

ISSUE DATE:

August 15, 2012



Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL101128
PL101233
PL101237
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: Sustainable Vaughan
Subject: Proposed Regional Official Plan Amendment No. 2 (ROPA 2)
Municipality: Regional Municipality of York (City of Vaughan)
OMB Case No.: PL101237
OMB File No.: PL101237

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

APPEARANCES:

Please refer to Attachment "2"

**MEMORANDUM OF ORAL DECISION AT THE 9TH PRE-HEARING CONFERENCE
DELIVERED BY S.W. LEE AND K. HUSSEY**

On behalf of the parties, de facto and potential, Mr. Waque advised the Board that the matters to be addressed at this pre-hearing conference (PHC) should be in a sequence with exactitude. Firstly, the Board should determine the party and participant matters. Thenceforth, the Board would be asked to grant an order of partial approval of the ROPA-2010. What follows would be the procedural order of the upcoming hearing. The importance of the sequencing is self-evident: those endowed with the party status would have a say on the proposed orders of partial approvals and procedure for the hearing, both of which are the main agenda at this PHC.

A clarification and an amendment to the last PHC decision was requested and granted by this panel. Under the heading of Haulover, a reference was made to paragraphs 14 and 17, it should have read 15 & 17. The Board hereby orders the amendment accordingly.

On behalf of Haulover Investments Ltd., Mr. Streisfield indicated that he wished to cross-examine Mr. Butler before any partial order is to be granted. Such a move was opposed by the Region. It was the contention of Mr. Waque that since the right of party status had been denied, the right to cross-examine should not be allowed.

The Board accepted the contention as a valid proposition procedurally and substantially. It would be *jejune* to deny the party status in one breath and allow that same entity to embark on cross-examination the next. One could not follow the other. As for the contention that the Region's counsel had withdrawn the evidence of Mr. Butler at the last PHC, it is plain that the withdrawal had been done only in relation to Haulover and not for the other provisions of the affidavit. As such, the affidavit of Mr. Butler stands. Additionally, the Region did not object to Haulover being endowed with participant status for the proposed modification for the transitional provisions. A participant status in that vein is hereby granted.

The following entities of the Geogina and Aurora Group are granted party status for the purpose of the Transitional Provisions arising from the Proposed Modification, all of which are set out in Exhibit 68:

- 445158 Ontario Inc. (Meldan), Mr. Tracy Ellis and Ms. Kelly Ellis
- Karma Teckchen, Zabsal Ling

- 878211 Ontario Limited
- Mr. Borden Kent
- Wholesale Forest products Ltd.

(All these entities are represented by Mr. J. Kehar)

- Ms. Sheryl Kotzer, Mr. Howeie Kotzer, Mr. Micheal Kotzer, Mr. Gary Foch

(All these entities are represented by Ms. D. Santo)

The following entities are granted party status for ROPA 1;

- South Sharon Developments Inc.

(represented by Mr. J. Park)

- Acorn Development Corporation
- Ladyfield Construction Ltd.
- Farm Cove Holding Inc.
- Fetler Holdings Limited

(represented by Ms. R. Houser)

A settlement had been reached between Metrus Development Inc. and the North Gwillimbury Forest Alliance. The latter group is a ratepayer organization interested in the conservation matters with respect to wetlands in the Town of Georgina. Based on an agreed set of amendments of the proposed modifications to ROP -2010, Metrus would withdraw its appeal to ROP-2010. The Board would allow the amendment that is agreed to; and that both Metrus and the ratepayer organization are hereby given participant status with respect to the Transitional matters. This should not be held prejudicially against Metrus to seek party status at a later stage. Mr. Waque pointed out that although the special transitional rules as applicable to Metrus would not apply, the general would be applicable.

On behalf of Martin Pick and Thomas Pick with respect to the ROPA 1 matter, Mr. M. Flowers indicated that they would not be raising objection vis-à-vis the Region's proposed boundary.

The Board has examined the partial approval orders set out in Exhibit 69 and the procedural order as set out in Exhibit 71. These two exhibits are the culmination of a great deal of co-operation, discussions and settlements amongst the parties. They are important milestones in these proceedings.

The Board finds the two are in order and has approved both Exhibits 68 & 71 on principle. Given the inherent complexity, there would be inevitable refinements that would be necessary. Once the Board is advised that the final formulation is attained, the requisite orders would be given on a standalone basis.

