

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: May 29, 2015

CASE NO(S): PL101128
PL101238

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	See Attachment "1"
Subject:	Proposed Official Plan for the Regional Municipality of York
Municipality	Regional Municipality of York
O.M.B. Case No.:	PL101128
O.M.B. File No.:	PL101128

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	Minotar Holdings Inc., Cor-lots Developments, Cherokee Holdings & Halvan 5.5 Investments Limited (collectively referred to as ("Minotar"))
Appellant:	Grace Chinese Gospel Church of North York
Appellant	North Markham Landowners Group
Subject:	Proposed Official Plan Amendment No. 3 ("ROPA 3")
Municipality	Regional Municipality of York (City of Markham)
O.M.B. Case No.:	PL101238
O.M.B. File No.:	PL101238

PROCEEDING COMMENCED UNDER subsection 17(50) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Request by:	Regional Municipality of York
Request for:	Request for Approval of Certain Policies

PROCEEDING COMMENCED UNDER section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended, and Rule 33 of the Board's Rules of Practice and Procedure

Request by: Joint Request by North Markham
Landowners Group, Angus Glen North West
Inc., Angus Glen Holdings Inc., Romandale
Farms Ltd., Angus Glen Developments Ltd.,
Angus Glen Golf Club Ltd., Berczy Glen
Landowners Group Inc.

Request for: Request for Directions

Heard: May 12, 2015 in Toronto, Ontario

APPEARANCES:

Parties

Counsel

Region of York	S. Waqué, C. Higgs, and G. Szobel
City of Markham	C. Barnett
Romandale Farms	M. McDermid
CHFMS	S. D'Agostino
Minotar et al.	C. Lyons
North Markham Landowners Group	P. Foran and I. Kagan
Ministry of Municipal Affairs and Housing	K. Hare, C. Young, and A. Ho (Student-at-law)
Grace Chinese Gospel Church of North York	R. Arblaster
Angus Glen Golf Course Angus Glen Development Ltd. Varlese Bros. Ltd. Norfinch Group Ltd.	R. Uukkivi

Barry Glen Little,
Robert Brownlee Little,
Remington Steeles 9 Inc.

C. Facciolo

4716 Elgin Mills Markham Ltd.
Kennedy MM
Markham Ltd., Markham MMM
North Development Corp.,
Markham MMM South
Development Corp.

J. Park

12112763 Ontario Limited,
Berczy Landowner Group,
R. Brock, L. Frisby,
G Schickendanz et al

J. Meader

DECISION DELIVERED BY S. JACOBS AND K.J. HUSSEY AND ORDER OF THE BOARD

[1] The purpose of this pre-hearing was to hear motions in accordance with the Board's Order from the January 14, 2015 prehearing conference ("PHC") relating to Phase 3 of the hearing of appeals to the Region of York Official Plan 2010 ("ROP") and the Region of York Official Plan Amendment 3 ("ROPA 3"). Mr. Waqué advised the Board that the Region has reached a settlement with CHFMS and he filed Minutes of Settlement (Exhibit 270). He further advised the Board that a draft order with supporting affidavit evidence will be provided at a later date. There were therefore two motions before the Board at this hearing:

- 1) A motion by the Region for approval of certain policies of ROP 2010 and ROPA 3 that are no longer being challenged; and
- 2) A joint motion for directions by North Markham Landowners Group ("NMLG"), Romandale Farms, Angus Glen, and Berczy Glen Landowner Group.

I. Motion for Partial Approval

[2] The Board received affidavit land use planning evidence from Sandra Malcic (Exhibit 271, Tab 2) in support of the Region's motion for approval of certain policies of ROP 2010 and ROPA 3. The Board was advised that this motion was brought as a result of a settlement between the Region and NMLG, which the parties had anticipated at the time of the January PHC. Based on the evidence of Ms. Malcic, and on the submissions of counsel, the Board grants approval of the requested policies in accordance with the attached order (Attachment 2).

II. Motion for Directions

[3] This was an unopposed joint motion requesting the Board to approve and provide clarification on the Procedural Order ("PO") (Exhibit 259). In particular, the motion refers to paragraph 25(d), which directs the parties to the Phase 3 hearing to direct their evidence and questions to one or both of the Alternative Boundaries that have been identified in accordance with prior Board direction. The motion also refers to paragraphs 25(a-c) and 26-31 of the PO, which provides for a staggered exchange of evidence.

[4] The Board approves the PO (Attachment 3) and dispenses with the need for an affidavit, as requested by the moving parties.

Request for PHC

[5] In light of the recent settlements in this matter, the parties requested a PHC to discuss the status of the upcoming Phase 3 hearing. Based on this request, the Board scheduled the PHC on **Tuesday, June 9, 2015 at 10 a.m.** at:

**The Board's Office
16th Floor Hearing Room
Toronto, ON M5G 1E5**

No further notice is required.

[6] This is the Order of the Board.

"S. Jacobs"

S. JACOBS
MEMBER

"K. J. Hussey"

K. J. HUSSEY
VICE CHAIR

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

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Attachment 1 – List of Appellants

York region Official Plan – PL101128 (ROP) Appellants	Counsel
Angus Glen North West Inc. and Angus Glen Holdings Inc. (Appellant 1)	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com Andrea Skinner askinner@airdberlis.com
E. Manson Investments (Appellant 2)	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com Andrea Skinner askinner@airdberlis.com
North Leslie Residential Landowners Group Inc. (Appellant 3)	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com Andrea Skinner askinner@airdberlis.com
North Markham Landowners Group (Appellant 4): <ul style="list-style-type: none"> • 1212763 Ontario Limited • 1463069 Ontario Limited • 1512406 Ontario Limited • 1612286 Ontario Inc. • 4551 Elgin Mills Developments Limited • CAVCOE Holdings Ltd. • EL-EN Packaging Company Limited • EL-EN Realty Limited • First Elgin Mills Developments Inc. • Glendower Properties Inc. • Haremar Plastic Manufacturing Limited • Haremar Realty Limited • Mackenzie 48 Investments Limited • Major Kennedy Developments Limited • Major Kennedy South Developments Limited • Frambordeaux Developments Inc. and Kennedy Elgin Developments Limited • Tsialtas, Peter and Cathy 	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com Andrea Skinner askinner@airdberlis.com

York region Official Plan – PL101128 (ROP) Appellants	Counsel
<ul style="list-style-type: none"> Tung Kee Investment Limited Partnership Warden Mills Development Limited ZACORP Ventures Inc. 	
Romandale Farms Ltd. (<i>initially part of Appellant 4 but now separately represented</i>)	Susan Rosenthal susanr@davieshowe.com Meaghan McDermid meaghanm@davieshowe.com Michael Melling michaelm@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com
Loblaw Properties Limited (Appellant 5)	Steven A. Zakem szakem@airdberlis.com
Rice Commercial Group of Companies (Non-East Gwillimbury Lands) (Appellant 6)	Ira T. Kagan ikagan@ksllp.ca
Yonge Green Lane Developments Limited (Appellant 7)	Steven A. Zakem szakem@airdberlis.com
Mr. Allen Eng (Appellant 8)	
Mr. John Hayes (Appellant 9)	
Mr. Paul Jadilebovski (Appellant 10)	
Mr. Peter Antonopoulos (Appellant 11)	
Mr. Philip Comartin (Appellant 12)	
Mr. Shai Perlmutter (Appellant 13)	
Mr. Steven DeFreitas (Appellant 14)	
Peat Farmers of Ontario represented by Mr. Phil Comartin (Appellant 15)	
Property Owners with Rights Association represented by Paul Jadilebovski (Appellant 16)	
Kau & Associates L.P. (Appellant 17)	
Block 27 Landowners Group (Appellant 18)	
Dorzil Developments (Bayview) Ltd. (Appellant 19)	John M. Alati johna@davieshowe.com
Westlin Farms (Appellant 20)	Michael Melling michaelm@davieshowe.com
Lucia Milani and Rizmi Holdings Limited (Appellant 21)	Michael Melling michaelm@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com
Daraban Holdings Limited (Appellant 22)	Mark Flowers Email : markf@davieshowe.com
SmartCentres and Calloway Real Estate Investment Trust (Appellant 23)	Mark Flowers markf@davieshowe.com
Yonge Bayview Holdings Inc. (Appellant 24)	Mark Flowers markf@davieshowe.com
583753 Ontario Ltd. (Appellant 25 and 40)	Susan Rosenthal susanr@davieshowe.com

