

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: October 01, 2018

CASE NO(S): PL111184

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

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

Heard: September 14, 2018 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel

City of Vaughan

Bruce Engell

785345 Ontario Ltd. and I. M.
Pandolfo Holdings

Quinto Annibale and Joseph Cortellucci

Luigi Bros. Paving Company Ltd.
and 1034633 Ontario Ltd.

Gerard Borean

**MEMORANDUM OF ORAL DECISION DELIVERED BY GERALD S. SWINKIN
ON SEPTEMBER 14, 2018**

[1] This hearing event was a further Pre-hearing Conference in the ongoing case management of the Vaughan New Official Plan appeals.

[2] The hearing event was rather sparsely attended as the agenda was limited. Bruce Engell advised that he had spoken with various counsel about this limited agenda and as a result, many chose not to attend and requested that their regrets be conveyed.

[3] The fixing of this date presumed that the Black Creek Environmental Assessment would be complete and that would have paved the way for dealing with a number of the appeals. It turns out that completion of the Environmental Assessment was delayed and although a notice of completion was filed, there are two requests to the Minister for elevation, which have not yet been disposed of.

[4] There was a Notice of Motion returnable for this hearing event. It was a motion by 785345 Ontario Ltd. and I. M. Pandolfo Holdings (the "Applicants") seeking party status as it related to still outstanding appeals filed by Luigi Bros. Paving Company Ltd. and 1034633 Ontario Ltd. (the "Appellants"). Although the Applicants had been in time appellants of the New Official Plan, they earlier settled their appeals with the City and those appeals were effectively concluded by way of an order of partial approval issued December 19, 2016 arising out of a hearing held on November 18, 2016.

[5] The lands of the Appellants are immediately proximate to the lands of the Applicants and the Applicants wish to preserve the opportunity to be involved in any hearing or disposition of those appeals.

[6] On the strength of the motion material and the submissions of counsel for the City and the Appellants that they did not object to the granting of party status to the Applicants, the Tribunal granted the motion and have conferred party status on the

Applicants but such status is restricted to the issues arising out of the appeals of the Appellants.

[7] The Tribunal was also asked to fix a further Pre-hearing Conference date in order to deal with potential settlements or motions which may be advanced. Although this request was rooted in the Vaughan Metropolitan Centre policies, the Tribunal understood that the City may wish to bring other matters to it. If that is the case, appropriate further notice should be issued by the City to those persons who may have an interest in those matters sufficiently in advance of the hearing event.

[8] The next Pre-hearing Conference will be held on **Friday, November 30, 2018 at 10 a.m.** at:

**Vaughan City Hall
Hearing Room, Second Floor
2141 Major Mackenzie Drive West
Vaughan, Ontario**

[9] Save as noted above, no further notice will be given.

[10] This Member shall remain seized.

“Gerald S. Swinkin”

GERALD S. SWINKIN
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario
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