun

B. Engell
 E. Lidakis
 G. Perhar
 C. Tashos

MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON DECEMBER 6, 2021 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”) and to appeals of site-specific development applications being heard together with certain VOP appeals.

[2] At this CMC, two Procedural Orders (“PO”) were approved on consent for the two appeal hearings noted below, and updates were provided on certain other outstanding appeals.

[3] Parties were reminded of the next two CMCs previously scheduled as follows. No further notice will be given for these events.

Thursday , March 17, 2022, 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/935043781>

Access code: 935-043-781

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

Audio-only access code: 953-043-781

Friday, June 10, 2022, 10 a.m.

GoTo Meeting: <https://global.gotomeeting.com/join/387590893>

Access code: 387-590-893

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

Audio-only access code: 387-590-893

[4] 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.

[5] 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](#) or a web application is available:

<https://app.gotomeeting.com/home.html>

[6] 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 with the access code provided.

[7] 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 CMC hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing events may be directed to the Tribunal's Case Coordinator having carriage of this case.

Yonge Steeles Corridor Secondary Plan ("YSCSP")

[8] With consent of the Parties, the Tribunal granted Party status to Lucia Antinori, owner of Lot 77 to the northwest of the lands subject to appeal file OLT-21-001218 and the related YSCSP appeal. Raivo Uukkivi, Counsel for the Lot 77 owner, advised that his client's transportation concerns have been addressed by the Appellant but wishes to remain involved to monitor for satisfactory end results.

[9] The Parties agreed with the draft PO circulated by the City. The Parties recognize that a phased hearing, the need for a revised order of evidence, or changes to the Issues List ("IL") may arise following the imminent circulation of studies to be relied upon at the hearing. In particular, the Appellants' transportation study, and the City or Region's review thereof, may result in suggested changes to the PO. The Parties also acknowledge that the site-specific IL generally covers the issues to be addressed, but that through the disclosure of evidence documents, specific issues will be further addressed in relation to site-specific matters.

[10] Recognizing that revisions may be considered at the next CMC, the Tribunal approved the PO contained in Attachment 2.

[11] Given the anticipated hearing length, the Tribunal requested the Parties to consider in the eventual Hearing Plan the potential for recessing one day per week (i.e., a hearing of “four-day weeks”) through efficient approaches to evidence and submissions. The Tribunal suggested such in recognition of the need, of both the Parties and the Tribunal Member (not yet assigned), for ongoing preparation and review time throughout a lengthy hearing.

Solmar Inc. and Eastwood Holdings Corp.

[12] The Appellant had circulated a draft PO for hearing together this VOP appeal and site-specific appeals (file PL210333). Subject to minor clarifications and corrections, with the consent of the Parties, a revised final PO was submitted following this CMC.

[13] The Appellant advised that it has also appealed the City’s new Zoning By-law in relation to this VOP proceeding, which may warrant hearing together with these appeals. The Canadian National Railway cautioned that it too has appealed the new Zoning By-law with issues that may extend City-wide. The Parties will raise this issue again if needed, either on consent or potentially through a Motion.

[14] At the request of Rutherford Land Development Corp., the Tribunal notes the incorrect reference of “West Rutherford Properties Ltd.” at paragraph [22] of its Decision issued on November 23, 2021. Such Party reference should have been for Rutherford Land Development Corp.

[15] The Tribunal approved the PO contained in Attachment 3, as filed on consent by the Appellant following the CMC.

[16] Although not raised at the CMC, the Tribunal asks these Parties to also consider the potential for some “4-day weeks”, as described earlier, in the eventual Hearing Plan for this lengthy hearing.

OTHER APPEALS

[17] The City and relevant Parties explained the progress of certain remaining appeals. Motions seeking approval of resolutions to appeals are anticipated at the next CMC for Appeals 30 and 149. Other appeals remain in discussion and will be addressed at a future CMC owing to such matters as: an unavailable Appellant (Appeal 60); certain studies are in progress (Appeals 77, 108, 137, 166); and expropriation proceedings with the potential for a procedural motion from the Appellant (Appeal 109).

ORDER

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

"S. Tousaw"

S. TOUSAW
MEMBER

Ontario Land Tribunal

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

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

DECEMBER 6, 2021 CASE MANAGEMENT VIDEO CONFERENCE ATTENDANCE LIST

Case management conferences for: VOP 2010 (including YSCSP) Eastwood Holdings Corp. 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited	OLT Case No.: PL111184 PL210333 OLT-21-001218
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OLT Member – S. Tousaw

ATTENDEE	#	ON BEHALF OF
Bruce Engell, WeirFoulds LLP		City of Vaughan
Effie Lidakis, City of Vaughan		City of Vaughan
Gurnick Perhar, City of Vaughan		City of Vaughan
Candace Tashos, City of Vaughan		City of Vaughan
David Marcucci, Planner, City of Vaughan		City of Vaughan
Armine Hassakourians, Planner, City of Vaughan		City of Vaughan
Margaret Holyday, Planner, City of Vaughan		City of Vaughan
Meaghan McDermid, Davies Howe LLP	3	Solmar Inc.
	PL210333	Eastwood Holdings Corp.
Quinto Annibale, Loopstra Nixon LLP	16	West Rutherford Properties Ltd.
	17	Ozner Corporation
	84	Royal 7 Developments Limited
	109	Antonio Di Benedetto
	150	Caldari Land Development Corporation
	PL210178	Mizrahi Constantine (180 Saw) Inc.
Barry Horosko, Horosko Planning Law	30	1834371 Ontario Ltd.
	43	1541677 Ontario Inc.
	56	2159645 Ontario Ltd. (Liberty)
	146	2128475 Ontario Corp.
J. Farber, Fogler Rubinoff LLP	32	RioCan Holdings Inc. (Springfarm

ATTENDEE	#	ON BEHALF OF
M. Rutledge, Fogler Rubinoff LLP		Marketplace)
	133	1306497 Ontario Inc. (Sisley Honda)
Chris Barnett, Osler Hoskin & Harcourt LLP	38	7040 Yonge Holdings Ltd. And 72 Steeles Holdings Ltd.
	OLT-21-001218	72 Steeles Holdings Ltd. et al
Tom Halinski, Aird & Berlis LLP	51	Salz & Son Ltd. [also Development Group (100 SAW) Inc.]
	PL200473	Development Group (100 SAW) Inc.
Ira Kagan, Kagan Shastri LLP		Yonge Steeles Landowners Group (Appellants 38, 40, 51, 165)
Natalie Ast, Overland LLP	39	Yonge & Steeles Developments Inc.
	119	Berkley Commercial (Jane) Inc.
	140	FCF Old Market Land 2013 Inc.
	164	1966711 Ontario Inc.
	165	Yonge & Steeles Developments Inc.
	AN	Teresa Marando
	PL200260	Yonge & Steeles Development Inc.
Michael Melling, Davies Howe LLP	40	Auto Complex Ltd.
	68	1539253 Ontario Inc.
	149	Teston Green Landowners Group
	T	Velmar Centre Property Ltd.
		Block 27 Landowners
Jamie Cole, Davies Howe LLP	108	Zzen 2
	142	Ivanhoe Cambridge II Inc.
Mary Flynn-Guglietti, McMillan LLP Kailey Sutton, McMillan LLP	46	Danlauton Holdings Ltd.
	153	390 Steeles West Holdings Inc.
	160	398 Steeles Avenue West Inc.
		Associated Vaughan Properties Limited
Mark Flowers, Davies Howe LLP	60	2090396 Ontario Ltd.
	75	H & L Title Inc. and Ledbury Investments Ltd.
Matthew Di Vona, Di Vona Law	62	Lucia Milani and Rizmi Holdings Ltd.
Gerard C. Borean, Parente,	64	281187 Ontario Ltd.

ATTENDEE	#	ON BEHALF OF
Borean LLP	135	Concetta Marciano
	136	Pro Catering Ltd.
		Bellaterra Corporation
Roslyn Houser, Goodmans LLP	72	First Vaughan Investments Inc., Ruland Properties Inc., and Skyrange Investments Inc.
	73	Calloway REIT (Sevenbridge) Inc.
		Fairfax Financial (Toys "R" Us)
Adam Giel, Black Sutherland LLP	77	Langvalley Holdings
David Tang, Miller Thomson LLP		Mercedes Benz of Canada Inc.
Calvin Weekes, Miller Thomson LLP		Roman Catholic Episcopal Corporation for the Diocese of Toronto
Alan 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
Issac Menzelefsky, Friedmans Law	156	7080 Yonge Limited (Tan-Mark Holdings Limited & Telast Enterprises Inc.)
	168	7080 Yonge Limited (Tan-Mark Holdings Limited & Telast Enterprises Inc.)
Meaghan Barrett, Aird & Berlis LLP	166	Country Wide Homes (Pine Valley Estates) Inc.
Bola Ogunmefun, Region of York	A	Region of York
Tim Duncan, Fogler Rubinoff LLP Mark Howard, Sr. Planner, TRCA	C	Toronto and Region Conservation Authority (TRCA)
Dennis Wood, Wood Bull LLP	AO	Seven 427 Developments Inc.
Carson O'Connor, Wood Bull LLP		Morguard Investments Limited
Andrew Biggart, Ritchie Ketcheson Hart & Biggart LLP Francesco Santaguida Victoria Chai		City of Markham

ATTENDEE	#	ON BEHALF OF
Ray Kallio, City of Toronto		City of Toronto
Pitman Patterson, BLG		York Region (except YSCSP)
Jonathan Cheng, Stikeman Elliott LLP		Longevity Properties Limited
Jordan Max		SpringFarm Ratepayers Association
Julianna Boldt		
Raivo Uukkivi, Cassels		Lucia Antinori (seeking party status to the 7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd. appeals)
Alexandra Whyte, Loopstra Nixon LLP		Rutherford Land Development Corporation
Victor		
Shep Trubkin		
Unknown callers		