York region Official Plan – PL101128 (ROP) Appellants	Counsel
775377 Ontario Ltd. (Appellant 26)	Susan Rosenthal susanr@davieshowe.com
Helmhorst Investments Ltd. (Appellant 27)	Susan Rosenthal susanr@davieshowe.com
Aurora 2C Landowners Group Inc. (Appellant 28)	Chris Barnett / Laura Bisset cbarnett@davis.ca / lbisset@davis.ca Assistant: Simone Oliveira soliveira@davis.ca
W. J. Smith Gardens Limited (Appellant 29)	Neil G. Davis neil.davis@daviswebb.com
Metrus Development Inc. (Appellant 30)	David Bronskill dbronskill@goodmans.ca
Upper City Corporation and Clear Point Developments (Appellant 31)	Roslyn Houser rhouser@goodmans.ca
Minotar Holdings Inc, Cor-lots Development, Cherokee Holdings and Halvan 5.5 Investments Limited (Appellant 32)	Catherine A. Lyons clyons@goodmans.ca
Dalton and Alan Faris and Eden Mills Estates Inc. (Appellant 33)	Susan Rosenthal susanr@davieshowe.com
Eden Mills Estates Inc. (<i>initially part of Appellant 33</i>)	Bobby Bhoola bobby@ballantryhomes.com
John Carlisle Robert G. Sikura (Appellant 34)	Patricia Foran / Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com Andrea Skinner askinner@airdberlis.com
Aurora Leslie Developments Inc. (Appellant 35)	Ira T. Kagan ikagan@ksllp.ca
Fieldgate Developments and TACC Developments (Appellant 36)	Ira T. Kagan ikagan@ksllp.ca
Times Group Corporation (Appellant 37)	Ira T. Kagan ikagan@ksllp.ca
Memorial Gardens Canada Limited (Appellant 38)	W. Thomas Barlow tbarlow@fasken.com
Amir Hessam Limited and 668152 Ontario Ltd. (Appellant 41)	Susan Rosenthal susanr@davieshowe.com
Arten Developments Inc. (Appellant 42)	
Sanmike Construction Ltd. (Appellant 43)	John A.R. Dawson jdawson@mccarthy.ca
Canadian Mortgage and Housing Corporation (Appellant 44)	
Mahamevna Bhavana Asapuwa Toronto (Appellant 46)	
The Mandarin Golf and Country Club Inc. and AV Investments II Inc. (Appellant 47)	Richard R. Arblaster rick@arblasterlaw.com
Cornerstone Christian Community Church	

York region Official Plan – PL101128 (ROP) Appellants	Counsel
(Appellant 48)	
Tesmar Holdings Inc. (Appellant 49)	Michael Melling michaelm@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com
Sustainable Vaughan (Appellant 50)	Satinder Rai sustainablevaughan@gmail.com
Markham Gateway Inc. (Appellant 51)	
CHFMS aka Trinison (Appellant 52): <ul style="list-style-type: none"> • Colebay Investments Inc. • Firwood Holdings Inc. • Highcove Investment Inc. • Major McCowan Developments Limited • Summerlane Realty Corp <i>(initially part of Appellant 4 but now separately represented)</i>	Roger T. Beaman rbeaman@thomsonrogers.com Stephen J. D'Agostino sdagostino@thomsonrogers.com

ATTACHMENT 2

PL101128
PL101238

ONTARIO MUNICIPAL BOARD Commission des affaires municipales de l'Ontario

IN THE MATTER OF Subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	See Attachment "1"
Subject:	Proposed Official Plan for the Regional Municipality of York
Municipality	Regional Municipality of York
O.M.B. Case No.:	PL101128
O.M.B. File No.:	PL101128

IN THE MATTER OF Subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	Minotar Holdings Inc., Cor-lots Developments, Cherokee Holdings & Halvan 5.5 Investments Limited (collectively referred to as ("Minotar"))
Appellant:	Grace Chinese Gospel Church of North York
Appellant	North Markham Landowners Group
Subject:	Proposed Official Plan Amendment No. 3 ("ROPA 3")
Municipality	Regional Municipality of York (Town of Markham)
O.M.B. Case No.:	PL101238
O.M.B. File No.:	PL101238

BEFORE:

)
) [date], 2015
)
)
)

THIS MOTION made by the Regional Municipality of York ("York Region"), for an Order approving of certain policies in the York Region Official Plan 2010 ("ROP-2010) and the York Region Official Plan Amendment No. 3 ("ROPA 3") as further described herein;

AND THE BOARD having received the affidavit evidence of Sandra Malcic (sworn May 4, 2015) filed on behalf of York Region pertaining to the approval of certain policies in the ROP – 2010 and ROPA 3 (the "Malcic Affidavit");

AND THE BOARD previously having approved Orders for Partial Approval with respect to the ROP – 2010 on November 8, 2011, July 11, 2012 (Order issued on August 23, 2012,

“August 23, 2012 Order for Partial Approval”), September 19, 2012 and a Decision made on October 25, 2012 (collectively referred to as “Approval Orders”);

AND WHEREAS York Region and North Markham Landowners Group, including Angus Glen Northwest Inc. and Angus Glen Holdings Inc. and excluding Romandale Farms Ltd. (collectively referred to as “NMLG”), have executed Minutes of Settlement, contained at Exhibit “B” of the Malcic Affidavit;

AND WHEREAS Policy 7.2.50 remained under Region-wide appeal pursuant to Appendix 1 of the August 23, 2012 Order for Partial Approval and paragraph 1 of the December 17, 2012 Order for Partial Approval of Certain Transit/Transportation Policies and Maps;

AND WHEREAS paragraph 13 of the Board’s Order of August 23, 2012 provides that the Board retains jurisdiction to consider and approve additions to approved maps, policies, figures, definitions, graphics and associated preambles and sidebar text (if any) approved by the Board;

THE BOARD ORDERS that:

- (1) In accordance with Section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, those policies and text attached hereto as **Schedule “A”** to this Order and Policy 7.2.50 (now 7.2.51) as approved by the Minister of Municipal Affairs and Housing, are hereby approved and brought into force and effect (the “Approved Policies”).
- (2) For clarity, in accordance with paragraph 13 of the August 23, 2012 Order for Partial Approval, the following modifications are hereby ordered:
 - a) Addition of new Policy 7.2.51 (now 7.2.52), as contained in Schedule “A”; and
 - b) Addition of ROP policy 7.2.48 as contained in Schedule “A” and originally contained in ROPA 3 (policy 10d); and
 - c) Modification to existing ROP policy 7.2.49 (now 7.2.50), as contained in Schedule “A” and originally contained in the YROP-2010 (7.2.48) and ROPA 3 (10e).

- (3) As a result of the addition of policies contained herein, corresponding renumbering, including cross-referencing as appropriate, to the remaining policies in Section 7.2 is hereby ordered.
- (4) In accordance with paragraph 6 of the December 17, 2012 Order for Partial Approval of Certain Transit and Transportation Policies, those approved policies or sections listed in **Appendix “H”** of the December 17, 2012 Order are hereby brought into force, save and except ROPA 3 Clauses 10(d) and 10(e), which shall be deleted, and clause 9(a) which remains under appeal.
- (5) As a result of policies or sections identified in **Appendix “H”** coming into force, Map 12 in the ROP-2010 is hereby brought into force and effect in the form attached hereto as Schedule “B”.
- (6) Upon issuance of this approval order, the appeals of NMLG will be completely resolved. NMLG remains a party to these proceedings.
- (7) As a result of this Order, Appendices 1 and 3 from the August 23, 2012 Order for Partial Approval (and as amended subsequently through various Board Order) are hereby amended in the form attached hereto as Appendices 1 and 3. For completeness, Appendices 2A and 2B are also attached hereto as Appendices 2A and 2B.
- (8) Notwithstanding the approval herein, and in accordance with paragraph 13 of the August 23, 2012 Order for Partial Approval, the Board retains jurisdiction to consider and approve additions to approved maps, policies, figures, definitions, graphics and associated preambles and sidebar text, as they may relate to the issues then before the Board.
- (9) York Region will not call evidence, or make submissions to the Board, that the partial resolution of the ROP-2010 upon the consent of the affected parties is, or should be found by the Board to be, an admission or acceptance in itself by the parties of the planning merits of the maps, policies, figures, definitions, graphics and associated preambles and sidebar text (if any) approved by the Board pursuant to this Order.
- (10) The appendices which are attached to this Order shall form part of this Order.

(11) The Board may be spoken to should any matters arise respecting the implementation of this Order.

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Schedule “A”

Add an exception to policy 7.2.50 (now 7.2.51), through a new policy 7.2.52 as follows:

7.2.52 Notwithstanding policy 7.2.51, for the extension of Donald Cousens Parkway in the City of Markham land required to accommodate land development will be conveyed, at no expense to the Region, up to and including the first 26 metres of the required right-of-way. Unless otherwise agreed to, the Region will compensate for land required beyond the first 26 metres of the required right-of-way.

ROPA 3 Clause 10d be deleted and add new ROP policy 7.2.48 as follows:

