

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



**ISSUE DATE:** December 21, 2015

**CASE NO(S):**

PL111184

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

Appellant: 1042710 Ontario Limited (aka Royal Centre)  
Appellant: 1096818 Ontario Inc.  
Appellant: 11333 Dufferin St. et al  
Appellant: 1191621 Ontario Inc.; and others  
Subject: Failure to announce a decision respecting  
Proposed Official Plan Amendment No. New  
Official Plan  
Municipality: City of Vaughan  
OMB Case No.: PL111184  
OMB File No.: PL111184  
OMB Case Name: Duca v. Vaughan (City)

**Heard:** December 3, 2015 in Vaughan, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

2058258 Ontario Limited (Forest  
Green Homes)

A. Skinner

City of Vaughan

D. Jubb

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON  
DECEMBER 3, 2015 AND ORDER OF THE BOARD**

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[1] At this pre-hearing conference ("PHC") event into the Vaughan Official Plan ("VOP") 2010 appeals, the Board heard and disposed of a motion brought by 2058258

Ontario Limited (Appeal No. 69). The Board also dealt with a number of matters relating to certain appeals of the VOP 2010.

**2058258 Ontario Limited (Forest Green Homes) (Appeal No. 69)**

[2] The relief sought was firstly, an Order of the Board to abridge the time required for service of the motion and secondly, an Order of the Board to modify the VOP 2010 on a site-specific basis in accordance with the modification described in Exhibit "I" to the affidavit of Rosemarie Humphries and partially approving the VOP 2010 as modified on a site specific basis for the lands known municipally as 4603 & 4611 Highway 7 (the "subject site") (Exhibit 96A).

[3] The City of Vaughan ("City") was in support of the motion requested as detailed in its Response to Motion filings (Exhibit 96C). There was no opposition to the relief requested by 2058258 Ontario Limited ("Appellant").

[4] The proposed modification seeks to modify Schedule 13 – Land Use of the VOP 2010 to change the maximum height permission to ten storeys and maximum density to 3.0 Floors Space Index ("FSI") for the subject site as shown in Exhibit "I" of Ms. Humphries' affidavit (Tab 2, Exhibit 96C).

[5] The Board was advised that as a result of negotiations with the City and discussions with the neighboring residents, the original fourteen storey and seven storey development were reduced in height to ten and seven storeys respectively and the two mid-rise buildings were relocated within the site. The revised proposal was also before the Board recently (November 12, 2015) with respect to an OPA and ZBA to the existing in-force planning instruments. Because of the reduction in height of the proposed ten storey building an OPA was no longer required and that aspect of the appellant's appeals was withdrawn. The Board in its decision (PL130656, issued on November 27, 2015) had approved in principle the proposal.

[6] The Board accepted and relied on the affidavit and *viva voce* evidence of Ms. Humphries, a qualified planner. The Board found that the proposed modification met the requirements of the *Planning Act* and represented good planning. The Board allowed the appeal in part granted the relief sought. This Board approval resolves 2058258 Ontario Limited entire appeal respecting the VOP 2010.

**Country Wide Homes Woodend Place Inc. (“Country Wide”)**

[7] The City made submissions and filed documentation in support of the request for Country Wide to assume the site-specific appeal of Bellaterra Corporation (“Bellaterra”) (Appeal No. 121) for the lands municipally known as 31 Woodland Place (“subject site”).

[8] Country Wide has purchased the subject site from Bellaterra and is intent on assuming the appeal rights of Bellaterra for the subject site. The Board had before it the respective written consent from counsel for Country Wide and Bellaterra, a copy of the Land Registry Transfer document and the sworn affidavit of Stephanie Arias, law clerk for the City (Exhibits 97A, 97D).

[9] The Board granted party status to Country Wide for the purpose of assuming the site-specific appeal of Bellaterra with respect to the subject site. Bellaterra has withdrawn as a party but at its request will remain as a participant. The Board directed Country Wide to scope its issues and provide a list of policies and schedules appealed no later than April 8, 2016.

**Alex Marrero (Appeal No.102)**

[10] The City made submissions and provided supporting documentation on this matter. The Board had before it the sworn affidavit of Stephanie Arias, and correspondence from Alan Heisey, counsel for Alex Marrero confirming that the Appellant Marrero has withdrawn his appeal with respect to the subject site known municipally as 5959 Rutherford Road (Exhibit 97A). Mr. Heisey is also counsel for Tien

De Religion who is now the registered owner of the subject site. Tien De Religion has filed its own appeal to the VOP 2010 with respect to the subject site (Appeal No. 141). The Board acknowledged the withdrawal of appeal of Mr. Marrero.

**Baif Developments Limited (“Baif”) (Appeal No. 8)**

[11] The Board had before it correspondence from Roslyn Houser, counsel for Baif advising the City that its appeal of the VOP 2010 has been fully resolved (Exhibits 97A & C). The Board acknowledges this.

**ORDER**

[12] With respect to 2058258 Ontario Limited (Forest Green Homes), the Board allows the appeal in part and grants the following:

1. An Order of the Board abridging the time required for service of the motion; and
2. An Order of the Board modifying the VOP 2010 in accordance with the modification described in Exhibit “I” to the affidavit of Rosemarie Humphries and partially approving the VOP 2010 as modified on a site specific basis for the lands known municipally as 4603 & 4611 Highway 7.

[13] With respect to Country Wide Homes Woodend Place Inc., the Board grants party status to this entity for the purpose of assuming the site-specific appeal of Bellaterra (Appeal No. 121) with respect to the subject site. The Board further directs Country Wide to scope its issues and provide a list of policies and schedules appealed no later than April 8, 2016.

*"Jason Chee-Hing"*

JASON CHEE-HING  
MEMBER

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**Ontario Municipal Board**

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