ATTACHMENT 2

ISSUE DATE:

**CASE NOS.: PL111184
PL200260
PL200261
PL200473
PL200474
PL200475
PL210178
PL210180
OLT-21-001218
OLT-21-001219
OLT-21-001220**

ONTARIO LAND TRIBUNAL

PROCEEDING COMMENCED 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. and others
Subject: Failure of the Regional Municipality of York to announce a decision respecting the proposed new Official Plan for the City of Vaughan [Yonge Steeles Corridor Secondary Plan]
Municipality: City of Vaughan
OLT Case No.: PL111184
OLT File No.: PL111184

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Yonge & Steeles Development Inc.
Subject: Request to amend the Official Plan – Failure of City of Vaughan to adopt the requested amendment
Existing Designation: General Commercial Area
Proposed Designation: General Commercial Area – Site Specific
Purpose: To permit the existing commercial uses to continue and permits retail stores, restaurants, banks and business and professional offices, retails and hotel uses
Property Address: 7028 Yonge Street and 2 Steeles Avenue West

Municipality: City of Vaughan
Approval Authority
File No.: OP.18.016
OLT Case No.: PL200260
OLT File No.: PL200260

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Subject: Application to amend Zoning By-law No. 1-88 – Refusal or neglect of City of Vaughan to make a decision
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Property Address: 7028 Yonge Street and 2 Steeles Avenue West
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Municipality File No.: Z.18.028
OLT Case No.: PL200260
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Existing Designation: “General Commercial” and “Low Density Residential” in accordance with the Official Plan Amendment No. 210 (OPA 210), the Thornhill-Vaughan Community Plan
Proposed Designation: “Mixed Commercial and Residential”
Purpose: To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses consisting of five (5) residential buildings with heights at 4-storeys, two (2)

buildings at 18-storeys, a 49-storey building and a 54-storey building for a total of 1,765 residential units on development blocks that will feature a new street network

Property Address: 100 Steeles Avenue West
Municipality: City of Vaughan
Approval Authority
File No.: OP.20.001
OLT Case No.: PL200473
OLT File No.: PL200473

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Existing Zoning: “C2 General Commercial Zone”; subject to Exception 9(731)
Proposed Zoning: “RA3 Apartment Residential Zone”; subject to Exception 9(xxx)
Purpose: To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses consisting of five (5) residential buildings with heights at 4-storeys, two (2) buildings at 18-storeys, a 49-storey building and a 54-storey building for a total of 1,765 residential units on development blocks that will feature a new street network
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Municipality: City of Vaughan
Municipality
File No.: Z.20.004
OLT Case No.: PL200473
OLT File No.: PL200474

PROCEEDING COMMENCED UNDER subsection 51(34) of the Planning Act, R.S.O. 1990, c. P.13, as amended

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Purpose: To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses consisting of five (5) residential buildings with heights at 4-storeys, two (2) buildings at 18-storeys, a 49-storey building and a 54-storey

building for a total of 1,765 residential units on development blocks that will feature a new street network

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Municipality
File No.: 19T-20V001
OLT Case No.: PL200473
OLT File No.: PL200475

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Property Address: 180 Steeles Avenue West
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Approval Authority
File No.: OP.20.002
OLT Case No.: PL210178
OLT File No.: PL210178

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Applicant and Appellant: Mizrahi Constantine (180 SAW) inc. et al.
Subject: Application to amend Zoning By-law No. 1-88 – Refusal or neglect of City of Vaughan to make a decision

Existing Zoning: C4 Neighbourhood Commercial Zone
Proposed Zoning: RA3 Apartment Residential Zone
Purpose: To permit 6, mixed-use residential apartment buildings
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Municipality File No.: Z.20.005
OLT Case No.: PL210178

OLT File No.: PL210180

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Existing Designation: General Commercial
Proposed Designation: Mixed Use – Residential and Commercial
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Municipality: City of Vaughan
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PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

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Subject: Application to amend Zoning By-law No. 1-88 – Refusal or neglect of City of Vaughan to make a decision
Existing Zoning: C1 Restricted Commercial Zone
Proposed Zoning: RA3 Apartment Residential Zone with site specific exceptions
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Property Address: 72 Steeles Avenue West and 7040/7054 Yonge Street
Municipality: City of Vaughan
Municipality File No.: Z.20.038
OLT Case No.: OLT-21-001218
OLT File No.: OLT-21-001219

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
Subject: Proposed plan of subdivision – Failure of City of Vaughan to make a decision
Purpose: To permit the development of high density, mixed-use development
Property Address: 72 Steeles Avenue West and 7040/7054 Yonge Street
Municipality: City of Vaughan
Municipality File No.: 19T-20V007
OLT Case No.: OLT-21-001218
OLT File No.: OLT-21-001220

**PROCEDURAL ORDER
YONGE-STEELES CORRIDOR SECONDARY PLAN (“YSCSP”) & RELATED
APPEALS**

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.
2. Further refinement of this Procedural Order is anticipated as the positions of the parties are refined. Additional appeals are also anticipated to be joined to the matters covered by this Procedural Order.

Organization of the Hearing

3. The remaining issues in respect of the YSCSP will be heard together with the appeals of site specific matters within the YSCSP area (including PL200260, PL200261, PL200473, PL200474, PL200475, PL210178, PL210180, OLT-21-001218, OLT-21-001219 and OLT-21-001220). The Phase 2 hearing will begin on **Monday, June 13, 2022** at 10:00 a.m., **GoTo Meeting:** <https://global.gotomeeting.com/join/584974389>

Access code: 584-974-389

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

Audio-only access code: 584-974-389.

4. The length of the Phase 2 hearing will be ten (10) weeks.
5. The parties and participants to the hearing are set out in Attachment 1.
6. The Issues are set out in the Issues List attached as Attachment 2. Except as contemplated in paragraph 2, there will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.

7. The order of evidence shall be as set out in 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.
8. Any person intending to participate in the hearing should provide a mailing address, email address and a 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 Phase 2 Hearing

9. Parties are to provide all studies and plans to be relied upon and proposed modifications to the YSCSP by **Monday, December 13, 2021**. For greater clarity, this early disclosure requirement does not apply to studies, plans, and reports that are to be relied upon in respect of the appeals of site specific applications within the YSCSP area (including PL200260, PL200261, PL200473, PL200474, PL200475, PL210178, PL210180, OLT-21-001218, OLT-21-001219 and OLT-21-001220). Any such studies, plans, and reports may be disclosed by **Monday, March 7, 2022**.
10. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses, their professional qualifications, their areas of expertise, completed Acknowledgements 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 **Friday, March 18, 2022**. 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.
11. Expert witnesses in the same field shall have a meeting on or before **Monday, April 4, 2022** 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.
12. 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 section 15. 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 7.4 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 section 15 (for clarity, this applies to municipal parties).

13. On or before **Thursday, April 14, 2022**, a participant shall provide copies of their written participant statement to the other parties. A participant cannot present oral submissions at the hearing or the participant may not give oral evidence at the hearing on the content of their written statement, unless ordered by the Tribunal.
14. 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 section 15. A party who intends to call a witness who is not an expert must file a brief outline of the witness' evidence, as in section 15.
15. On or before **Thursday, April 14, 2022**, the parties shall provide copies of their witness and expert witness statements to the other.
16. On or before **Monday, May 16, 2022**, the parties shall provide any reply witness statements responding to any written evidence received to the other parties.
17. On or before **Monday, May 30, 2022**, 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.
18. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. See Rule 10 of the Tribunal's Rules with respect to Motions, which requires that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.
19. A party who provides a witness' evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of the record.
20. The parties shall prepare and file a [hearing plan](#) with the Tribunal on or before **Monday, May 30, 2022** 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.
21. Documents may be delivered by personal delivery, facsimile or registered or certified mail or email, or otherwise as the Tribunal may direct. The delivery of documents by fax 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.

22. The Tribunal's file number(s) PL111184, PL200260, PL200261, PL200473, PL200474, PL200475, PL210178, PL210180, OLT-21-001218, OLT-21-001219 and/or OLT-21-001220 as applicable, is to be clearly marked on all documents served by the parties or filed with the Tribunal.
23. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness, and except as contemplated in paragraph 7 of this Order. The Tribunal's Rule 17 applies to such requests.
24. The purpose of the Procedural Order and the meaning of the terms used in the Procedural Order are set out in Attachment 4.

This Member is not seized.

So orders the Tribunal.