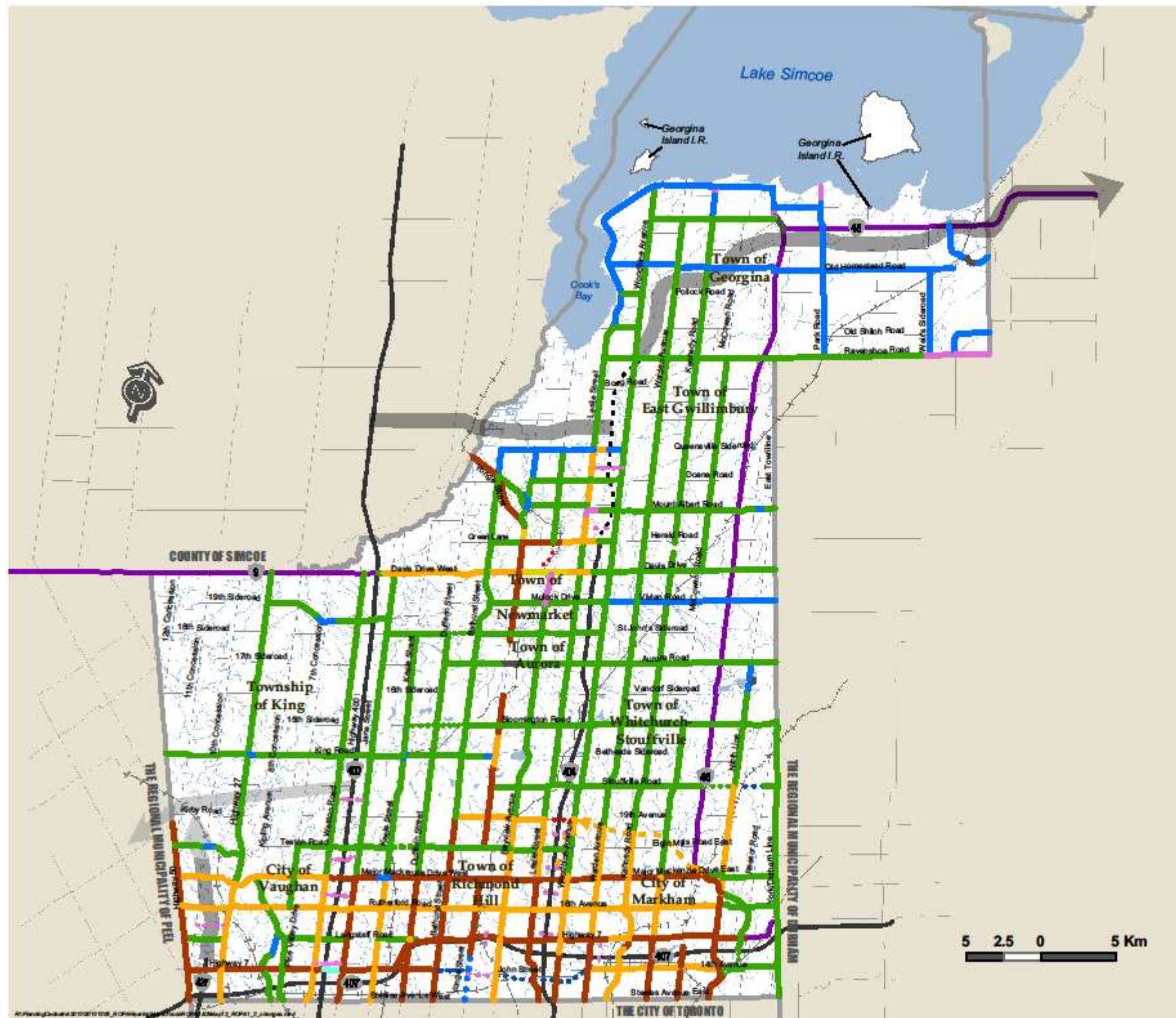
7.2.48 That the road widths identified on Map 12 at the following locations may be reduced from the maximum planned street widths prior to or concurrent with secondary plan approval subject to a functional design study, an Environmental Assessment or other study by the Region, without amendment to this Plan:

- (a) Woodbine Avenue from Major Mackenzie Drive East following the Woodbine Bypass and along the existing travelled roadway to 19th Avenue;
- (b) Warden Avenue between Major Mackenzie Drive East and the proposed Donald Cousens Parkway right-of-way; and
- (c) Kennedy Road between Major Mackenzie Drive East and the proposed Donald Cousens Parkway right-of-way.

ROPA 3 Clause 10e be deleted and revise existing ROP policy 7.2.49 (now policy 7.2.50) as follows:

7.2.50 That notwithstanding policy 7.2.48b of this Plan, where a street widening results in a greater requirement for land on one side of the centre line of the right-of-way, which extends beyond the road allowance width identified on Map 12 or as confirmed through application of policy 7.2.48 (assuming an equal distribution of that planned width from the existing right-of-way centre line), and if the constraint is the result of existing or approved development, man-made physical obstructions which cannot reasonably be relocated, or other development related constraint the Region will, unless otherwise agreed to, compensate the landowner for those lands in excess of the planned road allowance limit.

Schedule "B"



Map is subject to
area/site specific appeal.
See Appendices 2A & 2B.

MAP 12 STREET NETWORK

Provincial Highways

Provincial Highway

Controlled Access Highways

Existing

Under Construction

Planned Corridors - Transportation

Proposed - EA Approved*

Conceptual - Alignment Not Defined **

Regional Planned Street Widths

Up to 60 metres

Up to 45 metres

Up to 43 metres

Up to 40 metres

Up to 36 metres

Variable 30 to 36 metres

Up to 30 metres

Up to 26 metres

Proposed Up to 26 metres

Up to 20 metres

Proposed Up to 36 metres

Proposed Up to 43 metres

Other Arterial Streets ***

Planned Street Widths

Up to 36 metres

Up to 26 metres

Up to 30 metres

Up to 43 metres

* Highway 404 extension past Ravenshoe and Highway 400-404 link - route approved

Highway 427 extension to Major Mackenzie Drive West EA approved

**Conceptual only. Environmental Assessment of the broad study area required to determine alignment.

***Note: Some of these roads may be considered for transfer to the Region subject to Policies of Regional Council.

The proposed alignment and location of specific projects remain conceptual at this time. These concepts remain subject to review and confirmation through the applicable environmental assessment process established under the Environmental Assessment Act.



Produced by: Geographic Information Services Branch
Office of the Chief Administrative Officer
© Copyright, The Regional Municipality of York, January, 2013

© Copyright, The Regional Municipalities of Durham and Peel, County of Simcoe, City of Toronto
© Queen's Printer for Ontario 2008-2010. Includes Greenbelt and Oak Ridges Moraine Boundaries and Water Features

Appendix 1
Portions of the Modified ROP – 2010 Remaining Under Appeal on a Region-Wide Basis
February, 2015

Policy or Other Part of Plan Under Region-wide Appeal
Policy 3.1.8 Section 6.1 Section 6.2 Section 6.3 Save and except the preamble and policy 6.3.10 Section 6.4

- Note 1: Any sidebars which pertain to the above noted Chapters, Sections or Policies also remain under appeal Region-wide.
- Note 2: The approval of the definition of Municipal Comprehensive Review is without prejudice to the jurisdiction of the Board to consider an alternate definition of Municipal Comprehensive Review for the purposes of urban expansion and implementation of policy 5.1.12.

Appendix 2A
Portions of the Modified ROP – 2010 Remaining
Under Appeal on a Site Specific or Area Specific Basis
February 11, 2015

See Appendix 2B which identifies each of the below noted sites/areas geographically.

Policy, Amendment, or Other Part of Plan Under Appeal on Site/Area Specific Basis Only	Site or Area to Which Appeal is Restricted (Depicted on Appendix 2B)
ROP 2010 – entirety	Lucia Milani and Rizmi Holdings Lands
Chapter 2	Block 40/47 in the City of Vaughan (the “Block 40/47 Lands”) Smith Farm lands in Town of East Gwillimbury, west of 2 nd Concession Road, south of Ravenshoe Road, north of Holborn Road, east of the Holland River (“Smith Farm Lands”)
Policy 2.1.10	Part of Lots 27 and 28, Concession 7 at 10951 Kipling Avenue, City of Vaughan (the “1539253 Lands”)
Policies 2.2.44, 2.2.45, 2.2.46 and 2.2.48	Romandale Farms located at 3450 and 4044 Elgin Mills Road East in the City of Markham (“Romandale Farms”)
Section 3.5	Block 40/47 Lands Romandale Farms
Section 4.2	4.1 Acre Parcel – Northwest Corner of Jane St. and Riverrock Gate, City of Vaughan (“Tesmar Lands”)
Policies 4.2.1, 4.2.2 and 4.2.4	Yonge Bayview - Richmond Hill Centre Lands (“Yonge Bayview Lands”)
Sections 4.3 and 4.4	Rice Commercial Group of Companies (Major Mackenzie Lands)
Section 5.2	Block 40/47 Lands
Policy 5.2.10(d)	Yonge Bayview Lands
Policies 5.2.19 to 5.2.42	Romandale Farms
Policy 5.2.26	Tesmar Lands
Policy 5.3.3	Tesmar Lands
Section 5.4	Tesmar Lands
Policies 5.4.1, 5.4.2, 5.4.5 and 5.4.6	Yonge Bayview Lands
Policy 5.4.8(c)	Yonge Bayview Lands
Policy 5.4.9	Yonge Bayview Lands
Policies 5.4.12, 5.4.19 and 5.4.20	Yonge Bayview Lands
Policies 5.4.23 and 5.4.24	Yonge Bayview Lands
Policy 5.4.29	Tesmar Lands

