

ISSUE DATE:

December 17, 2012



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL101128  
PL101233  
PL101238

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  
OMB Case No.: PL101128  
OMB File No.: PL101128

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

Appellant: 1596630 Ontario Limited  
Appellant: Dalton & Alan Faris  
Appellant: Eden Mills Estates Inc.  
Appellant: Martin Pick, Thomas Pick & 132463 Ontario Inc.  
Appellant: Rice Commercial Group of Companies  
Subject: Proposed Regional Official Plan Amendment No. 1 (ROPA 1)  
Municipality: Regional Municipality of York (Town of East Gwillimbury)  
OMB Case No.: PL101233  
OMB File No.: PL101233

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

Appellant: 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 Regional Official Plan Amendment No. 3 (ROPA 3)  
Municipality: Regional Municipality of York (Town of Markham)  
OMB Case No.: PL101238  
OMB File No.: PL101238

BEFORE:

S. W. LEE  
ASSOCIATE CHAIR

K.J. HUSSEY  
VICE-CHAIR

)  
)  
)  
)  
)

Monday, the 17<sup>th</sup> day of  
December, 2012

**WHEREAS** the Board having heard the submissions of counsel for The Regional Municipality of York ("York Region") relating to Minutes of Settlement with Yonge Bayview Holdings Inc. ("Yonge Bayview"), filed in these proceedings as Exhibit 104 ("Yonge Bayview Minutes of Settlement"), relating to the York Region Official Plan – 2010 as modified ("ROP – 2010");

**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;

**AND WHEREAS** pursuant to the August 23, 2012 Order for Partial Approval, the Board expressly reserved its jurisdiction to provide for site specific exemptions or alternative policies as may be determined to be appropriate by the Board;

**AND WHEREAS** as a result of the Yonge Bayview Minutes of Settlement, The Region and Yonge Bayview now consent to the following Order:

**THE BOARD ORDERS** that:

1. In accordance with section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the ROP – 2010 Transition Policy is amended to add new Policy 8.4.22 as follows:

With respect to the parcels referenced in the site specific minutes of settlement set out below, the policies set out in Section 3.5.7 of this Plan will be implemented as specified therein:

- a) Yonge Bayview Holdings Inc.
2. The Board may be spoken to should any matters arise respecting the implementation of this Order.

*J. A. Hunwicks*  
SECRETARY

## 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 <a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a> / <a href="mailto:jpepino@airdberlis.com">jpepino@airdberlis.com</a>
E. Manson Investments (Appellant 2)	Patricia A. Foran/N. Jane Pepino <a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a> / <a href="mailto:jpepino@airdberlis.com">jpepino@airdberlis.com</a>
North Leslie Residential Landowners Group Inc. (Appellant 3)	Patricia A. Foran/N. Jane Pepino <a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a> / <a href="mailto:jpepino@airdberlis.com">jpepino@airdberlis.com</a>
North Markham Landowners Group (Appellant 4): <ul style="list-style-type: none"> <li>• 1212763 Ontario Limited</li> <li>• 1463069 Ontario Limited</li> <li>• 1512406 Ontario Limited</li> <li>• 1612286 Ontario Inc.</li> <li>• 4551 Elgin Mills Developments Limited</li> <li>• CAVCOE Holdings Ltd.</li> <li>• <del>EL-EN Packaging Company Limited</del></li> <li>• <del>EL-EN Realty Limited</del></li> <li>• First Elgin Mills Developments Inc</li> <li>• Glendower Properties Inc.</li> <li>• <del>Haremar Plastic Manufacturing Limited</del></li> <li>• <del>Haremar Realty Limited</del></li> <li>• Mackenzie 48 Investments Limited</li> <li>• Major Kennedy Developments Limited</li> <li>• Major Kennedy South Developments Limited</li> <li>• Frambordeaux Developments Inc. and Kennedy Elgin Developments Limited</li> <li>• Tsialtas, Peter and Cathy</li> <li>• Tung Kee Investment Limited Partnership</li> <li>• Warden Mills Development Limited</li> <li>• ZACORP Ventures Inc.</li> </ul>	Patricia A. Foran/N. Jane Pepino <a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a> / <a href="mailto:jpepino@airdberlis.com">jpepino@airdberlis.com</a>
Romandale Farms Ltd. ( <i>initially part of Appellant 4 but now separately represented</i> )	Michael Melling/Raj Kehar <a href="mailto:michaelm@davieshowe.com">michaelm@davieshowe.com</a> / <a href="mailto:rajk@davieshowe.com">rajk@davieshowe.com</a> Assistant: Jules Calzavara <a href="mailto:julesc@davieshowe.com">julesc@davieshowe.com</a>
Loblaw Properties Limited (Appellant 5)	Steven A. Zakem <a href="mailto:szakem@airdberlis.com">szakem@airdberlis.com</a>
Rice Commercial Group of Companies (Non-East Gwillimbury Lands) (Appellant 6)	Ira T. Kagan <a href="mailto:ikagan@ksllp.ca">ikagan@ksllp.ca</a>
Yonge Green Lane Developments Limited (Appellant 7)	Steven A. Zakem <a href="mailto:szakem@airdberlis.com">szakem@airdberlis.com</a>
<del>Mr. Allen Eng</del> (Appellant 8)	
<del>Mr. John Hayes</del> (Appellant 9)	
<del>Mr. Paul Jadilebovski</del> (Appellant 10)	
<del>Mr. Peter Antonopoulos</del> (Appellant 11)	
<del>Mr. Philip Comartin</del> (Appellant 12)	