ATTACHMENT 1

LIST OF APPELLANTS, PARTIES AND PARTICIPANTS

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
City of Vaughan		Bruce Engell	WeirFoulds LLP 66 Wellington Street West TD Bank Tower, Suite 4100 Toronto, ON M5K 1B7 (t) (416) 947-5081 / (f) (416) 365-1876 bengell@weirfoulds.com
		Effie Lidakis	City of Vaughan 2141 Major Mackenzie Drive Vaughan, ON L6A 1T1 (t) (905) 832-8585 x 8851 / (f) (905) 832-6130 Effie.Lidakis@vaughan.ca
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38	Chris Barnett	Osler Hoskin & Harcourt LLP 100 King Street West 1 First Canadian Place Suite 6200, P.O. Box 50 Toronto, ON M5X 1B8 (t) (416) 862-6651 / (f) (416) 862-6666 cbarnett@osler.com
Yonge & Steeles Developments Inc.	39	Daniel Artenosi/ Natalie Ast	Overland LLP 1101 - 5255 Yonge Street Toronto, ON M2N 6P4 (t) 416-730-0338 / (f) 416-730-9097 dartenosi@overlandllp.ca / nast@overlandllp.ca
Auto Complex Ltd.	40	Michael Melling/ Aaron Platt/ Samantha Lampert	Davies Howe LLP 425 Adelaide Street West, 10 th Floor Toronto, ON M5V 3C1 (t) (416) 263-4515 / (f) (416) 977-8931 MichaelM@davieshowe.com AaronP@davieshowe.com SamanthaL@davieshowe.com

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
Development Group (100 SAW) Inc. (Salz & Son Ltd.)	51	Tom Halinski/ Sidonia Tomasella	Aird & Berlis LLP 181 Bay Street, Suite 1800 Brookfield Place Toronto, ON M5J 2T9 (t) (416) 865-7767 / (f) (416) 863-1515 thalinski@airdberlis.com / stomasella@airdberlis.com
1306497 Ontario Inc. (Sisley Honda)	133	Joel Farber	Fogler Rubinoff LLP 77 King Street West, Suite 3000 North Tower, TD Centre Toronto, ON M5K 1G8 (t) (416) 365-3707 / (f) (416) 941-8852 jfarber@foglers.com
390 Steeles West Holdings Inc.	153	Mary Flynn- Guglietti/ Kailey Sutton	McMillan LLP Brookfield Place 181 Bay Street, Suite 4400 Toronto, ON M5J 2T3 (t) (416) 865-7256 / (f) (416) 865-7048 mary.flynn-guglietti@mcmillan.ca / Kailey.Sutton@mcmillan.ca
398 Steeles Avenue West Inc.	160		
Associated Vaughan Properties Limited			
7080 Yonge Limited (Tan-Mark Holdings Limited & Telast Enterprises Inc.)	156	William Friedman/ Shirley Bai/ Isaac Menzelefsky	Friedman Law Professional Corporation 150 Ferrand Drive, Suite 800 Toronto, ON M3C 3E5 (t) (416) 496-3340 x199 / (f) (416) 497-3809 wf@friedmans.ca / SB@friedmans.ca / im@friedmans.ca
Regional Municipality of York		Bola Ogunmefun	The Regional Municipality of York Legal & Court Services Department 17250 Yonge Street, 4 th Floor Newmarket, ON L3Y 6Z1 (t) 1(877) 464-9675 / (f) (905) 895-3768 bola.ogunmefun@york.ca
Mizrahi Constantine (180 Saw) Inc.		Quinto Annibale/ Brendan Ruddick	Loopstra Nixon LLP 135 Queens Plate Drive, Suite 600 Toronto, ON M9W 6V7 (t) (416) 748-4757 / (f) (416) 746-8319 qannibale@loonix.com bruddick@loonix.com
City of Toronto		Ray Kallio	City of Toronto 55 John Street Metro Hall, 26 th Floor Toronto, ON M5V 3C6

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
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		Francesco Santaguida/ Victoria Chai	City of Markham 101 Town Centre Boulevard Markham, ON L3R 9W3 (t) (905) 477-7000 x3583 / (f) (905) 479-7764 Fsantaguida@markham.ca / vchai@markham.ca
Fairfax Financial Holdings Limited [Toys' R Us (Canada) Ltd.]		Ros Houser/ Ian Andres	Goodmans LLP 333 Bay Street, Suite 3400 Bay Adelaide Centre Toronto, ON M5H 2S7 (t) (416) 597-4119 / (f) (416) 979-1234 rhouser@goodmans.ca iandres@goodmans.ca
1163919 Ontario Limited, 1888836 Ontario Limited, 1211612 Ontario Limited, 1973280 Ontario Limited, 1219414 Ontario Limited		Alan Heisey	Papazian Heisey Myers 121 King Street West, Suite 510 Standard Life Centre, P.O. Box 105 Toronto, ON M5H 3T9 (t) (416) 601-2702 / (f) (416) 601-1818 heisey@phmlaw.com
Roman Catholic Episcopal Corporation for the Diocese of Toronto (St. Paschal Baylon Church)		David Tang/ Calvin Weekes	Miller Thomson LLP 40 King Street West, Suite 5800 Scotia Plaza, P.O. Box 1011 Toronto, ON M5H 3S1 (t) (416) 597-6047 / (f) (416) 595-8695 dtang@millerthomson.com cweekes@millerthomson.com
Mercedes Benz of Canada Inc.			
Morguard Investments Limited (7120 Yonge Street, 24-26 Crestwood Road & Centerpoint Mall)		Johanna Shapira/ Dennis Wood	Wood Bull LLP 65 Queen Street West, Suite 1400 Toronto, ON M5H 2M5 (t) (416) 203-5631 / (f) (416) 203-8324 jshapira@woodbull.ca

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
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Yonge-Steeles Landowners Group Inc.		Jason Park	Devine Park LLP 250 Yonge Street Suite 2302, P.O. Box 65 Toronto, ON M5B 2L7 (t) (416) 645-4572 / (f) (416) 645-4569 jason.park@devinepark.com
		Ira Kagan	Kagan Shastri LLP 188 Avenue Road Toronto, ON M5R 2J1 (t) (416) 368-2100 x226 / (f) (416) 324-4224 ikagan@ksllp.ca
Longevity Properties Limited		Calvin Lantz/ Jonathan Cheng	Stikeman Elliott LLP 5300 Commerce Court West 199 Bay Street Toronto ON M5L 1B9 (t) (416) 869-5669 clantz@stikeman.com (t) (416) 869-6807 jcheng@stikeman.com
Lucia Antinori		Raivo Uukkivi	Cassels Brock & Blackwell LLP 2100 Scotia Plaza, 40 King Street West Toronto, ON M5H 3C2 (t) (416) 860-6613 ruukkivi@cassels.com

ATTACHMENT 2

ISSUES LIST

PHASE 2 HEARING

Transportation Network Capacity

1. Does the Secondary Plan (hereinafter including either adopted or proposed) provide for appropriate population in light of the capacity of the transportation network and the development potential for the other quadrants of Yonge & Steeles?
2. Does the Secondary Plan provide for appropriate population in light of the capacity of the subway network and the development potential for the other quadrants of Yonge & Steeles?
3. What modifications, if any, are warranted to the transportation policies (and related mapping) in the Secondary Plan including the general structure of new streets?
 - a) Number of new streets;
 - b) Intersection locations;
 - c) Street locations;
 - d) Right-of-way widths; and
 - e) Street alignment.

Water and Sewer Servicing

4. Are there water and sewer capacity servicing constraints which would affect the appropriate population contemplated for the Secondary Plan?

Allocation

5. Does the Secondary Plan appropriately allocate land uses and densities in the Secondary Plan Area?

Sequencing / Phasing

6. Should there be a policy respecting the sequencing /phasing of development within the Secondary Plan area?
7. Are the policies in Section 8.3 (Holding Provision) and 8.6 (Monitoring and Phasing of Development) appropriate? If not, then what modifications are warranted?

Height and Density

8. Are the proposed land use designations of the Secondary Plan and their boundaries appropriate? If not, then what modifications are warranted?
9. Are the proposed maximum heights in the Secondary Plan appropriate? If not, then what modifications are warranted?
10. Are the proposed permitted densities in the Secondary Plan appropriate? If not, then what modifications are warranted?
11. Should the density of a development site include, within its land area, portions which will be dedicated for public use (such as but not limited to parks and roads)?
12. Are the Building Types and Development Criteria policies of Section 9.2.3 of the VOP 2010 appropriate in the context of the Secondary Plan? If not, what modifications are warranted?
13. Are the built-form policies, including those set out in Section 3 (Land Use Density and Built Form) overly prescriptive? Should these policies be modified to allow detailed matters of built-form to be determined through the site specific development process?

Parks & Community Services

14. Is the location, size, shape and amount of public parkland identified in the Secondary Plan appropriate? If not, then what modifications (text and/or mapping) are warranted to deal with:
 - a) The amount, location and configuration of public parkland, including whether stratified parkland is appropriate;
 - b) Parkland credits for strata parks;
 - c) Parkland credits for Publicly Accessible Private Open Spaces (POPS);
 - d) Appropriate sequencing of parkland facilities as development proceeds.
15. Do the policies in Section 4.5 (Strata Parks Provisions) and 5.10 (Local Streets Strata Parking) provide sufficient flexibility to support the redevelopment of the area into a vibrant, transit-supportive mixed-use area? If not, then what modifications are warranted?

Cost Sharing and Section 37

16. What modifications are warranted to ensure that appropriate cost sharing is required through the development approval process?

17. Should there be any policies respecting S.37 contributions given that such contributions have been replaced by the Community Benefits Charge (CBC) regime?
18. Does the Secondary Plan appropriately assess the supply and demand upon community amenities (community services, parks, open space and recreation facilities) in Vaughan so as to ensure that there is no adverse impact upon the provision of community services in adjacent municipalities?

Office Priority Policies

19. Are the Office Priority Area policies appropriate? If not, then what modifications are warranted?
20. Are the Exclusive Non-Residential use policies appropriate? If not, what modifications are warranted?

Consistency & Conformity

21. Does the Secondary Plan have appropriate regard for the following matters of Provincial Interest identified in Section 2 of the Planning Act:
 - a) (policy e) the supply, efficient use and conservation of energy and water;
 - b) (policy f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
 - c) (policy h) the orderly development of safe and healthy communities;
 - d) (policy h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
 - e) (policy i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
 - f) (policy j) the adequate provision of a full range of housing, including affordable housing;
 - g) (policy k) adequate provision of employment opportunities;
 - h) (policy l) the co-ordination of planning activities of public bodies;
 - i) (policy n) the resolution of planning conflicts involving public and private interests;
 - j) (policy p) the appropriate location of growth and development;
 - k) (policy q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
 - l) (policy r) the promotion of built form that,
 - a. is well-designed
 - b. encourages a sense of place, and

- c. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant?