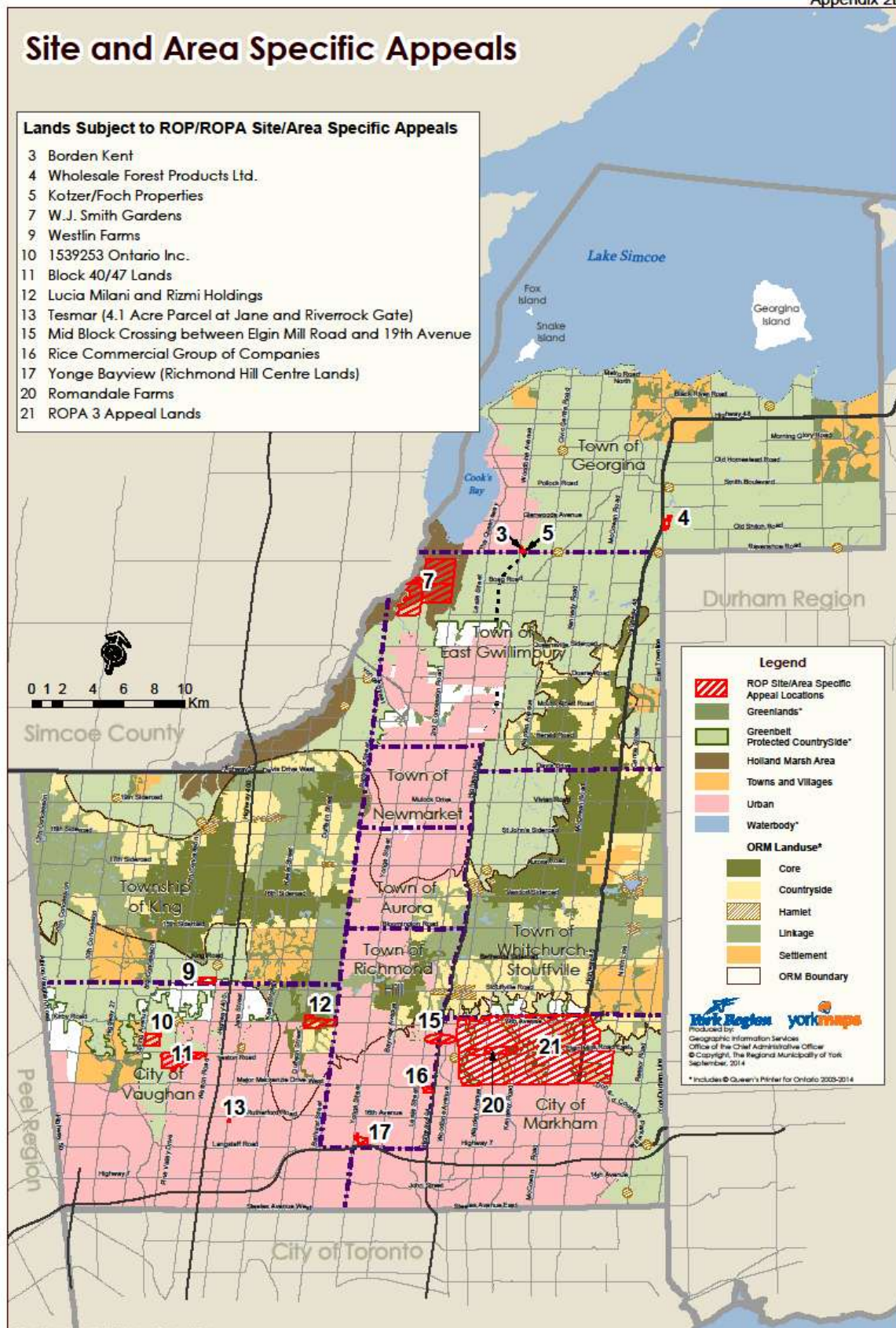
Policy 5.5.3	Rice Commercial Group of Companies (Major Mackenzie Lands)
Policies 5.6.9, 5.6.10, 5.6.16 and 5.6.17	Romandale Farms
Policies 5.6.24 to 5.6.33 (formerly 5.6.23 to 5.6.32)	Block 40/47 Lands
Policies 7.2.60 and 7.2.74(b)	Mid Block Crossing between Elgin Mills Road and 19 th Avenue (775377 Ontario Ltd)
Policy 7.2.73	Rice Commercial Group of Companies (Major Mackenzie Lands)
Policies 8.2.3(d) and 8.2.3 (e)	Yonge Bayview Lands
Policies 8.4.15 to 8.4.20	Tesmar Lands
	Block 2, Reference Plan 65M-2287, Town of Richmond Hill (CMHC and Quaestus Corporation)
	1539253 Lands
	Block 40/47 Lands
	Rice Commercial Group of Companies (Major MacKenzie lands)
	Borden Kent Lands
	Wholesale Forest Products Ltd. Lands
	Kotzer / Foch Lands
All Designations or Identifications on Maps 1 to 6, 8 and 10 and Figure 3	ROPA 3 Appeal Lands being all Markham whitebelt lands as shown on Appendix 2B ("ROPA 3 Appeal Lands")
Maps 1 to 6, and 8 and Figure 3	Block 40/47 Lands
Map 1	Tesmar Lands
Maps 1 and 8	Westlin Farms Inc. (Part Lot 2, Concession 6, King Township)
Maps 1, 2 and 8 and Figure 3	1539253 Lands
Maps 2 to 5	Smith Farm Lands
Maps 4 to 6	Romandale Farms
Map 12	Mid Block Crossing between Elgin Mills and 19 th Avenue (775377 Ontario Ltd)
ROPA 3	ROPA 3 Appeal Lands

Note 1: Where any of the above noted Chapters, Sections or Policies make reference to a defined term, the corresponding definition shall also remain under appeal on a site or area specific basis only to the extent that it is not listed on Appendix 1 as being under appeal on a Region-wide basis. Any sidebars which pertain to the above noted Chapters, Sections or Policies also remain under appeal on a site or area specific basis only.

Site and Area Specific Appeals

Lands Subject to ROP/ROPA Site/Area Specific Appeals

- 3 Borden Kent
- 4 Wholesale Forest Products Ltd.
- 5 Kotzer/Foch Properties
- 7 W.J. Smith Gardens
- 9 Westlin Farms
- 10 1539253 Ontario Inc.
- 11 Block 40/47 Lands
- 12 Lucia Milani and Rizmi Holdings
- 13 Tesmar (4.1 Acre Parcel at Jane and Riverrock Gate)
- 15 Mid Block Crossing between Elgin Mill Road and 19th Avenue
- 16 Rice Commercial Group of Companies
- 17 Yonge Bayview (Richmond Hill Centre Lands)
- 20 Romandale Farms
- 21 ROPA 3 Appeal Lands



Appendix 3
Portions of the Modified ROP – 2010
Approved but Order Withheld

Policy or Other Part of Plan to be Approved – Order Withheld
Policy or Section
None

**Appendix “H” to Order for Approval
(originally from Order of December 17, 2012)**

Excerpt from:

**Amendment 3 to the Official Plan for the Regional Municipality of York
File 190P-2009-003**

9. That Map 11 Transit Network as shown on Figure 8 following is amended by:

- (a) designating the lands outlined in black and coloured pink within the Town of Markham as Urban Area;
- (b) designating the Woodbine Avenue bypass between Major Mackenzie Drive East and 19th Avenue, as "Regional Transit Priority Network"
- (c) designating Warden Avenue between Major Mackenzie Drive East and the proposed Donald Cousens Parkway right-of-way as "Regional Transit Priority Network", and
- (d) designating Kennedy Road between Major Mackenzie Drive and the proposed Donald Cousens Parkway right-of-way as "Regional Transit Priority Network".

10. That Map 12 — Street Network as shown on Figure 9 following is amended by:

- (a) redesignating the Woodbine Avenue from Major Mackenzie Drive East following the Markham Bypass to its intersection with the existing travelled roadway from "Proposed up to 36 metres" Regional Planned Basic Street Width to "Proposed Up to 43 metres" Regional Planned Basic Street Width and from the intersection of the Bypass with the existing travelled roadway to 19th Avenue from "Up to 36 metres" Regional Planned basic Street Width to "Up to 43 metres" Regional Planned Basic Street Width.;
- (b) redesignating Warden Avenue between Major Mackenzie Drive East and the proposed Donald Cousens Parkway right-of-way from "Up to 36 metres" Regional planned Basic Street Width to "Up to 43 metres" Regional Planned Basic Street Width; and
- (c) redesignating Kennedy Road between Major Mackenzie Drive and the proposed Donald Cousens Parkway right-of-way from "Up to 36 metres" Regional Planned Basic Street Width to "Up to 43 metres" Regional Planned Basic Street Width.
- ~~(d) The road widths set out in 10 a, b and c, above, and shown on Map 12 may be reduced from the maximum planned street widths prior to or concurrent with secondary plan approval subject to a functional design study, an Environmental Assessment, or other study by the Region, without amendment to this Plan.~~
- ~~(e) It is acknowledged that the street widths shown on Map 12 are maximums and that a lesser street widening may ultimately be required by the Region. For the purpose of policy 7.2.49, as it may apply to lands in the Town of Markham, the reference to "the road allowance identified on Map 12" shall be deemed to be the lesser of the road allowance identified on Map 12 and the extent of the street widening ultimately required by the Region.~~

ATTACHMENT 3

PL101128
PL101238

ONTARIO MUNICIPAL BOARD Commission des affaires municipales de l'Ontario

IN THE MATTER OF Subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	See Attachment "1"
Subject:	Proposed Official Plan for the Regional Municipality of York
Municipality	Regional Municipality of York
O.M.B. Case No.:	PL101128
O.M.B. File No.:	PL101128

IN THE MATTER OF Subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellants:	Minotar Holdings Inc., Cor-lots Developments, Cherokee Holdings & Halvan 5.5 Investments Limited (collectively referred to as ("Minotar"))
Appellant:	Grace Chinese Gospel Church of North York
Appellant	North Markham Landowners Group
Subject:	Proposed Official Plan Amendment No. 3 ("ROPA 3")
Municipality	Regional Municipality of York (City of Markham)
O.M.B. Case No.:	PL101238
O.M.B. File No.:	PL101238

PROCEDURAL ORDER

1. The Board may vary or add to these rules at any time, either on request of a party or as it sees fit. It may alter this Order by an oral ruling or by written Order.