The Board has scheduled further prehearing conferences for Friday, September 7, 2012 and Friday, September 21, 2012 at 10:00 AM to be held at the Ontario Municipal Board's offices at 655 Bay Street, 16th Floor Hearing Room, in Toronto.

"S. W. Lee"

S. W. LEE
ASSOCIATE CHAIR

"K. Hussey"

K. HUSSEY
VICE-CHAIR

ATTACHMENT "1"

List of Appellants

1. Angus Glen North West Inc. and Angus Glen Holdings Inc.
2. E. Manson Investments
3. North Leslie Residential Landowners Group Inc.
4. North Markham Landowners Group
 - 1212763 Ontario Limited
 - 1463069 Ontario Limited
 - 1512406 Ontario Limited
 - 1612286 Ontario Inc.
 - 4551 Elgin Mills Developments Limited
 - CAVCOE Holding Ltd.
 - Colebay Investments Inc.
 - First Elgin Mills Developments Inc.
 - Firwood Holdings Inc.
 - Glendower Properties Inc.
 - Highcove Investments Inc.
 - Mackenzie 48 Investments Limited
 - Kennedy Elgin Developments Limited
 - Major Kennedy Developments Limited
 - Major Kennedy South Developments Limited
 - Major McCowan Developments Limited
 - Romandale Farms Limited; Frambordeaux Developments Inc.
 - Summerlane Realty Corp.
 - Tsialtas, Peter and Cathy
 - Tung Kee Investment Limited Partnership
 - Warden Mills Developments Limited
 - ZACORP Ventures Inc.
5. Loblaw Properties Limited
6. Rice Commercial Group of Companies
7. Yonge Green Lane Developments Limited
8. Mr. Allen Eng
9. Mr. John Hayes
10. Mr. Paul Jadilebovski
11. Mr. Peter Antonopoulos
12. Mr. Philip Comartin
13. Mr. Shai Perlmutter
14. Mr. Steven DeFreitas
15. Peat Farmers of Ontario represented by Mr. Phil Comartin

16. Property Owners with Rights Association represented by Paul Jadileovski
17. Kau & Associates L.P.
18. Block 27 Landowners Group
19. Dorzil Developments (Bayview) Ltd.
20. Westlin Farms
21. Lucia Milani and Rizmi Holdings Limited
22. Daraban Holdings Limited
23. Smart Centres and Calloway Real Estate Investment Trust
24. Yonge Bayview Holdings Inc.
25. 583753 Ontario Ltd.
26. 775377 Ontario Ltd.
27. Helmhorst Investments Ltd.
28. Aurora 2C Landowners Group Inc.
29. W. J. Smith Gardens Limited
30. Metrus Development Inc.
31. Upper City Corporation and Clear Point Developments
32. Minotar Holdings Inc, Cor-lots Development, Cherokee Holdings and Halvan 5.5 Investments Limited
33. Dalton and Alan Faris and Eden Mills Estates Inc.
34. Robert G. Sikura
35. Aurora-Leslie Developments Inc.
36. Fieldgate Developments and TACC Developments
37. Times Group Corporation
38. Memorial Gardens Canada Limited
40. 583753 Ontario Ltd.
41. Amir Hessam Limited and 668152 Ontario Ltd.
42. Arten Developments Inc.
43. Sanmike Construction Ltd.
44. Canadian Mortgage and Housing Corporation
46. Mahamevna Bhavana Asapuwa Toronto
47. The Mandarin Golf and Country Club Inc. and AV Investments II Inc.
48. Cornerstone Christian Community Church
49. Tesmar Holdings Inc.
50. Sustainable Vaughan
51. Markham Gateway Inc.

Public Sector Party Status

Municipality or other public agency	Counsel	OMB proceeding in which status is granted	Status
Township of King	J. Matera	PL101128	Party
Town of Markham	C. Conrad	PL101128 PL101233 PL101238	Party
City of Vaughan	C. Storto	PL101128 PL101233 PL101238	Party
Town of East Gwillimbury	Don Sinclair	PL101128 PL101233 PL101238	Party
Town of Richmond Hill	Antonio R. Dimilta	PL101128 PL101233 PL101238	Party

Public Sector Participant Status

Municipality or other public agency	Counsel	OMB proceeding in which status is granted	Status
Town of Newmarket	E. Armchuck-Ball	PL101128 PL101233	Participant
Town of Georgina	S. Leisk	PL101233	Participant
TRCA		PL101128 PL101233 PL101238	Participant

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates
<p>Angus Glen Developments Ltd.</p> <p>Angus Glen Golf Club Ltd.</p>	S. Leisk	PL101238 (ROPA 3)	Party	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.	J. Streisfield	PL101128 (ROP)	Party	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
<p>William H. Worden and Yvonne W. Worden</p> <p>Montanaro Estates Limited</p>	J. Streisfield	PL101128 (ROP)	Party	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.