22. Is the Secondary Plan consistent with the Provincial Policy Statement 2020, specifically:

- a) Policy 1.1.1a, 1.1.1b, 1.1.1e, 1.1.1f, 1.1.1g;
- b) Policy 1.1.2;
- c) Policy 1.1.3.1;
- d) Policy 1.1.3.2 a through f,
- e) Policy 1.1.3.3;
- f) Policy 1.1.3.4;
- g) Policy 1.1.3.5;
- h) Policy 1.1.3.6
- i) Policy 1.2.1a, 1.2.1d, 1.2.1,g;
- j) Policy 1.4.1;
- k) Policy 1.4.3b), 1.4.3c), 1.4.3d), 1.4.3d);
- l) Policy 1.5.1a, 1.5.1b;
- m) Policy 1.6.7.2, 1.6.7.4
- n) Policy 1.6.8;
- o) Policy 1.7.1b; and,
- p) Policy 1.8.1a, 1.8.1b, 1.8.1e?

23. Does the Secondary Plan conform with the Places to Grow - Growth Plan for the Greater Golden Horseshoe 2019 (Office Consolidation 2020), as amended, specifically:

- a) Policy 2.2.1.2c);
- b) Policy 2.2.1.3a), 2.2.1.3b), 2.2.1.3c);
- c) Policy 2.2.1 a);
- d) Policy 2.2.1.4 a through g;
- e) Policy 2.2.4.2, 2.2.4.3, 2.2.4.8, 2.2.4.9, 2.2.4.11;
- f) Policy 2.2.5.2, 2.2.5.3, 2.2.5.4, 2.2.5.15;
- g) 2.2.6.1a), 2.2.6.1b), 2.2.6.1e), 2.2.6.3, 2.2.6.4;
- h) Policy 3.2.1.1, 3.2.1.3;
- i) Policy 3.2.2.1, 3.2.2.2b), 3.2.2.2c), 3.2.2.2d), 3.2.2.4;;
- j) Policy 3.2.3.1, 3.2.3.2b), 3.2.3.2c), 3.2.3.2d), 3.2.3.2f);
- k) Policy 3.2.7.2;
- l) Policy 3.2.8.1, 3.2.8.2; and,
- m) Policy 4.2.5.1a), 4.2.5.1?

24. Does the Secondary Plan conform with the 2010 York Region Official Plan, specifically:

- a) Policy 1.2.1, 1.2.2, 1.2.5;
- b) Policy 3.1.3, 3.1.7;
- c) Policy 3.2.3
- d) Policy 3.5.3, 3.5.4, 3.5.5;
- e) Policy 4.2.1, 4.2.4, 4.2.6;
- f) Policy 4.4.1, 4.4.2, 4.4.4;
- g) Policy 5.1.2, 5.1.3, 5.1.5;
- h) Policy 5.2.6, 5.2.7, 5.2.8, 5.2.9, 5.2.10;
- i) Policy 5.3.1, 5.3.3, 5.3.4, 5.3.5, 5.3.6, 5.3.7, 5.3.10, 5.3.11;
- j) Policy 5.4.3, 5.4.5, 5.4.6, 5.4.8, 5.4.28, 5.4.29, 5.4.30, 5.4.31, 5.4.32, 5.4.33, 5.4.34;
- k) Policy 5.5.1, 5.5.2, 5.5.3, 5.5.4, 5.5.5;
- l) Policy 7.1.1, 7.1.3; and,
- m) Policy 7.2.5, 7.2.12, 7.2.25, 7.2.26c?

25. Does the Secondary Plan conform with the 2010 Vaughan Official Plan, specifically:

- a) Policy 2.1.1.1, 2.1.3.2b), 2.1.3.2c), 2.1.3.2e), 2.1.3.2h), 2.1.3.2i), 2.1.3.2j), 2.1.3.2k), 2.1.3.2m);
- b) Policy 2.2.1.1 b, 2.2.1.1d), 2.2.1.2;
- c) Policy 2.2.3.4;
- d) Policy 2.2.5, 2.2.5.6, 2.2.5.9, 2.2.5.9, 2.2.5.10, 2.2.5.11, 2.2.5.12, 2.2.5.13;
- e) Policy 4.1.1.1, 4.1.1.2, 4.1.1.3, 4.1.1.4, 4.1.1.5;
- f) Policy 4.2.1.1, 4.2.1.2, 4.2.1.3;
- g) Policy 4.2.2.4, 4.2.2.5, 4.2.2.13, 4.2.2.14, 4.2.2.16, 4.2.2.17;
- h) Policy 4.2.3.2, 4.2.3.3;
- i) Policy 4.3.2.2b, 4.3.2.2c);
- j) Policy 4.3.3.1, 4.3.3.2;
- k) Policy 5.1.1.3b), 5.1.1.3d);
- l) Policy 5.2.2.2a and c);
- m) Policy 5.2.3.4, 5.2.3.9;
- n) Policy 7.1.1.3;
- o) Policy 7.2.3.2;
- p) Policy 7.3;
- q) Policy 7.5.1.1;
- r) Policy 8.2.1.2;
- s) Policy 9.1.1.1, 9.1.1.3, 9.1.1.4, 9.1.1.7, 9.1.1.9;
- t) Policy 9.1.2.1b), 9.1.2.7, 9.1.2.9;
- u) Policy 9.2.1.6;
- v) Policy 9.2.2.4, 9.2.2.6;
- w) Policy 9.2.3.5, 9.2.3.6; and,

x) Section 10.2.2 (Definitions - "Floor space index")?

26. Does the Secondary Plan represent good planning and is it in the public interest?

Site Specific Matters [Issues Related to the Private Development Applications]

27. Does the proposed development conform to the policies of the Vaughan and York Region Council adopted Vaughan Official Plan 2010, Volume 2, Secondary Plan, Yonge Steeles Corridor Secondary Plan, and appropriately address the following matters:

- a) the increase in permitted density
- b) the increase in permitted height
- c) Official Plan policies regarding affordable housing
- d) urban design policies within the plan
- e) requirements for standalone non-residential office uses – office priority area
- f) mandatory retail uses along Yonge Street and Steeles Avenue West
- g) connections to the future Yonge Subway extension and bus station
- h) Transportation and Parking impacts
- i) Water and Servicing capacity allocation
- j) Orderly development with adjacent lands
- k) Coordination with surrounding municipalities, external and provincial agencies
- l) Requirements for public and private rights-of-ways?

28. Does the proposed development have appropriate regard for Metrolinx's requirements of the Yonge North Subway extension, including but limited to, subway construction implications, land conveyance, route connections, pathways and terminals?

29. Does the proposed development have appropriate regard for transit and transportation improvements beyond Yonge North Subway extension, including but not limited to, bus rapid transitways, road and intersection improvements?

30. Is there transportation capacity for the proposed development?

31. Does the proposed development appropriately address Wind, Sun and Shadow, Noise and Vibration, and Geotechnical and Hydrogeological concerns and impacts?
32. Does the proposed development appropriately address community service provision and parkland dedication/CIL requirements?
33. Does the proposed development concept:
 - a. Provide sufficient and appropriate access arrangement to accommodate the proposed development?
 - b. Identify and provide the required infrastructure improvements to accommodate each phase of the proposed development?
 - c. Provide the fine grid road network identified in the Secondary Plan?
34. Does the proposed development adequately provide for the co-ordination and cost-sharing with abutting lands, including but not limited to co-ordination of infrastructure and community facilities?
35. Does the proposed development provide for adequate separation of towers on abutting properties?
36. Would the proposed development create adverse impacts on neighbouring properties for their current use and future development potential?

ATTACHMENT 3

ORDER OF EVIDENCE PHASE 2 HEARING

1. The Yonge-Steeles Landowners' Group Inc.
2. Private applicant parties (Appellants 38, 39, 51, Mizrahi Constantine (180 SAW) Inc.)
3. City of Vaughan
4. Region of York and other parties in support of the YSCSP, including Markham and Toronto
5. Appellants 40, 133, 153, 156 and 160 and other parties not in support of either the YSCSP, in whole or in part, or the YSCSP as proposed to be modified by the Yonge-Steeles Landowners' Group Inc.
6. The Yonge-Steeles Landowners' Group Inc. reply, if any
7. Private applicant parties (Appellants 38, 39, 51, Mizrahi Constantine (180 SAW) Inc.) reply, if any (as it relates to each appellants' site specific appeals only)

ATTACHMENT 4

Purpose of the Procedural Order and Meaning of Terms

The Tribunal recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Tribunal to order following the conference. The Tribunal will hear the parties' comments about the contents of the Order at the conference.

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Ontario Land Tribunal, and the Tribunal's Rules, from the Tribunal Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-212-6349, or from the Tribunal's website at <https://olt.gov.on.ca/about-olt/>.

Meaning of terms used in the Procedural Order

A **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. An **unincorporated group** cannot be a party and 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 authorization 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 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). Section 17 of the Ontario Land 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 a list of reports or materials 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 supporting their opinions and conclusions and (5) a list of reports or materials that the witness will rely on at the hearing. An expert witness statement must be accompanied by an acknowledgement of expert's duty.

A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a statement of the participant's position on the appeal; a list of the issues which the participant wishes to address and the submissions of the participant on those issues; and a list of reports or materials, if any, which the participant wishes to refer to in their statement.