Organization of the Hearing

2. The hearing of these appeals will commence on **Monday, January 14, 2013 at 10:00 AM at the Ontario Municipal Board, 16th Floor Hearing Room, 655 Bay Street, in Toronto.**
3. The length of time scheduled for phase 1 of the hearing is **four (4) weeks and phase 3 of the hearing is four (4) weeks.**
4. The hearing of these appeals will be divided into separate phases, as follows:

Phase 1 – Growth Management and Land Needs: Component C

- i. a) Land requirements to accommodate population growth
b) Land requirements to accommodate employment growth
- ii. Land required to accommodate approved ROW requirements

- iii. Determination of existing supply of land in designated greenfield areas
- iv. Determination of the appropriate elements to consider in the net to gross calculation for developable areas in designated greenfield areas and new community areas
- v. Comprehensive land budget methodology which includes but is not limited to relevant components of the above
- vi. Determination of amount of land required for settlement area expansion, including the consideration of the minima of Table 2 for intensification

Component D

- i. Consideration of growth beyond 2031 as it bears on retail and employment needs
- ii. Consideration of growth beyond 2031 as it bears on transit and transportation
Consideration of how the official plan should/should not address growth beyond 2031 as it bears on the organization of land identified to meet growth to 2031

Phase 3

Area-specific application of land budget methodology based on the principles established in Phase 1, in ROPA 3 appeals, including (i) urban expansion area requirements in the City, and appropriate location of urban expansion in the City and (ii) Policy 7.2.50.

Phase 4

Resolution of other Region-wide policies including those necessary for ROPA lands to be released for urban development.

Phase 5

Remaining site/area specific appeals not addressed through phases 1 to 4, above.

- 5. The hearing of Phase 1 will commence on **January 14, 2013** in accordance with paragraph 2 above. The Board may be asked to release an interim decision after the completion of any component or phase of the hearing.
- 6. Any person intending to participate in any of the phases identified in paragraph 4 shall notify the Board and all other parties and participants of which phase or phases they intend to participate in no later than **August 3, 2012** subject to the addition of Parties and a Participant, listed on Attachment 3A to this Order, to the Phase 3 Hearing only, on consent of York Region and the Phase 1 appellants and so ordered by the Board in several oral Orders made during the Phase 1 hearing.
- 7. The order of evidence for phases 1 and 3 shall be as follows:
 - (a) York Region
 - (b) Parties in support of York Region
 - (c) Appellants and other parties
 - (d) Reply – York Region

8. Any person intending to participate in any of the phases identified in paragraph 4 above should provide a telephone number and an email address to the Board as soon as possible, and in any event, no later than **August 3, 2012**. Any participant who will be retaining a representative should advise the other parties and the Board of the representative's name, address and phone number and email address as soon as possible and in any event, no later than **August 3, 2012**.
9. The Issues for Phases 1 and 3 are to be set out in an Issues List to be settled upon by the parties and forwarded to the Board. There will be no additions or other changes to this List once it is settled unless the Board permits and a party who asks for changes to this List may have costs awarded against it.
10. The parties and participants (see Attachment 2 for the meaning of these terms) are listed at Attachment 3 to this Order.
11. The Board will conduct a PHC on (i) **Friday, September 7, 2012**, at 10:10 AM at the Ontario Municipal Board, 16th Floor Hearing Room, 655 Bay Street, in Toronto, at which time it may, among other things, receive submissions respecting further modifications to phasing as proposed in paragraph 4, including any adjustment to the order of Phase 2 and 3 (i.e. the potential for Phase 3 to precede Phase 2); (ii) **Friday, September 21, 2012**, at 10:10 AM at Arbitration Place, located at the Bay Adelaide Centre, 333 Bay Street, 9th Floor, in Toronto; (iii) **Friday, October 12, 2012**, at 10:10 AM at Arbitration Place, located at the Bay Adelaide Centre, 333 Bay Street, 9th Floor, in Toronto; (iv) **Monday, November 19, 2012**, at 10:10 AM at the Ontario Municipal Board, 16th Floor Hearing room, 655 Bay Street, , in Toronto; (v) **Monday, December 10, 2012** at 2:00 PM at the Ontario Municipal Board, 16th Floor Hearing room, 655 Bay Street, in Toronto; and (vi) **Friday, June 6th, 2014** at 10:00 AM at the Ontario Municipal Board, 16th Floor Hearing room, 655 Bay Street, in Toronto; (vi) **Wednesday, January 14, 2015** at 10:30 AM at Regional Municipality of York Offices, Seminar Room at 17250 Yonge Street, in Markham and **TBD, 2015** at 10:00 AM at the Ontario Municipal Board, 16th Floor Hearing room, 655 Bay Street, in Toronto.
12. The Board will conduct a teleconference with the Region and North Leslie Landowners Group on **July 18, 2012**, at 9:00 am, with respect to the status of the North Leslie Landowners Group Minutes of Settlement with the Region.

Requirements Before the Hearing

13. The requirements set out in paragraphs 14 to 18 below pertain to matters that will be addressed in Phases 1 and 3 of these appeals. Hearing requirements related to matters in Phase 4 and 5 (including the delivery of witness statements, reply witness statements, and visual evidence) will be determined through a separate procedural Order which will be established following the conclusion of Phase 3.
14. Expert witnesses in the same field shall have at least 2 meetings prior to Phase 1 of the hearing to try to resolve or reduce the issues for the hearing. The first meeting will be scheduled for approximately 10 days following the production of witness lists in accordance with paragraph 16. The second meeting will take place approximately 10 days following the exchange of written evidence for Phase 1, in accordance with paragraph 20. An additional expert meeting will take place prior to the exchange of written evidence for Phase 3, in accordance with paragraph 27. The experts are

encouraged to prepare a list of agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all parties.

15. The Board will be requested to schedule additional mediation sessions in August and September, 2012 and from October 2014 and onwards, subject to the OMB scheduling availability, on those issues that remain outstanding for adjudication in the hearing (as set out in paragraph 4 above). In particular, the Board will be requested to schedule 2 half day mediations with respect to Policy 7.2.50.
16. A party who intends to call witnesses, whether by summons or not, shall provide to the Board, the other parties and to the Clerk a list of the witnesses and their disciplines on or before **August 17, 2012** for Phase 1.
17. Except as noted in this paragraph, only a party can call or lead professional (expert) evidence and only a party can cross-examine witnesses called by others. A participant can lead lay evidence and can make submissions. A party may be subject to an award of costs but a participant is not subject to costs.
18. All expert witnesses 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 the statement and supporting reports or documents must be provided as required in paragraphs 20 and 27 below. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If neither of these requirements is complied with, the Board may refuse to hear the expert's testimony.

Specific Requirements Prior to Hearing of Phase 1

19. A participant must provide to the Board and the parties a detailed participant statement for Phase 1 by the same date that expert witness statements for the phase are due (Friday **November 30, 2012**, as set out in paragraph 20 below) or the participant may not give oral evidence at the Phase 1 hearing.
20. On or before **Friday, November 30, 2012**, all parties shall provide copies of their witness and expert witness statements for Phase 1 to all other parties and to the Clerk.
21. Any party may reply to an expert witness statement (or expert report) or participant statement for Phase 1 provided such reply is provided to all parties and the Clerk by no later than **Friday, December 21, 2012**.
22. A party who has filed an expert witness statement must have that witness attend Phase 1 to give oral evidence unless the party notifies the parties and the Board on or before **Friday, December 21, 2012**, that the written evidence is not part of the record.
23. On or before **Friday, January 4, 2013**, the parties and participants shall provide copies of their visual evidence for Phase 1 to all other parties and participants. If a model will be used, all parties and participants must have a reasonable opportunity to view it before the hearing.

Specific Requirements Prior to Hearing of Phase 3

24. The hearing of Phase 3 of these appeals will commence on **September 8, 2015 at 10:00 AM** at the Ontario Municipal Board, 16th Floor Hearing Room, 655 Bay Street, in Toronto, for a period of three (3) weeks.
25. Any appellant that proposes an urban expansion location that is different than the location of the urban expansion proposed through the ROP and ROPA 3 (the “**ROP/ROPA 3 Boundary**”), shall prepare mapping that (a) shows the location for the proposed urban expansion in the City (the “**Alternative Boundary**”); and (b) clearly denotes the parcels of land (and quantum of *developable area*) to be added to the urban area under the Alternative Boundary scenario, and the corresponding lands (and quantum of *developable area*) under the ROP/ROPA 3 Boundary scenario that are proposed to be removed. The Alternative Boundary mapping shall be provided to the parties four weeks prior to the delivery of a witness list as set out in paragraph 25(c) below, and in any case on or before **Friday, August 8, 2014**.
- (a) To facilitate development of the required mapping, York Region shall provide a GIS layer of developable area for the ROPA 3 Appeal Lands, the Cornell New Urban Lands and the Little Farm Lands, per appendix 2B to Phase 3 appellant parties by July 4, 2014.
 - (b) All parties must declare their support for either the boundary included in the ROP-2010 or the Alternative Boundary by statement filed on or before August 26, 2014 by email sent to the Ontario Municipal Board caseworker.
 - (c) A party who intends to call witnesses for Phase 3, whether by summons or not, shall provide to the Board, the other parties and to the Clerk a list of the witnesses, their disciplines and the issues they intend to address on or before September 5, 2014.
 - (d) The parties shall direct their evidence and questioning during the hearing of Phase 3 to the Alternative Boundaries submitted in accordance with this Procedural Order.
26. A participant must provide to the Board and the parties a detailed participant statement for Phase 3, by the same date that expert witness statements for that Phase are due, as set out in paragraphs 27 and 28 below or the participant may not give oral evidence at the Phase 3 hearing.
27. On or before **Friday, June 12, 2015**, CHFMS and Grace Chinese Gospel Church of North York shall provide copies of their witness and expert witness statements for Phase 3 to all other parties and to the Clerk.
28. On or before **Monday, July 13, 2015**, all other parties intending to lead evidence in Phase 3 shall provide copies of their witness and expert witness statements for Phase 3 to all other parties and to the clerk.
29. Any party may reply to an expert witness statement (or expert report) or participant statement for Phase 3, provided such reply is provided to all parties and the Clerk by no later than **Tuesday, August 11, 2015**.
30. On or before **Tuesday, August 25, 2015**, the parties and participants shall provide copies of their visual evidence for Phase 3, to all other parties and participants. If a

model will be used, all parties and participants must have a reasonable opportunity to view it before the hearing.