York region Official Plan – PL101128 (ROP) Appellants	Counsel
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 <a href="mailto:johna@davieshowe.com">johna@davieshowe.com</a>
Westlin Farms (Appellant 20)	Michael Melling <a href="mailto:michaelm@davieshowe.com">michaelm@davieshowe.com</a>
Lucia Milani and Rizmi Holdings Limited (Appellant 21)	Michael Melling/Raj Kehar <a href="mailto:michaelm@davieshowe.com">michaelm@davieshowe.com</a> / <a href="mailto:rajk@davieshowe.com">rajk@davieshowe.com</a> Assistant: Jules Calzavara <a href="mailto:julesc@davieshowe.com">julesc@davieshowe.com</a>
Daraban Holdings Limited (Appellant 22)	Mark Flowers Email : <a href="mailto:markf@davieshowe.com">markf@davieshowe.com</a>
SmartCentres and Calloway Real Estate Investment Trust (Appellant 23)	Mark Flowers <a href="mailto:markf@davieshowe.com">markf@davieshowe.com</a>
Yonge Bayview Holdings Inc. (Appellant 24)	Mark Flowers <a href="mailto:markf@davieshowe.com">markf@davieshowe.com</a>
583753 Ontario Ltd. (Appellant 25 and 40)	Susan Rosenthal <a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
775377 Ontario Ltd. (Appellant 26)	Susan Rosenthal <a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
Helmhorst Investments Ltd. (Appellant 27)	Susan Rosenthal <a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
Aurora 2C Landowners Group Inc. (Appellant 28)	Chris Barnett / Laura Bisset <a href="mailto:cbarnett@davis.ca">cbarnett@davis.ca</a> / <a href="mailto:lbisset@davis.ca">lbisset@davis.ca</a> Assistant: Simone Oliveira <a href="mailto:soliveira@davis.ca">soliveira@davis.ca</a>
W. J. Smith Gardens Limited (Appellant 29)	Neil G. Davis <a href="mailto:neil.davis@daviswebb.com">neil.davis@daviswebb.com</a>
Metrus Development Inc. (Appellant 30)	David Bronskill/Jennifer Drake <a href="mailto:dbronskill@goodmans.ca">dbronskill@goodmans.ca</a> / <a href="mailto:jdrake@goodmans.ca">jdrake@goodmans.ca</a>
Upper City Corporation and Clear Point Developments (Appellant 31)	Roslyn Houser <a href="mailto:rhouser@goodmans.ca">rhouser@goodmans.ca</a>
Minotar Holdings Inc, Cor-lots Development, Cherokee Holdings and Halvan 5.5 Investments Limited (Appellant 32)	Catherine A. Lyons <a href="mailto:clyons@goodmans.ca">clyons@goodmans.ca</a>
Dalton and Alan Faris and Eden Mills Estates Inc. (Appellant 33)	Susan Rosenthal <a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
Eden Mills Estates Inc. (initially part of Appellant 33)	Bobby Bhoola <a href="mailto:bobby@ballantryhomes.com">bobby@ballantryhomes.com</a>
John Carlisle Robert G. Sikura (Appellant 34)	Patricia Foran / Jane Pepino <a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a> / <a href="mailto:jpepino@airdberlis.com">jpepino@airdberlis.com</a>
Aurora Leslie Developments Inc. (Appellant 35)	Ira T. Kagan <a href="mailto:ikagan@ksllp.ca">ikagan@ksllp.ca</a>
Fieldgate Developments and TACC Developments (Appellant 36)	Ira T. Kagan <a href="mailto:ikagan@ksllp.ca">ikagan@ksllp.ca</a>
Times Group Corporation (Appellant 37)	Ira T. Kagan <a href="mailto:ikagan@ksllp.ca">ikagan@ksllp.ca</a>
Memorial Gardens Canada Limited (Appellant 38)	W. Thomas Barlow <a href="mailto:tbarlow@fasken.com">tbarlow@fasken.com</a>
Amir Hessam Limited and 668152 Ontario Ltd.	Susan Rosenthal <a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>