Additional Information

A **summons** may compel the appearance of a person before the Tribunal who has not agreed to appear as a witness. A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons through a request. (See [Rule 13](#) on the summons procedure.) The request should indicate how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the information provided in the request that the evidence is relevant, necessary or admissible, the party requesting the summons may provide a further request with more detail or bring a motion in accordance with the Rules.

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.

ATTACHMENT 3

LOCAL PLANNING APPEAL TRIBUNAL *Tribunal d'appel de l'aménagement local*

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*,
R.S.O.

1990, c. P.13, as amended

Appellant: Solmar Inc. *et. al.*
Subject: Failure to announce a decision respecting
Proposed New Official Plan
Municipality: City of Vaughan
L.P.A.T. Case No.: PL111184
L.P.A.T. File No.: PL111184
L.P.A.T. Case Name: *Duca v. Vaughan (City)*

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*,
R.S.O.

1990, c. P.13, as amended

Appellant: Eastwood Holdings Corp.
Subject: Request to Amend the Official Plan - Failure of
the City of Vaughan to adopt the requested
amendment
Property Address: 9291 Jane Street
Municipality: City of Vaughan
L.P.A.T. Case No.: PL210333
L.P.A.T. File No.: PL210333
L.P.A.T. Case Name: *Eastwood Holdings Corp. v. Vaughan (City)*

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*,
R.S.O.

1990, c. P.13, as amended

Appellant: Eastwood Holdings Corp.
Subject: Application to Amend Zoning By-law 1-88 –
Refusal or neglect of the City of Vaughan to make
a decision
Property Address: 9291 Jane Street
Municipality: City of Vaughan
L.P.A.T. Case No.: PL210333
L.P.A.T. File No.: PL210334
L.P.A.T. Case Name: *Eastwood Holdings Corp v. Vaughan (City)*

PROCEDURAL ORDER

The Tribunal may vary or add to the directions in this procedural order at any time by an oral ruling or by another written Order, either on the parties' request or its own motion.

Organization of the Hearing

1. The **Phase 1** hearing will begin on **October 3, 2022** at 10:00 a.m. by video hearing. No further notice shall be required. The length of the Phase 1 hearing will be approximately **five (5) weeks**.
2. The **Phase 2** hearing will begin on **November 28, 2022** at 10:00 a.m. by video hearing. No further notice shall be required. The length of the Phase 2 hearing will be approximately **two (2) weeks**.

The parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues where possible.

3. The Parties and Participants (see **Attachment 1** for the meaning of these terms) are listed in **Attachment 2** to this Order. The order of evidence for the hearing is listed in **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 the parties' consent, subject to the Tribunal's approval, or by Order of the Tribunal.
4. The issues for the hearing are set out in the Issues List attached as **Attachment 4** to this Order. With the exception of the elimination or reduction of issues, there will be no changes to the Final Issues List unless the Tribunal permits, and a Party who asks for changes to the Final Issues List may have costs awarded against it.
5. Any person intending to participate in the hearing should provide a telephone number, address and email address to the Tribunal as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, telephone number, address and email address as soon as possible.

Requirements Before the Hearing

6. The Appellant shall confirm any revisions to the proposed Official Plan Amendment and Zoning By-law Amendment applications that it seeks to rely on in the Hearing and provide any updated technical analysis, models, finding or reports (collectively "**Reports**") as may be required to support such revisions to the Parties on or before **April 6, 2022**.
7. A Party intending to produce and rely on at the Hearing any Reports in respect of any of the issues on the Issues List, including Noise, Vibration and Air Emissions, shall provide such Reports to the other Parties on or before **May 6, 2022**. In the case of any Reports produced by Canadian National Railway ("**CN**"), this shall be subject to the Appellant and any other receiving Party providing a confidentiality

undertaking in a reasonable form, if requested by CN, or as otherwise directed by the Tribunal.

8. A Party who intends to call witnesses in Phase 1 or Phase 2, whether by summons or not, shall provide to the Tribunal and the other Parties a list of the witnesses and the order in which they are intended to be called. This list must be delivered on or before **June 3, 2022**. A Party who intends to call an expert witness must include a copy of the expert witness' Curriculum Vitae and the area of expertise in which the witness is intended to be qualified.
9. Expert witnesses in the same discipline shall have at least one meeting on or before **June 29, 2022** and use best efforts to try to resolve or reduce the issues for the hearing. Following the experts' meeting, the experts shall prepare and the Parties shall file a Statement of Agreed Facts and Issues with the Tribunal Case Co-ordinator on or before **July 20, 2022**.
10. 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 section 13. 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 7.4 of the Tribunal's *Rules of Practice and Procedure*.
11. On or before **August 5, 2022**, a Participant shall provide to the Tribunal and the Parties a written Participant statement. A participant cannot present oral submission at the hearing on the content of their written statement, unless ordered by the Tribunal.
12. Witnesses who are under summons but not paid to produce a report do not have to file a witness statement; but the Party calling them must file an outline of the witness' anticipated evidence, as in section 13.
13. On or before **August 5, 2022**, the Parties shall provide copies of their witness and expert witness statements for Phase 1 and Phase 2 to the other Parties and to the Tribunal Case Co-ordinator and in accordance with paragraph 21 below.
14. On or before **September 2, 2022**, the Parties may provide to all other Parties and the OLT Case Co-ordinator a reply to any written evidence in accordance with paragraph 21 below.
15. On or before **September 16, 2022**, the Parties shall provide copies of their visual evidence for Phase 1 and Phase 2 to all other Parties and the Tribunal Case Co-ordinator in accordance with paragraph 21. If a model will be used, all Parties must have a reasonable opportunity to view it before the hearing.

16. The Parties shall co-operate to prepare a Joint Document Book, which shall be shared with the Tribunal Case Co-ordinator on or before **September 23, 2022**. If agreed on by the Parties, separate Joint Document Books may be prepared for Phase 1 and Phase 2.
17. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal (*see Rule 10 of the Tribunal's Rules, which require that the moving Party provide copies of the motion to all other parties at least fifteen (15) days before the Tribunal hears the motion*).
18. A Party who provides a witness' written evidence to the other Parties must have the witness attend the hearing to give oral evidence, unless the Party notifies the other Parties and the Tribunal at least **seven (7) days** before the hearing that the written evidence is not part of their record.
19. The Parties shall prepare and file a preliminary hearing plan with the Tribunal for **Phase 1** on or before **September 13, 2022** and for **Phase 2** on or before **November 11, 2022**. The hearing plan shall contain 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.
20. Any documents which may be used by a Party in cross examination of an opposing Party's witness may be provided in a format that is password protected and only accessible to the Tribunal and the other Parties if it is introduced as evidence at the hearing. Any such documents shall be provided prior to the commencement of the cross examination of the witness.
21. All filing shall be electronic and in hard copy. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by Rule 7 of the Tribunal's Rules.
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.

This Member is not seized.

So orders the Tribunal.

SUMMARY OF DATES

DATE	EVENT
April 6, 2022	Appellant to advise of any revisions to Applications and provide updated technical reports
May 6, 2022	Other Parties to provide any technical reports to be relied on at the Hearing
June 3, 2022	Exchange of witness lists
June 29, 2022	Experts meeting prior to this date
July 20, 2022	Experts' Statement of Agreed Facts and Issues
August 5, 2022	Exchange of Witness Statements, summoned witness outlines and Participant Statements
September 2, 2022	Exchange of Reply Witness Statements
September 13, 2022	Phase 1 Preliminary Hearing Plan filed with Tribunal
September 16, 2022	Exchange of Visual Evidence
September 23, 2022	Joint Document Book filed with Tribunal
October 3, 2022	Phase 1 Hearing commences
November 11, 2022	Phase 2 Preliminary Hearing Plan filed with Tribunal
November 28, 2022	Phase 2 Hearing Commences

ATTACHMENT 1

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.

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 may 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.

Attachment 2

LIST OF PARTIES/PARTICIPANTS

PARTIES

1. Solmar Inc. and Eastwood Holdings Corp.

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3. Region of York

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4. **Canadian National Railway**

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5. **Toronto and Region Conservation Authority**

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6. **Rutherford Land Development Corp.**

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PARTICIPANTS

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Attachment 3

ORDER OF EVIDENCE

1. Appellant (Solmar Inc./Eastwood Holdings Corp.)
2. City of Vaughan
3. Region of York
4. Toronto and Region Conservation Authority
5. Canadian National Railway
6. Reply by Appellant

Attachment 4

The inclusion of an issue on this list does not indicate that all parties have agreed that it is relevant to the determination of the appeal and does not preclude any party from challenging the relevance or appropriateness of any issue.

Notwithstanding the attribution of a party to an issue within the consolidated issues list, the City and Eastwood are anticipated to be comprehensively involved in Phase 1 and Phase 2 issues; the Region is anticipated to be involved only in respect of Phase 2; the TRCA is anticipated to be involved in respect of Phase 2 (and Issues 1(c), 30 and 32 in Phase 1); and CN is anticipated to be involved only in respect to Phase 1.