31. A party who has filed an expert witness statement must have that witness attend Phase 3 to give oral evidence unless the party notifies the parties and the Board on or before **Tuesday, August 11, 2015**, that the written evidence is not part of the record.
32. In the event that a Board decision, interim decision, or other guidance in respect of Phase 1 is released after **TBD** (i.e. the date for filing of reply evidence in accordance with paragraph 26 above) then the parties will be permitted to file supplementary witness statements and/or reply statements that are responsive to the Board's decision as they may deem appropriate in respect of Phase 3 issues. Such further supplementary and/or reply witness statements shall be filed no later than 10 days following the release of the Board's decision, interim or otherwise, in respect of the Phase 1 issues. It is acknowledged that there is disagreement among parties as to whether or not the issuance of an interim decision or decision following Phase 1, or any component thereof, is necessary or required prior to proceeding with subsequent components of Phase 1, or subsequent hearing phases.
33. A person wishing to change written evidence, including witness statements, must make a written motion to the Board. Such motion shall be in accordance with the Board's Rules 34 and 35, which require that the moving party provide copies of the motion to all other parties 10 days before the Board hears the motion.
34. Documents may be delivered by personal delivery, email, facsimile, courier, registered or certified mail, or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's Rules on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
35. The Ontario Municipal Board file number is to be clearly marked on all documents, visual, written or otherwise, to be filed with the Board.
36. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

This member is not seized of the matter.

So Orders the Board.

	<u>SUMMARY OF KEY DATES</u>
<u>DATE</u>	<u>EVENT</u>
July 18, 2012	Board teleconference with the Region and North Leslie Landowners Group
August 3, 2012	Parties/participants to identify phase(s) in which they intend to participate
August 3, 2012	Issues Lists to be settled
August 17, 2012	Delivery of witness lists <u>for Phase 1</u>
Between Aug. 17 and Oct. 15, 2012	Expert witnesses to meet at least twice
September 7, 2012	Pre-hearing Conference
September 21, 2012	Pre-hearing Conference
October 12, 2012	Pre-hearing Conference
October 23, 2012	CMHC motion for party status
November 19, 2012	Pre-hearing Conference
November 30, 2012	Exchange of expert witness statements/reports and witness/participant statements for Phase 1
December 10, 2012	Pre-hearing Conference
December 21, 2012	Exchange of reply witness statements for Phase 1
January 4, 2013	Visual evidence to be delivered for Phase 1
January 14, 2013	Start of hearing on Phase 1
June 6, 2014	Pre-hearing Conference
July 4, 2014	Region to provide GIS layer of developable area for ROPA 3 Appeal Lands, the Cornell New Urban Lands and the Little Farm Lands
August 8, 2014	Delivery of mapping indicating proposed location for urban expansion
August 26, 2014	Parties to file statement declaring support for either ROP-2010 boundary or an alternative boundary with OMB caseworker by email
September 5, 2014	Delivery of witness lists and the issues witnesses intend to address for Phase 3
From October 2014 and onwards, subject to the OMB scheduling availability	Mediation for Phase 3
May 12 to 14, 2015	Been reserved for motions (per the Board's February 4, 2015 Decision)
June 9, 2015	Pre-hearing Conference – to be held at the Ontario Municipal Board, 655 Bay Street, 16 th Floor Hearing Room, in Toronto, starting at 10:00 AM
Prior to June 12, 2015	Expert witnesses to meet for Phase 3
June 12, 2015	Exchange of CHFMS and Grace Chinese Gospel Church of North York expert witness statements/reports and witness/participant statements for Phase 3
July 13, 2015	Exchange of all other parties expert witness statements/reports and witness/participant statements for Phase 3
August 11, 2015	Exchange of reply witness statements for Phase 3
August 25, 2015	Visual evidence to be delivered for Phase 3
September 8, 2015 for 3 weeks	Target date for start of Phase 3 – to be held at the Ontario Municipal Board, 655 Bay Street, 16 th Floor Hearing Room, in Toronto, starting at 10:00 AM

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Attachment 1 – List of Appellants

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Mr. John Hayes (Appellant 9)	
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Mr. Peter Antonopoulos (Appellant 11)	
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Mr. Shai Perlmutter (Appellant 13)	
Mr. Steven DeFreitas (Appellant 14)	
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CHFMS aka Trinison (Appellant 52): <ul style="list-style-type: none"> • Colebay Investments Inc. • Firwood Holdings Inc. • Highcove Investment Inc. • Major McCowan Developments Limited • Summerlane Realty Corp <i>(initially part of Appellant 4 but now separately represented)</i>	Roger T. Beaman rbeaman@thomsonrogers.com Stephen J. D’Agostino sdagostino@thomsonrogers.com

Amendment 1 – Urban Expansion in the Town of East Gwillimbury – OMB Case No. PL101233 (ROPA 1)	
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Amendment 2 – Urban Expansion in the City of Vaughan – OMB Case No. PL101237 (ROPA 2)	
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Amendment 3 - Urban Expansion in the City of Markham – OMB Case No. PL101238 (ROPA 3)	
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Minotar Holdings Inc., Cor-lots Developments, Cherokee Holdings and Halvan 5.5 Investments Ltd.	Catherine A. Lyons clyons@goodmans.ca
Grace Chinese Gospel Church of North York	Richard R. Arblaster, rick@arblasterlaw.com
North Markham Landowners Group: <ul style="list-style-type: none"> 1212763 Ontario Limited 1463069 Ontario Limited 	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com Andrea Skinner askinner@airdberlis.com

Amendment 3 - Urban Expansion in the City of Markham – OMB Case No. PL101238 (ROPA 3)	
Appellant	Counsel
<ul style="list-style-type: none"> ▪ 1512406 Ontario Limited ▪ 1612286 Ontario Inc. ▪ 4551 Elgin Mills Developments Limited ▪ CAVCOE Holding Ltd. ▪ First Elgin Mills Developments Inc. ▪ Glendower Properties Inc. ▪ Kennedy Elgin Developments Limited ▪ Mackenzie 48 Investments Limited ▪ Major Kennedy Developments Limited ▪ Major Kennedy South Developments Limited ▪ Frambordeaux Developments Inc. ▪ Tsialtas, Peter and Cathy ▪ Tung Kee Investment Limited Partnership ▪ Warden Mills Developments Limited ▪ ZACORP Ventures Inc. 	<p>AND</p> <p>Ira T. Kagan ikagan@ksllp.ca is co-counsel with respect to the following:</p> <p>4551 Elgin Mills Developments Limited Kennedy Elgin Developments Limited Mackenzie 48 Investments Limited Major Kennedy Developments Limited Major Kennedy South Developments Limited Warden Mills Development Limited</p>
Romandale Farms Limited	<p>Susan Rosenthal susanr@davieshowe.com Meaghan McDermid meaghanm@davieshowe.com</p> <p>Michael Melling // Tanya Nayler michaelm@davieshowe.com tanyan@davieshowe.com</p>
CHFMS aka Trinison: <ul style="list-style-type: none"> • Colebay Investments Inc. • Firwood Holdings Inc. • Highcove Investment Inc. • Major McCowan Developments Limited • Summerlane Realty Corp 	<p>Roger T. Beaman rbeaman@thomsonrogers.com Stephen J. D’Agostino: sdagostino@thomsonrogers.com</p>

Attachment 2

Purpose of the Procedural Order and Meaning of Terms

The Board 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 Board to order following the conference. The Board 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 Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-326-6800, or from the Board website at www.omb.gov.on.ca.

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Board 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 prehearing conference, must ask the Board to permit this.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Board will set the time for hearing these statements. **NOTE** that such persons will likely not receive notice of mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Board will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.

Written and Visual Evidence: **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.

Witness Statements: 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

will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.

Additional Information

Summons: *A party must ask a Board Member or the senior staff of the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure.) If the Board requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Board 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 Board;

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 Board.

Attachment 3 – List of Parties and Participants

Public Sector Party Status		
Municipality or other public agency / <u>Party</u>	Counsel	OMB proceeding in which <u>Party</u> status is granted
Township of King	Josephine A. Matera jmatera@airdberlis.com	PL101128
City of Markham	Chris Barnett cbarnett@davis.ca Laura Bisset lbisset@davis.ca Andrea Wilson-Peebles AWilson-Peebles@markham.ca Catherine Conrad cconrad@markham.ca Margaret Wouters mwouters@markham.ca Tim Lambe tlambe@markham.ca	PL101128 PL101233 PL101237 PL101238
City of Vaughan	Claudia A. Storto Claudia.Storto@vaughan.ca	PL101128 PL101233 PL101237 PL101238
MMAH	Ken Hare, Counsel, Ministry of AG ken.hare@ontario.ca 416-585-6404 Claire Young Claire.Young@ontario.ca Jonathan Sydor (Crown Law Office–Civil, MAG) Jonathan.Sydor@ontario.ca Mark Christie, Manager MMAH, Mark.christie@ontario.ca	
Town of East Gwillimbury	Bruce Ketcheson bketcheson@ritchieketcheson.com Andrew Biggart abiggart@ritchieketcheson.com Effie Lidakis elidakis@ritchieketcheson.com	PL101128 PL101233 PL101237 PL101238

