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**CITY OF VAUGHAN
PLANNING SERVICES DEPARTMENT**



Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

ISSUE DATE: March 24, 2015

CASE NO(S): PL111184

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

Appellant: Eugene and Lillian Iacobelli
Subject: Failure of City of Vaughan to announce a decision respecting the New Official Plan City of Vaughan
Municipality: City of Vaughan
OMB Case No.: PL111184
OMB File No.: PL111184

Heard: February 26, 2015 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel

Eugenio and Lillian Iacobelli

Q. Annibale
S. Ferri

City of Vaughan

D. Jubb

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON
FEBRUARY 26, 2015 AND ORDER OF THE BOARD**

[1] This pre-hearing conference ("PHC") was held for the purpose of determining whether the appeal of Eugenio and Lillian Iacobelli ("Applicants/Appellants") to the Vaughan Official Plan ("VOP 2010"), should proceed as a separate hearing and, if so, that a date be set for this site specific appeal. The Iacobelli's appeal is listed as Appellant No. 21 to the VOP 2010. The Iacobelli's own lands known municipally as 230 Grand Trunk Avenue located just west of Dufferin Street, north of Rutherford Road.

[2] At the onset of the hearing, the Board was advised by the City of Vaughan ("City") that it supports the Iacobelli's request that the matter proceed to a hearing and that a hearing date be set for its appeal of the VOP 2010. Dawn Jubb, counsel for the City advised that there were extenuating circumstances surrounding this appeal, that the issues are discrete to the subject lands and do not impact on any other appellants to the VOP 2010. The City consented to having this appeal proceed to a hearing.

[3] Quinto Annibale, counsel for the Iacobelli's advised the Board that Mr. Iacobelli had recently passed away and there was urgency in settling his estate. His wife, Ms. Iacobelli is the remaining appellant in these matters. Mr. Annibale advised that late in 2014, his client was prepared to bring a motion for de-consolidation of its appeal from the rest of the 145 appeals filed to date against the VOP 2010. Mr. Iacobelli who was very ill at the time wanted to settle his estate.

[4] Mr. Annibale advised that the motion was withdrawn upon reaching an agreement with the City that a request to the Board for a separate PHC on its appeal would not be opposed. Mr. Iacobelli passed away just prior to this agreement. Mr. Annibale advised that the grounds for his client's appeal are site specific and do not affect any other appellant or party in the VOP 2010 appeals. The appeal seeks to amend certain schedules of the VOP 2010 to permit low rise residential development on the subject lands.

[5] Ms. Jubb advised that the City supported the Iacobelli's request for a hearing and towards that end a draft procedural order was presented to the Board. The parties are in agreement with the issues list.

[6] Ms. Jubb further advised that notice in accordance with the Board's directions was given on these matters. The City notified all the appellants, parties and participants to the VOP 2010 appeals of the purpose of today's PHC. Additionally, the residents of the surrounding area to the subject lands were also notified by mail of this PHC and its purpose.

[7] At this PHC, no one opposed the joint request for the setting of a hearing date into the appeal.

[8] Based on the submissions of both parties, the Board ordered the setting of a hearing date for this appeal. The hearing is set for ten days from **Wednesday, October 14 to Tuesday, October 27, 2015 commencing at 10:30 a.m. at:**

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

[9] The Toronto Region Conservation Authority ("TRCA") was granted party status in these matters. Several residents from the neighbourhood in attendance at this PHC were granted participant status at the hearing as shown in Attachment 1.

[10] The Board is satisfied that proper notice (which included the residents of the surrounding area) was given in respect to this PHC and no further notice is required.

[11] The Board noted that this appeal is still considered as part of the appeals filed against the VOP 2010 under the Board Case No. PL111184. There was discussion on assigning a different case number for this appeal as it is now proceeding to a separate hearing, however this cannot be done administratively. A case number is assigned to the instrument under appeal. In these matters, appeals made under s. 17(40) of the Act fall under PL111184. For individual appeals proceeding to a hearing, the Board will monitor and establish separate title of proceedings ("TOP").

[12] The parties have agreed on access to the subject lands by their representatives. The terms of access are detailed in paragraph 19 of the procedural order.

[13] The final procedural order has since been submitted. The Board can be spoken to should the need arise.

[14] No further notice is required. This panel of the Board is not seized.

"Jason Chee-Hing"

JASON CHEE-HING
MEMBER

Ontario Municipal Board

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ATTACHMENT 1

PARTIES AND PARTICIPANTS
Appeal By Eugenio and Lillian Iacobelli – PL111184

Parties:

- 1. Eugenio and Lillian Iacobelli**
- 2. The Corporation of the City of Vaughan**
- 3. Toronto and Region Conservation Authority**

Participants:

- 1. Mel Raskin**
- 2. Ms. C. Papoi**
- 3. Nick Shlepov**
- 4. Scrgueir Lifchits**
- 5. Akila Fazal**
- 6. Fazal Akitk Akila**
- 7. Michelle Johnson (RoyalCrest Academy)**