CONSOLIDATED ISSUES LIST

PHASE 1

LAND USE POLICIES

1. Do the proposed OPA and ZBA:
 - (a) Have sufficient regard to matters of provincial interest as outlined in sections 2 (f), (h), (k), (l), (m), (n), (o), (p) of the Planning Act? [CN, City]
 - (b) conform with the Growth Plan for the Greater Golden Horseshoe, 2020 having regard to sections:

1.2, 1.2.1, page 6 paragraph 9, 1.2.3, 2.1, 2.2.1.2, 2.2.1.3 (c), (e); 2.2.1.4, 2.2.2.3, 2.2.2.4, 2.2.4.9, 2.2.5.1, 2.2.5.2, 2.2.5.3, 2.2.5.5, 2.2.5.6, 2.2.5.7, 2.2.5.8, 2.2.5.12, 3.1, 3.2.1.1, 3.2.2.1, 3.2.2.2, 3.2.2.4, 3.2.4.1, 3.2.4.2, 3.2.4.3, 3.2.5.1, 3.2.5.2, 4.2.10.1 (c), 5.2.3.1, 5.2.4.3, 5.2.4.5, 5.3.4.6, 5.2.5.1, 5.2.5.3, 5.2.5.4, 5.2.5.8, and 7 and Schedules 2, 4, 5 and 6 [CN, City]
NB: Includes sub-policies
 - (c) conform with the York Region Official Plan (April 2019 Consolidation) referencing sections:

1.2.4, 1.2.5, 2.3.41, 3.1.1, 3.1.3, 3.1.5, 3.2.5, 3.2.6, 3.2.10, 3.3.1, 3.3.8, 3.5.4, 4.1.1 (note: 2019 Consolidation as two 4.1.1 policies, this should reference both), 4.1.3, 4.2, 4.3, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.18, 4.3.21, 4.4, 5.2.5, 5.2.8, 5.2.9, 5.3, 5.3.3, 5.3.6, 5.3.10, 5.5, 7.2, 7.2.54, 7.2.69 to 7.2.76, 7.2.79 to 7.2.85, 7.5.3, 7.5.4, 8.3.3, 8.3.4, 8.3.8, 8.4.1, 8.4.2, 8.4.9, 8.4.11, Definitions pages 169-186, Map 1 and Figure 2 [CN, City, TRCA]
NB: Includes sub-policies
 - (d) internally consistent or in conformity with the City of Vaughan Official Plan 2010 (December 2020 Consolidation) referencing sections:

1.3, 1.5, 1.7, 2.1.3.2, 2.2.1.1, 2.2.1.2, 2.2.3, 2.2.4, Figure 5, 2.2.5 introduction text, Intensification Corridors Text, 2.2.5.12, 2.2.5.13, 2.2.5.14 Figure 6, 3.7.1.2, 3.7.1.5, 3.7.1.6, 4.1.1.3, 4.1.1.7, 4.4.1, 4.4.1.1, 4.4.1.2, 4.4.1.5, 4.4.2, 5.1.1, 5.1.2.2, 5.1.2.3, 5.2.1.1, 5.2.1.2, 5.2.1.6, 5.2.2, 5.2.2.1, 5.2.2.3, 5.2.3 Introduction text, 5.2.3.1; 5.2.3.4; 5.2.3.6; 5.2.3.9 5.2.5, 7.3.1, 7.3.2, 9.1.2.7 i), 9.2.2.5, 9.2.2.8, 9.2.2.10, 10.1.2.1, 10.1.2.2, 10.1.2.9-10.1.2.13, 10.1.3.2, 10.1.3.3, 10.1.3.4, 10.1.3.5, 10.1.3.6, 10.2.1, Definitions 315-33, Schedules 1, 1A, 9, 13 [CN, City]

NB: Includes sub-policies

- (e) Do the proposed OPA and ZBA conform with OPA 600 policies 10.3(iv)? [City]
- (f) consistent with the Provincial Policy Statement, 2020 (“PPS”) having regard to the following page and section references

Page 1, Paragraph 1; Page 1, Paragraph 2; Page 1, Paragraph 3; Page 1, Paragraph 5; Page 1, Paragraph 6; Page 1, Paragraph 7; Page 2, Paragraphs 5-7; Page 2, Paragraphs 8-9; Page 3, Paragraph 1; Page 3, Paragraph 2; Page 3, Paragraphs 5-6; Page 3, Paragraph 8; Page 4 Paragraphs 1-5; Page 5 Paragraphs 1, 2 and 5; Page 6, Paragraph 4; 1.1.1, 1.1.2, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6, 1.2.1, 1.2.4, 1.2.6.1, 1.2.6.2, 1.3.1, 1.3.2.1, 1.3.2.2, 1.3.2.3, 1.3.2.6, 1.3.2.7, 1.4.3(e), (f); 1.6.1, 1.6.3, 1.6.4, 1.6.7.1, 1.6.7.2, 1.6.7.3, 1.6.8, 1.6.9, 1.7.1, 1.8.1, 3.0, 4.1, 4.2, 4.5, 4.6, 4.7, 4.9. [CN, City]

NB: Includes sub-policies

Prematurity

2. Is the VOP 2010 appeal by Solmar under subsection 17(40) the appropriate means to consider the Modifications proposed by Solmar to the VOP 2010 having regard to the Official Plan, sections 17(15), (16), (17), (19.3-4), (21-24), (34) and 21 of the Planning Act, and sections 4.1, 4.1.1, 4.1.2, 4.2, 4.2.1, 4.2.2, 4.2.3, 4.2.4 and 4.2.5 of FMC/RAC Guidelines for New Development in Proximity to Railway Operations (2013) amongst other matters? [CM]
3. Is the approval of a High-Rise Residential designation on the Solmar Lands premature in the absence of a detailed site plan, building envelopes and development phasing plan? [CM]
4. Does the proposed site plan and building envelopes proposed provide sufficient information to properly evaluate and minimize and mitigate any potential adverse effects (e.g., odour, noise, vibration, accidental release of substances from rail cars) on the development? [CM]

D-GUIDELINES

5. Is the MacMillan Rail Yard a Class 3 industrial facility under the D1 and D6 Guidelines of the Ministry of the Environment Conservation and Parks (“MECP”)? [CN]
6. How should the D1 and D6 Guidelines of the MECP be applied in assessing the proposed OPA and ZBA in the context of the York Region Official Plan, the Growth Plan and the Provincial Policy Statement? What is the appropriate standard against which the D1 and D6 Guidelines should be applied (ie. regard to, consistency, conformity, etc.)? Does the proposed development meet the requirements of the D-Series Guidelines? [CN, City]

FCM Railway Guidelines

7. How should The Federation of Canadian Municipalities (**FCM**)/Railway Association of Canada Guidelines for New Development in Proximity to Railway Operations (2013) be applied in assessing and evaluating the proposed OPA and ZBA? What is the appropriate standard against which the FCM Guidelines should be applied (i.e. regard to, consistency, conformity, etc.)?

- (a) Do the proposed OPA and ZBA meet the standard for the FCM Guidelines referencing the following sections and page references:

Page 1 Paragraphs 4 and 5, Page 6 Paragraphs 1, 3, 4 and 5, Sections 1.1, 1.3, 1.4.1, 1.4.2, 1.4.3, 1.4.4 and 1.4.5; Page 16; Sections 2.1, 2.1.1, 2.2, 2.3 and 2.4, 3, 3.1, 3.3, 3.3.1, 3.4, 3.4.1, 3.4.1.1, 3.4.1.2, 3.4.1.3, 3.4.1.4, 3.4.1.5, 3.4.1.6, 3.4.1.7, 3.4.1.8, 3.5, 3.5.1, 3.5.2.2, 3.6, 3.6.1.1, 3.6.1.2, 3.6.1.3, 3.7.1, 3.9.1, 4.1, 4.1.1 4.1.2, 4.2, 4.3, Appendix AA.1-6 and other sections as appropriate. [CN, City]

NB: Includes sub-policies

- (b) Would a designation of “Community Commercial Mixed Use” for the lands meet the standard for the FCM Guidelines referencing the following sections and page references:

Page 1 Paragraph 4, Page 6 Paragraphs 1 and 4, Sections 1.1 and 1.4.1, Page 16 Paragraph 2, Page 18, Paragraphs 4 and 5, Sections 2.2, 2.3 and 2.4, 3, 3.3.1, 3.4, 3.4.1-3, 3.4.1.3, 3.4.1.5, 3.4.1.7-8, 3.5, 3.5.1, 3.6, 3.6.1.1, 3.7.1, 4.1, 4.1.1 4.1.2, 4.2, 4.2.1-5 and 8, 4.2.5, 4.2.8, 4.3, Appendix AA.1 [CN]

Assessment of Potential Impacts from CN

8. Do the requirements of the PPS require a planning authority in assessing a new sensitive land use in the vicinity of rail facilities and major goods movement

facilities to protect for the ultimate capacity of that rail facility and major goods movement facility in an ultimate configuration? [CN]

9. Should the assessment of the environmental impacts of major infrastructure such as the MacMillan Rail Yard on a proposed sensitive land use be based on an assessment of the complete utilization of the facilities' capacity in a 5-track ultimate configuration as the "predictable worst case" include potential impacts on the MacMillan rail yard industrial operations? [CM]
10. If the ultimate 5-track configuration is to be used, what are the assumptions that should be used to model the complete utilization of the MacMillan Yard's capacity in an ultimate configuration in assessing environmental impacts from the MacMillan Yard and its pull back track on proposed adjacent sensitive land uses? [CM]
11. If the 4-track predictable worst-case scenario is to be used, what assumptions should be used for the MacMillan Yard and its pull back track? [CM]
12. Have the predictable worst-case assumptions for the MacMillan Yard and its pull back track configuration and operations changed between the Jane Ruth OMB hearings in 2004-5 and the present time and in what ways? [CM]
13. What is the appropriate setback distance for residential and other sensitive land uses from the MacMillan Rail Yard in the location of the Solmar Lands considering: [CM]
 - (a) The D1 and D6 Guidelines;
 - (b) The Draft Land Use Compatibility Guidelines dated March 2021 released on May 4th, 2021 by the Ministry of the Environment
 - (c) The Federation of Canadian Municipalities (**FCM**) /Railway Association of Canada Guidelines for New Development in Proximity to Railway Operations (2013);
 - (d) Environmental impacts from the MacMillan Rail Yard including rail noise and vibration, diesel odour and air emissions and the accidental release of substances from rail cars;
 - (e) Federal Rail Noise and Vibration Guidelines;
 - (f) Rail safety considerations including the consequences of a possible derailment;
 - (g) Trespass concerns;

- (h) complete utilization of the MacMillan Yard's capacity in an ultimate configuration;
 - (i) current predictable worst case assumptions;
 - (j) the current in-force OPA 626 and Zoning By-law 1246; *[City]* and
 - (k) the existing residential high rise towers to the south and any potential impacts to them?
14. What regard should be given to the 2004-5 OMB Jane Ruth Decisions in assessing the proposed Modifications and development applications before the Tribunal and the Board's finding in those decision(s) inter alia that: *[CN]*
- (i) a 115.5m minimum setback for residential uses from the Macmillan Yard and 150 metres from the most southerly rail of the southerly track of the Pull Back Track of the MacMillan Yard was appropriate; and
 - (ii) that commercial uses permitted within 115.5 metres from the MacMillan Yard should not include certain places of public assembly and commercial uses such as a convention centre, banquet hall, hotel etc.