Public Sector Party Status		
Municipality or other public agency / <u>Party</u>	Counsel	OMB proceeding in which <u>Party</u> status is granted
	Don Sinclair dsinclair@eastwillimbury.ca Hajnalka Hartwick hhartwick@eastwillimbury.ca	
Town of Richmond Hill	Antonio Dimilta adimilta@richmondhill.ca	PL101128 PL101233 PL101237 PL101238

Public Sector Participant Status		
Municipality or other public agency / <u>Participant</u>	Counsel	OMB proceeding in which <u>Participant</u> status is granted
Town of Newmarket	Esther Armchuk-Ball earmchuk-ball@newmarket.ca	PL101128
Town of Georgina	Signe Leisk / Raivo Uukkivi sleisk@casselsbrock.com ruukkiv@casselsbrock.com	PL101233
TRCA	Quentin Hanchard qhanchard@trca.on.ca	PL101128 PL101233 PL101237 PL101238

Landowner Party Status				
Landowner / <u>Party</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Party</u> Status Relates
Angus Glen Developments Ltd. Angus Glen Golf Club Ltd.	Signe Leisk sleisk@casselsbrock.com Raivo Uukkivi ruukkivi@casselsbrock.com	PL101238 (ROPA 3)	ROPA 3 – North Markham Landowners Group	ROPA 3 - Policies and mapping raised by North Markham Landowners Group appeal respecting the urban boundary expansion as delineated by ROPA 3 and the alternative urban boundary line
Haulover Investments Ltd.	Jeffrey E. Streisfield jeffrey@landplanlaw.com	PL101128 (ROP)	PL101128 – 1, 2, 18, 19, 23, 28, 36, 37	5.2.20 and 5.2.21, 3.5.7, 7.2.31, 7.2.32, 7.2.52, 7.5.3, 7.5.4
William H. Worden and Yvonne W. Worden, Montanaro Estates Limited	Jeffrey E. Streisfield jeffrey@landplanlaw.com	PL101128 (ROP)	N/A	Amendments to Maps 1, 2 and 8 of ROP - 2010 for the Worden/Montanaro lands to carry forward the approved ROPA 41 land use designations for those lands.
Vaughan 400 Landowners Group Inc.	Michael Melling michaelm@davieshowe.com	PL101128 (ROP)	N/A	Lifting of deferral area 2 in ROPA 52
Harry John Lewis and Murray Allin Lewis, Donald Millar	Donald Hindson donald@cattanach.ca	PL101128 (ROP) PL101238 (ROPA 3)	PL101128 – 47 ROPA 3	Chapter 2 policies and related maps, figures and definitions, as set out in Mr. Hindson's letter of May 4, 2011 ROPA 3 –Map 2

Landowner Party Status				
Landowner / <u>Party</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Party</u> Status Relates
Berczy Glen Landowners Group Inc. Ruth Elizabeth Broek Lois Marguerite Frisby Charlotte Marie Frisby Marguerite Alice Gallone Gerhard Schickendanz Elma Schickendanz Wagema Holdings Limited Lorna Mary Passafiume Walmark Holdings Inc.	Lyn Townsend ltownsend@weirfoulds.com Jennifer Meader jmeader@weirfoulds.com	PL101238 (ROPA 3)	ROPA 3 – North Markham Landowners Group	ROPA 3 - Policies and mapping raised by North Markham Landowners Group appeal respecting the urban boundary expansion as delineated by ROPA 3 and the alternative urban boundary line
MI Developments Inc.	Steven A. Zakem szakem@airdberlis.com	PL101128 (ROP)	PL101128 – 49	Policies which may be raised by Tesmar appeal
Delisle Properties Limited	Cathy Facciolo cfacciolo@bratty.com	PL101128 (ROP)	PL101128 – 49	Policies which may be raised by Tesmar appeal
Block 34 East Landowners Group Inc.	Roslyn Houser rhouser@goodmans.ca	PL101128 (ROP)	N/A	Lifting of deferral area 1 in ROPA 52
Dorzil Developments (Bayview) Ltd.	John M. Alati johna@davieshowe.com	PL101233 (ROPA 1)	PL101233 (ROPA 1)	ROPA 1
Canada Mortgage and Housing Corporation (“CMHC”) and Quaestus Corporation	Patrick Devine/Mark Piel patrick.devine@fmc-law.com mark.piel@fmc-law.com	PL101128 (ROP)	PL101128 – 23 and 37	Policy identified as “old 4.3.8” on Exhibit 4

Landowner Party Status				
Landowner / <u>Party</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Party</u> Status Relates
Halvan 5.5 Investments Limited	Catherine A. Lyons clyons@goodmans.ca	PL101128 (ROP)	PL101128 - 32	Policies at issue in Minotaur et. al appeals
Kau and Associates	Cathy Facciolo cfacciolo@bratty.com	PL101128 (ROP)	PL101128 – 5, 6, 23, and 37	4.3.3; 4.3.4; 4.3.7; 4.3.9; 4.3.12; 4.4.6; definition of “Major Retail”
Mahamevna Bhavana Asapuwa Toronto	Mark Flowers markf@davieshowe.com	PL101128 (ROP)	PL101128 - 47	6.3.2, 6.3.3, 6.3.10 and Map 8
Block 27 Landowners Group Inc.	Michael Melling michaelm@davieshowe.com	PL101128 (ROP) PL101237 (ROPA 2)	PL101128 – 4, 19, 30 PL101237 (ROPA 2)	Appeals and policies as set out in correspondence between D. Klacko and M. Melling on June 13 and 14, 2011 and July 8 and 18, 2011 (filed as Exhibit 23)
Huron-Wendat Nation	Simon Picard simon.picard@cnhw.qc.ca	PL101128 (ROP)	PL101128 – 4, 27	3.4.11 and 3.4.14
Block 40/47 Developers Group Inc.	Michael Melling michaelm@davieshowe.com	PL101128 (ROP)	PL101128 (ROP)	Chapter 2; section 3.5; policies 5.6.23 - 5.6.32; policies 8.4.15 to 8.4.20; Maps 1 – 5, 6 and 8 Figure 3
1539253 Ontario Inc.	Michael Melling michaelm@davieshowe.com	PL101128 (ROP)	PL101128 (ROP)	2.1.10 (re: recreation uses); 6.1.6.3 and 6.4 (re: recreation uses); 8.4.16 – 8.4.20; Maps 1, 2, 8 and Figure 3
445158 Ontario Inc. (Meldan), Mr. Tracy Ellis and Ms. Kelly Ellis	Michael Melling michaelm@davieshowe.com	PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20

Landowner Party Status				
Landowner / <u>Party</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Party</u> Status Relates
Karma Tekchen Zabsal Ling		PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20
878211 Ontario Ltd.		PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20
Mr. Borden Kent		PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20
Wholesale Forest Products Ltd.		PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20
Ms. Sheryl Kotzer, Mr. Howie Kotzer, Mr. Michael Kotzer	Chad B. John-Baptiste, MCIP, RPP Senior Planner, MMM Group Limited John-BaptisteC@mmm.ca	PL101128 (ROP)	PL101128 (ROP)	<i>Site specific: 8.4.15 and 8.4.20</i>
Mr. Gary Foch	Gary Foch garyfoch@rogers.com	PL101128 (ROP)	PL101128 (ROP)	Site specific: 8.4.15 and 8.4.20
South Sharon Developments Inc.	Jason Park jason.park@devinepark.com jason.park@dentons.com	PL101233 (ROPA 1)	PL101233 (ROPA 1)	ROPA 1
Acorn Development Corporation Ladyfield Construction Ltd., Farm Cove Holdings Inc., Fetlar Holdings Ltd.	Roslyn Houser rhouser@goodmans.ca	PL101233 (ROPA 1)	PL101233 (ROPA 1)	ROPA 1

Landowner Participant Status				
<u>Landowner/ Participant</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Participant Status Relates</u>
Trevor Rose	Howard Friedman hbrplanning@bellnet.ca	PL101128 (ROP)	PL101128	Participant status sought to monitor 2.2.19, 2.2.31, 2.2.34, 2.2.35, Map 8,6.3.7(d), 8.3.3. and definition of “Agricultural Uses”
Angelo Antonangeli, Leslie Gardens				
1450968 Ontario Inc. c/o Peter Gorin				
Intracorp Projects Acquisitions Ltd.	Michael Melling michaelm@davieshowe.com	PL101128 (ROP)	PL101128	Participant status sought to monitor and protect interests respecting designation, mapping and policies applicable to subject lands in Richmond Hill as identified in May 9, 2011 email from Mr. Melling.
South Sharon Developments Inc.	Jason Park jason.park@devinepark.com jason.park@dentons.com	PL101128 (ROP) PL101233 (ROPA 1)	PL101128 ROPA 1	Participant status sought to monitor proceedings to ensure no amendments that would impact subject lands set out in May 9, 2011 letter.
William H. Worden and Yvonne W. Worden Montanaro Estates Limited	Jeffrey E. Streisfield jeffrey@landplanlaw.com	PL101128 (ROP)	PL101128	Participant status re Chapter 2 of ROP.
Markham Gateway Inc.	Roger T. Beaman rbeaman@thomsonrogers.com	PL101128 (ROP)	PL101128	
165 Pine Grove Investments Inc.	Adam Brown adam@shermanbrown.com	PL101128 (ROP) PL101237 (ROPA 2)	PL101128 PL101237	Participant status to monitor policies 5.1, 5.2 and 5.3 and ROPA 2.
Devon Lane Construction Ltd.	Lyn Townsend Weir Foulds	PL101128 (ROP)	PL101128 (ROP)	Provisions specified and agreed upon as between the Region and