<b>York region Official Plan – PL101128 (ROP)</b> <b>Appellants</b>	<b>Counsel</b>
(Appellant 41)	
Arten Developments Inc. (Appellant 42)	
Sanmike Construction Ltd. (Appellant 43)	John A.R. Dawson <a href="mailto:jdawson@mccarthy.ca">jdawson@mccarthy.ca</a>
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 <a href="mailto:rick@arblasterlaw.com">rick@arblasterlaw.com</a>
Cornerstone Christian Community Church (Appellant 48)	
Tesmar Holdings Inc. (Appellant 49)	Michael Melling/Raj Kehar <a href="mailto:michaelm@davieshowe.com">michaelm@davieshowe.com</a> / <a href="mailto:rajk@davieshowe.com">rajk@davieshowe.com</a> Assistant: Jules Calzavara <a href="mailto:julesc@davieshowe.com">julesc@davieshowe.com</a>
Sustainable Vaughan (Appellant 50)	
Markham Gateway Inc. (Appellant 51)	
CHFMS aka Trinison (Appellant 52): <ul style="list-style-type: none"> <li>• Colebay Investments Inc.</li> <li>• Firwood Holdings Inc.</li> <li>• Highcove Investment Inc.</li> <li>• Major McCowan Developments Limited</li> <li>• Summerlane Realty Corp</li> </ul> <i>(initially part of Appellant 4 but now separately represented)</i>	Stephen J. D'Agostino <a href="mailto:sdagostino@thomsonrogers.com">sdagostino@thomsonrogers.com</a>

<b>Amendment 1 – Urban Expansion in the Town of East Gwillimbury – OMB Case No. PL101233 (ROPA 1)</b>	
<b>Appellant</b>	<b>Counsel</b>
Dalton and Alan Faris	Susan Rosenthal <a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
Eden Mills Estates Inc.	Bobby Bhoola <a href="mailto:bobby@ballantryhomes.com">bobby@ballantryhomes.com</a>
Martin Pick, Thomas Pick and 132463 Ontario Inc.	Mark Flowers <a href="mailto:markf@davieshowe.com">markf@davieshowe.com</a>
Rice Commercial Group of Companies	Susan Rosenthal <a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>

<b>Amendment 2 – Urban Expansion in the City of Vaughan – OMB Case No. PL101237 (ROPA 2)</b>	
<b>Appellant</b>	<b>Counsel</b>
Sustainable Vaughan	

**Amendment 3 - Urban Expansion in the Town of Markham – OMB Case No. PL101238 (ROPA 3)**

<b>Appellant</b>	<b>Counsel</b>
Minotar Holdings Inc., Corlots Developments, Cherokee Holdings and Halvan 5.5 Investments Ltd.	Catherine A. Lyons <a href="mailto:clyons@goodmans.ca">clyons@goodmans.ca</a>
Grace Chinese Gospel Church of North York	Richard R. Arblaster, <a href="mailto:rick@arblasterlaw.com">rick@arblasterlaw.com</a>
North Markham Landowners Group: <ul style="list-style-type: none"> <li>▪ 1212763 Ontario Limited</li> <li>▪ 1463069 Ontario Limited</li> <li>▪ 1512406 Ontario Limited</li> <li>▪ 1612286 Ontario Inc.</li> <li>▪ 4551 Elgin Mills Developments Limited</li> <li>▪ CAVCOE Holding Ltd.</li> <li>▪ First Elgin Mills Developments Inc.</li> <li>▪ Glendower Properties Inc.</li> <li>▪ Kennedy Elgin Developments Limited</li> <li>▪ Mackenzie 48 Investments Limited</li> <li>▪ Major Kennedy Developments Limited</li> <li>▪ Major Kennedy South Developments Limited</li> <li>▪ Frambordeaux Developments Inc.</li> <li>▪ Tsialtas, Peter and Cathy</li> <li>▪ Tung Kee Investment Limited Partnership</li> <li>▪ Warden Mills Developments Limited</li> <li>▪ ZACORP Ventures Inc.</li> </ul>	Patricia A. Foran/N. Jane Pepino <a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a> / <a href="mailto:jpepino@airdberlis.com">jpepino@airdberlis.com</a>
Romandale Farms Limited	Michael Melling/Raj Kehar <a href="mailto:michaelm@davieshowe.com">michaelm@davieshowe.com</a> <a href="mailto:rajk@davieshowe.com">rajk@davieshowe.com</a> Assistant: Jules Calzavara <a href="mailto:julesc@davieshowe.com">julesc@davieshowe.com</a>
CHFMS aka Trinison: <ul style="list-style-type: none"> <li>• Colebay Investments Inc.</li> <li>• Firwood Holdings Inc.</li> <li>• Highcove Investment Inc.</li> <li>• Major McCowan Developments Limited</li> <li>• Summerlane Realty Corp</li> </ul>	Stephen J. D'Agostino: <a href="mailto:sdagostino@thomsonrogers.com">sdagostino@thomsonrogers.com</a>