NPC-300

15. Is it appropriate that the Solmar Lands be classified as Class 4 Area under MECP Guideline NPC 300, considering amongst other matters: *[CN, City]*
- (a) The provisions of NPC 300;
 - (b) the City of Vaughan Noise Bylaw 062-2018;
 - (c) that the MacMillan Yard is a federally regulated undertaking operating without an Environmental Compliance Approval issued under the *Environmental Protection Act*;
 - (d) protection of Canadian National Railway from complaints from future residential occupants of the Solmar Lands concerning the MacMillan Rail Yard operations to the Canadian Transportation Agency made pursuant to section 95.1 and 95.3 of the *Canada Transportation Act* (S.C. 1996, c. 10);
 - (e) Consideration of the Federal Rail Noise Guidelines;

- (f) CN has not consented to the Class 4 classification;
 - (g) Existing residential development west of Jane Street was assessed pursuant to Class 1 Area standards; and
 - (h) The existing residential development immediately to the south of the Solmar Lands was assessed pursuant to Class 1 Area standards
16. In assessing the acoustical impacts of a federally regulated undertaking such as the MacMillan Rail yard should sensitive development on the adjacent Solmar Lands be assessed acoustically as Class 1 under the NPC-300 Guideline for determining noise level limits and noise mitigation even if the City of Vaughan purports to classify the Solmar Lands as Class 4 under the NPC-300 Guideline? *[CN]*
17. Has it been demonstrated that the proposed residential development of the Solmar Lands proposed OPA and ZBA is acoustically feasible based on a Class 4 classification under NPC 300? What is the applicable standard to apply in considering NPC-300 and do the proposed OPA and ZBA meet that standard? *[CN, City]*
18. Does the proposed development appropriately address/mitigate potential noise and vibration on the subject lands? *[City]*
- (a) Is the use of enclosed noise buffers in a residential development on the Solmar Lands to mitigate noise from the MacMillan Yard appropriate, effective and capable of being implemented and maintained? If the answer is no, is residential development of the Solmar Lands acoustically feasible without the use of enclosed noise buffers? *[CN]*
19. If the answer to Issue 15 is no, should the Solmar Lands instead be assessed as Class 1 under NPC 300? *[CN]*
20. Has it been demonstrated that the residential development of the Solmar Lands proposed in the Modifications and the development applications is acoustically feasible based on a Class 1 Area classification utilizing the mitigation permitted under the NPC 300 Guideline? *[CN]*
21. If development of sensitive land uses is feasible and good planning, should any agreements under NPC 300, environmental easements and agreements under the Industrial Mining and Lands Compensation Act be required for the residential development of the Solmar Lands? If so, do the Modifications adequately provide for such agreements? *[CN]*

22. Should any proposed development be designed to account for the potential damage and nuisance effects of ground-borne and vibration? *[CN]*
23. Should any acoustical assessment of the proposed development of the Solmar Lands consider the frequency content/character of the noise sources and not just overall sound levels? *[CN]*

GENERAL

24. Is residential development or other sensitive uses on the Solmar Lands in the proposed OPA and ZBA appropriate, compatible with the operation of the adjacent MacMillan Yard and good planning? *[CN, City]*
25. If residential development is feasible on all or a portion of the Solmar Lands what policies should be contained in the Official Plan to ensure the implementation and maintenance of any necessary on-site receptor mitigation and phasing to address any environmental and land use impacts? *[CN]*
26. What is the appropriate land use designation and policies for the subject site in VOP 2010 in consideration of the PPS, Growth Plan, York Region Official Plan, other VOP policies and previous OMB approvals? *[CN]*
27. Has the proposed OPA and ZBA appropriately considered and responded to the site constraints, such as noise, vibration and odour emissions from the CN Pullback Track to the north, the valley lands to the east, the residential neighbourhood to the south along with the Vaughan Mills Centre Secondary Plan and the intensification corridor at the west of the site? *[City]*

GRADING, STORM WATER, SERVICING AND SITE MANAGEMENT

28. Can High Rise Residential development be implemented on the Solmar Lands such that post development flow rates do not exceed the pre-development rates, including the duration of the flow, and there are no negative impacts to the CN MacMillan Rail Yard with respect to drainage? *[CN]*
29. Is there sufficient space on the Solmar Lands for snow storage if developed with High Rise Residential uses? *[CN]*
30. Has the appellant submitted a satisfactory Functional Servicing Report (“FSR”) and Stormwater Management (“SWM”) Report for the development that includes an adaptive stormwater management approach with contingency plans, completed by a qualified professional that:
 - Achieves the stormwater quality, quantity, erosion control, site level water balance and feature based water balance requirements of TRCA’s Stormwater

Management Criteria and the Credit Valley, Toronto and Region and Central Lake Ontario (“CTC”) Source Protection Plan

- Provides preliminary servicing details.
- Protects the hydrological and ecological features and functions on and adjacent to the site.

to the satisfaction of the TRCA? *[TRCA, CN]*

31. Can the proposed development be appropriately connected to sanitary sewer and other municipal infrastructure? *[City]*
32. Has the TRCA approved the proposed outlet to the existing creek? *[City]*

AIR QUALITY

33. Has Air Quality been appropriately studied through an Air Quality Impact Study in conformance with MECP D-6 Series guidelines been prepared to address potential fugitive emissions and compatibility with surrounding land uses? *[City]*
34. Should the assessment of the impact of air emissions from the CN Diesel-Electric Locomotives on residential development of the Solmar Lands be based on current air emissions levels within the MacMillan Yard and its pull back track in proximity to the Solmar Lands or future levels at the full 5-track capacity in an ultimate configuration? What are the respective levels? *[CN]*
35. Should air emissions associated with the future use of larger and/or greater numbers of locomotives be considered separately and in conjunction with the ultimate 5-track configuration as part of CN’s future operations? *[CN]*
36. In assessing air emissions, should consideration be given to potential adverse effects due to odour emissions from diesel locomotives? *[CN]*
37. If odour is a concern, should receptors such as entryways, doors, and operable windows be assessed in addition to outdoor living areas? *[CN]*
38. Should the location of residential units be considered with respect to the potential for hazardous accidental releases of materials including dangerous goods, solids, gases and fluids from rail cars within the railyard including the pull-back track (which is part of the railyard)? *[CN]*

FREIGHT SUPPORTIVE GUIDELINES

39. Does the proposed development meet the requirements of the Province of Ontario’s Freight Supportive Guidelines including policies 1.0, 1.1, 1.2, 1.2.1, 1.2.1.1, 1.3, 1.4, 1.4.1, 1.4.1.1, 1.4.1.2, 1.4.1.3, 1.4.2, 1.4.3, Figure 1.4, 1.4.3.2, 1.5, 1.5.1, 1.5.4, 2.0, 2.2, 2.2.1, 2.2.2, 2.2.3, 2.2.4 – Planning for Employment

Areas, Figure 2.4, 2.2.5, 2.4, 2.4.1, 5.1, 5.1.1, 5.1.2, 5.1.2.1, 5.1.2.3, 5.2.4, 5.2.5,? [CN, City]

CRASH WALL

40. Should a crash wall be constructed for components of the buildings within 30 metres of the CN property line in accordance with CN requirements as outlined in section 3.6 of the FCM/RAC guidelines? [CN]

CROSS-JURISDICTIONAL MATTERS

41. What consideration should be given to CN's statutory rights, obligations and the legislation that governs CN operations including section 95, 95.1, 95.2, 95.3 and 98 of the *Canada Transportation Act* (S.C. 1996, c. 10 and section 8(1) of the *Railway Safety Act* 1985, c.32? Specifically, in relation to its mandate to carry products, including dangerous goods, and its ability to add additional infrastructure on railway lands? [CN]
42. Should the federal and international noise (e.g. Health Canada's *Guidance for Evaluating Human Health Impacts in Environmental Assessment: Noise (2017)*, particularly Sections 5.1, 5.2, 5.2, 5.4.1 & 5.4.2, Appendix C and E, and by reference Annex A of ISO 1996-1:2003 *Acoustics – Description, measurement and assessment of environmental noise – Part 1: Basic quantities and assessment procedures* and Annex D of ANSI S12.9: 2005/Part 4 *Quantities and Procedures for Description and Measurement of Environmental Sound Part 4: Noise Assessment and Prediction of Long-Term Community Response*) and vibration (e.g., particularly Annex C of ISO 2631-1:1997 *Mechanical Vibration and Shock – Evaluation of Human Exposure to Whole Body Vibration: General Requirements* and Section 5 and Annex B of ISO 2631-2:2003 *Mechanical Vibration and Shock – Evaluation of Human Exposure to Whole Body Vibration: Vibration in Buildings*) guidelines and standards that apply to CN be assessed for a proposed development to ensure that CN's regulatory obligations are not compromised? [CN]