Landowner Participant Status				
<u>Landowner/ Participant</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Participant</u> Status Relates
	ltownsend@weirfoulds.com			Devon Lane Construction Ltd.
Haulover Investments Ltd.	Jeffrey E. Streisfield jeffrey@landplanlaw.com	PL101128 (ROP)	PL101128	Site Specific: 8.4.15 to 8.4.20

Attachment 3A

Parties and a Participant to Phase 3 Only, as approved and ordered by the Board during the Phase 1 Hearing

Parties – Phase 3 of Hearing Only

Landowner / <u>Party</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Party</u> Status Relates
Remington Steeles 9 Inc. Barry Glenn Little Robert Brownlee Little	Brattys LLP 7501 Keele Street, Suite 200 Vaughan, ON L4K 1Y2 Caterina Facciolo cfacciolo@bratty.com 905-760-2600 x 293	PL101238 (ROPA 3)	PL101238 (ROPA 3)	Boundary of urban area expansion
Infrastructure Ontario (“IO”), as agent for the Ministry of Infrastructure	John Dawson jdawson@mccarthy.ca	PL101238 (ROPA 3)	PL101238 (ROPA 3)	Boundary of urban area expansion
Lindvest Properties (Cornell East) Limited	Aird & Berlis LLP Brookfield Place, 181 Bay Street, Suite 1800, Box 754 Toronto, ON M5J 2T9 Patricia A. Foran / Andrea Skinner Pforan@airdberlis.com 416-865-7727 askinner@airdberlis.com	PL101238 (ROPA 3)	PL101238 (ROPA 3)	Boundary of urban area expansion
Varlese Brothers Ltd.	Cassels Brock and Blackwell LLP, 2100 Scotia Plaza, 40 King St W Toronto, ON M5H 3C2 Signe B. Leisk sleisk@casselsbrock.com Tel: 416-869-5411	PL101238 (ROPA 3)	PL101238 (ROPA 3)	Boundary of urban area expansion

Attachment 3A

Parties and a Participant to Phase 3 Only, as approved and ordered by the Board during the Phase 1 Hearing

Parties – Phase 3 of Hearing Only

Landowner / <u>Party</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Party</u> Status Relates
	Raivo Uukkivi ruukkivi@casselsbrock.com Tel: 416-860-6613			
Cornell Rouge Development Corporation	Niomie Massey (Project Manager) Cornell Rouge 369 Rimrock Rd., Toronto, ON M3J 3G2 Tel: 414-661-4000 Fax: 416-661-4229 niomie@madisongroup.ca	PL101238 (ROPA 3)	PL101238 (ROPA 3)	Boundary of urban area expansion
Norfinch Construction (Toronto) Limited	Cassels Brock and Blackwell LLP, 2100 Scotia Plaza, 40 King St W Toronto, ON M5H 3C2 Signe B. Leisk sleisk@casselsbrock.com Tel: 416-869-5411 Raivo Uukkivi ruukkivi@casselsbrock.com Tel: 416-860-6613 Julius De Ruyter Planning and development service Tel (416) 694-9011 Email: julius@deruyter.ca	PL101238 (ROPA 3)	PL101238 (ROPA 3)	Boundary of urban area expansion
1269028 Ontario Limited	Gerald T. Miller	PL101238	PL101238	Boundary of urban area

Attachment 3A

Parties and a Participant to Phase 3 Only, as approved and ordered by the Board during the Phase 1 Hearing

Parties – Phase 3 of Hearing Only

Landowner / <u>Party</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Party</u> Status Relates
	gerry.miller@gmalaw.ca Gerald T. Miller Gardiner Miller Arnold LLP Barristers and Solicitors 1202 - 390 Bay Street Toronto, Ontario M5H 2Y2 Tel. (416) 363-2614 x228 Fax (416) 363-8451 H. Gerson hdgerson@gersonlawyers.com	(ROPA 3)	(ROPA 3)	expansion
4716 Elgin Mills Markham Ltd. Kennedy MM Markham Ltd., Markham MMM North Development Corp. Markham MMM South Development Corp. (collectively“4716 Elgin Mills”)	Jason Park jason.park@devinepark.com jason.park@dentons.com Mark Piel mark.piel@dentons.com	PL101128 PL101238 (ROPA 3) Re Phase 3 of the hearing only		Party status is subject to the terms set out in the Sign Back letter executed May 26, 2014 by counsel for 4716 Elgin Mills (Exhibit #257)

Attachment 3A, continued

Parties and a Participant to Phase 3 Only, as approved and ordered by the Board during the Phase 1 Hearing

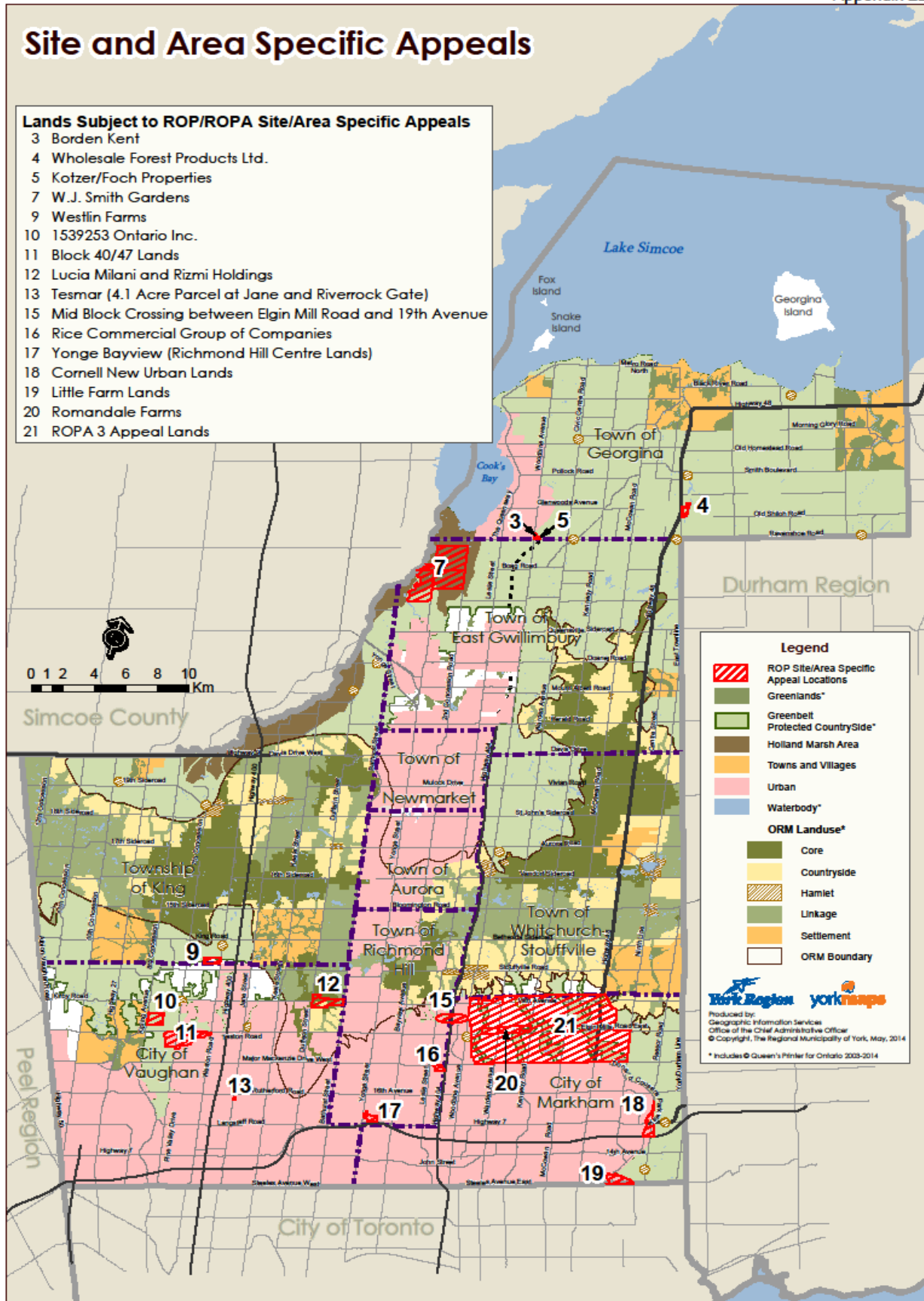
Participant – Phase 3 of Hearing Only

Landowner / <u>Participant</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which <u>Participant</u> Status Relates
Mark Cleveland McGean and Dianne McGean	Dianne & Mark McGean 7469 Hwy 7 Markham ON L6B 1A8 905-472-4231 diannemc@sympatico.ca	PL101238 (ROPA 3)	PL101238 (ROPA 3)	Boundary of urban area expansion

Site and Area Specific Appeals

Lands Subject to ROP/ROPA Site/Area Specific Appeals

- 3 Borden Kent
- 4 Wholesale Forest Products Ltd.
- 5 Kotzer/Foch Properties
- 7 W.J. Smith Gardens
- 9 Westlin Farms
- 10 1539253 Ontario Inc.
- 11 Block 40/47 Lands
- 12 Lucia Milani and Rizmi Holdings
- 13 Tesmar (4.1 Acre Parcel at Jane and Riverrock Gate)
- 15 Mid Block Crossing between Elgin Mill Road and 19th Avenue
- 16 Rice Commercial Group of Companies
- 17 Yonge Bayview (Richmond Hill Centre Lands)
- 18 Cornell New Urban Lands
- 19 Little Farm Lands
- 20 Romandale Farms
- 21 ROPA 3 Appeal Lands



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