Urban Design

43. Is the proposed height and density appropriate for the site? [City]
44. Is the proposed built form appropriate, specifically the proposed heights, form, massing, setbacks, scale, siting, spacing and intensification considering the site, policy context and the character of the surrounding lands? [City]
45. Does the proposed development establish an appropriate relationship to the public realm and to abutting properties? [City]
46. Does the proposed OPA and ZBA conform with the City-Wide Urban Design Guidelines? [City]

47. Does the proposal adequately mitigate wind flows along the north-south mid-block connection, amenity spaces, entrances and transit stops along Jane Street? *[City]*

Parks

48. Does the proposed development provide adequate active recreational servicing opportunities/facilities for the proposed development/community? *[City]*
49. Does the proposed OPA and ZBA provide for a pedestrian and bike connectivity to existing residential buildings to the south, recreational trails, park facilities and open spaces without any significant barriers and obstacles? *[City]*

IMPLEMENTATION

50. What is the appropriate wording of the proposed OPA and ZBA in the event the High Rise Residential designation is found to be feasible and good planning? *[CN]*
51. What planning tools and agreements, if any, are needed to secure implementation of recommendations of technical studies and other review agency requirements identified through the review of these planning applications? *[CN]*
52. In the event the Tribunal allows the appeal, in whole or in part, should the proposed development be subject to a Holding provision ("H") to require among other things the completion, to the satisfaction of the City, a Site Plan, a Record of Site Condition from the MECP, provision of easements, confirmation of site servicing and implementation of necessary transportation improvements to facilitate the proposed development? *[City]*

PHASE 2 ISSUES

Environmental and Natural Hazards

53. Are the proposed development, OPA and ZBA consistent with the Provincial Policy Statement (PPS, 2020), in particular, Section 3.1 (Natural Hazards) including Section 3.1.1. and 3.1.7 and Section 2.1 (Natural Heritage) including Section 2.1.2, 2.1.5 and 2.1.8? *[TRCA]*
54. Do the proposed development, OPA and ZBA conform with The Region of York Official Plan, in particular, Section 2.0(Sustainable Natural Environment), including Sections 2.2.3, 2.2.4, 2.2.5 (Key Natural Heritage Features and Key Hydrologic Features) Sections 2.2.46, 2.2.47, (Woodlands) Sections 2.3.22, 2.3.27, 2.3.28 (Natural Hazards)? *[TRCA]*

55. Do the proposed development, OPA and ZBA conform, or are they internally consistent, with the City of Vaughan Official Plan, 2010, in particular, Section 3.2 (Vaughan Natural Heritage Network) including Sections 3.2.3.1, 3.2.3.2, 3.3.2.4 (a), 3.2.3.8, 3.2.3.10, (Core Features), Section 3.3. (Features of the Natural Heritage Network) including Sections 3.3.1.1, 3.3.1.2, 3.3.1.3, 3.3.3.1, 3.3.3.2, Section 3.6.3 (Hazardous Lands and Sites) including Sections 3.6.3.1, 3.6.3.2, 3.6.3.5, 3.6.3.8? *[TRCA]*
56. Is the proposed delineation of the Natural Areas & Countryside (Schedule 1: Urban Structure), Core Features (Schedule 2: Natural Heritage Network), and Natural Areas (Schedule 13: Land Use) designations appropriate and is the boundary of these designations appropriate? *[TRCA]*
57. Is the proposed delineation of the OS1 - Open Space Conservation Zone appropriate and is the boundary of this zone appropriate? Have the Core Features (eastern valley/woodland) and associated VPZ been placed in a protective zoning category in the proposed zoning by-law? *[TRCA, City]*
58. Have the limits of all natural features and natural hazards been verified by TRCA in consultation with the municipality, and where required, the MNRF, in accordance with the PPS, Natural Heritage Reference Manual (“NHRM”), natural heritage system policies and schedules in municipal Official Plans; and TRCA’s LCP and field staking protocol? *[TRCA]*
59. Has the appellant adequately addressed TRCA’s technical comments dated February 18, 2021? *[TRCA]*
60. Is the development consistent with TRCA’s Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP)? In particular, Section 7.3.1.2(a), (b), (c) (Natural Features and Areas), 7.3.1.3(b), (c), (d) (Natural Hazards), Section 7.5.2.2(b) (Official Plans Official Plan Amendment and Secondary Plans), 7.5.2.4(a), 8.4.1, 8.4.5, 8.4.8, and Section 8.5.1.1 (Development with Flood Hazards and Erosion Hazards of Valley and Stream Corridors). *[TRCA]*
61. Is the subject property regulated pursuant to Ontario Regulation 166/06 and will the proposed development require a permit? *[TRCA]*
62. Do the proposed OPA and ZBA conform to VOP 2010 Policies 3.3.1.1 and 3.3.3.1 as the bioretention facility (and associated grading) has been proposed within the 10m Vegetation Protection Zone (VPZ) from the staked core features? *[City, TRCA]*

63. Will the construction and maintenance of Tower A and the underground parking garage encroach into the VPZ of the Core Features? *[City, TRCA]*
64. Do the proposed OPA and ZBA conform to VOP 2010 policy 3.2.3.10 which requires Core Features and their related VPZ be conveyed to the City and/or the TRCA? *[City, TRCA]*
65. Do the proposed OPA and ZBA conform to policy REC-1 and have regard to other applicable policies of the Source Protection Plan under the Clean Water Act, 2006, for the Credit Valley, Toronto and Region and Central Lake Ontario (CTC) Source Protection Region? *[City]*

Transportation

66. Do the proposed OPA and ZBA have sufficient regard to matters of provincial interest as outlined in sections 2 (f), (h), (o), (p) and (q) of the Planning Act? *[Region]*
67. Are the proposed OPA and ZBA consistent with the PPS, in particular sections 1.1.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6, 1.2.1, 1.2.4, 1.4.3(c) and (e), 1.6.1, 1.6.3, 1.6.4, 1.6.7.1, 1.6.7.2, 1.6.7.3, 1.6.8, 1.7.1, 1.8.1, 4.1, 4.2, and 4.6? *[Region]*
68. Do the proposed OPA and ZBA conform with the Growth Plan for the Greater Golden Horseshoe, 2020, in particular sections 1.2, 1.2.1, 2.1, 2.2.1.3(c), 2.2.1.4, 2.2.4.9, 3.1, 3.2.1.1, 3.2.1.2, 3.2.2.1, 3.2.2.2, 3.2.2.4, 3.2.3.4 and 7 and Schedules 2 and 5? *[Region]*
69. Do the proposed OPA and ZBA conform with the York Region Official Plan, in particular sections 3.1.3, 3.1.5, 4.2, 5.2.3, 5.2.8, 5.5, 7.1.1, 7.1.7, 7.1.8, 7.2 7.2.25, 7.2.26, 7.2.53, 8.3.3., 8.3.4, 8.4 and Definitions? *[Region]*
70. Are the proposed OPA and ZBA internally consistent with or in conformity with the City of Vaughan Official Plan, 2010, in particular sections 1.5, 2.2.5 per Phase 1 list, 4.1.1.3, 4.2.1.5, 4.2.1.17, 4.2.1.19, 4.2.1.32, 4.2.2.20, 5.2.3.9, 10.2.1, Definitions? *[Region]*
71. Is the existing or planned transportation system consisting of local and regional roads, easements, transit service, pedestrian and cycling facilities adequate to support the proposed development? If not, what improvements are required, and should they be completed prior to considering approval of the amendments? *[City]*
72. Does the Traffic Impact Study submitted by the applicant (the "TIS") in respect of the OPA and ZBA appropriately address the transportation infrastructure needs

for the proposed development and has it appropriately assessed and considered the following: *[City, Region]*

- (a) Development full build-out, 5 and 10 year horizon after the full build-out, consistent with the recommendations of the Region's Transportation Mobility Plan Guidelines and consistent with City of Vaughan TIS Guidelines;
 - (b) Development levels assessed in the Vaughan Mills Centre Secondary Plan;
 - (c) The intersections that were included in the Vaughan Mills Centre Secondary Plan study area;
 - (d) The recommendations of the MMM Transportation Study for the Vaughan Mills Centre Secondary Plan (Table E2 Phase 2); and
 - (e) Other approvals (including MZOs) proximate to the intersection of Jane Street and Rutherford Road.
73. Has the Transportation Study assessed and recommended a development phasing plan that can be accommodated with just the proposed right-in/right-out access onto Jane Street, without significant impacts on the Regional intersections, including the southbound left turn and eastbound left turn at the Jane Street and Rutherford Road intersection? *[Region]*
74. Has the Transportation Study assessed and recommended a development phasing plan that can be achieved with a potential connection to Rutherford Road opposite the future Caldari Road Extension, as well as the ultimate development that can be achieved once the infrastructure improvements identified in Table E2-Phase 2 (Transportation Assessment- VMC Secondary plan) are implemented? *[Region]*
75. Should the proposed OPA and/or ZBA be modified to incorporate phasing provisions to address Issues 73 and 74, and if so, what are the appropriate modifications? *[Region]*
76. Should the TIS be updated to implement a development phasing plan to address coordination with transit improvements? *[City]*
77. Are the proposed Active Transportation (AT) and Travel Demand Management (TDM) measures sufficient to alleviate the traffic operations concerns? *[City]*
78. Have access easements with the property to the south been finalized? *[City]*
79. Has the Parking Study provided justification on the proposed parking rates and how they contribute to promoting transit services? *[City]*

80. Should a pedestrian crossing to access transit and the trail system on the west of Jane Street be provided as part of the proposed development? *[City]*