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates				
Vaughan 400 Landowners Group Inc.	M. Melling	PL101128 (ROP)	Party	N/A	Lifting of deferral area 2 in ROPA 52				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Harry Lewis and Murray Lewis</td> <td style="width: 50%;">John and Allin Lewis</td> </tr> <tr> <td>Donald Miller</td> <td></td> </tr> </table>	Harry Lewis and Murray Lewis	John and Allin Lewis	Donald Miller		D. Hindson	PL101128 (ROP) PL101238 (ROPA 3)	Party	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
Harry Lewis and Murray Lewis	John and Allin Lewis								
Donald Miller									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Ruth Elizabeth Brock</td> <td style="width: 50%;">Lois Marguerite Frisby</td> </tr> <tr> <td>Ruth Elizabeth</td> <td></td> </tr> </table>	Ruth Elizabeth Brock	Lois Marguerite Frisby	Ruth Elizabeth		D. Hindson	PL101238 (ROPA 3)	Party	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
Ruth Elizabeth Brock	Lois Marguerite Frisby								
Ruth Elizabeth									

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates
Brock Charlotte Marie Frisby Marguerite Alice Gallone					ROPA 3 and the alternative urban boundary line
Gerhard Schickendanz Elma Schickendanz					
Wagemma Holdings Limited					
Lorna Mary Passafiume					
Walmark Holdings Inc.					
MI Developments Inc.	S. Zakem	PL101128 (ROP)	Party	PL101128 – 49	Policies which may be raised by Tesmar appeal
Delisle Properties Limited	B. Horosko	PL101128 (ROP)	Party	PL101128 – 49	Policies which may be raised by Tesmar appeal

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates
Block 34 East Landowners Group Inc.	R. Houser	PL101128 (ROP)	Party	N/A	Lifting of deferral area 1 in ROPA 52
Dorzil Developments (Bayview) Ltd.	J. Alati	PL101233 (ROPA 1)	Party	PL101233 (ROPA 1)	ROPA 1
Canada Mortgage and Housing Corporation ("CMHC") and Quaestus Corporation	P. Devine M. Piel	PL101128 (ROP)	Party	PL101128 – 23 and 37	Policy identified as "old 4.3.8" on Exhibit 4
Halvan 5.5 Investments Limited	C. Lyons	PL101128 (ROP)	Party	PL101128 - 32	Policies at issue in Minotaur et. al appeals
Kau and Associates	B. Horosko C. Facciolo	PL101128 (ROP)	Party	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	M. Flowers	PL101128 (ROP)	Party	PL101128 - 47	6.3.2, 6.3.3, 6.3.10 and Map 8

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates
Block 27 Landowners Group Inc.	M. Melling	PL101128 (ROP)	Party	PL101128 – 4, 19, 30	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	D. Donnelly	PL101128 (ROP)	Party	PL101128 – 4, 27	3.4.11 and 3.4.14
Block 40/47 Developers Group Inc.	M. Melling	PL101128 (ROP)	Party	PL101128	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.	M. Melling	PL101128 (ROP)	Party	PL101128	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	M. Melling	PL101128 (ROP)	Party	PL101128	Site specific: 8.4.15 to 8.4.20
Karma Tekchen	M. Melling	PL101128	Party	PL101128	Site specific: 8.4.15

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates
Zabsal Ling		(ROP)			to 8.4.20
878211 Ontario Limited	M. Melling	PL101128 (ROP)	Party	PL101128	Site specific: 8.4.15 to 8.4.20
Mr. Borden Kent	M. Melling	PL101128 (ROP)	Party	PL101128	Site specific: 8.4.15 to 8.4.20
Wholesale Forest Products Ltd.	M. Melling	PL101128 (ROP)	Party	PL101128	Site specific: 8.4.15 to 8.4.20
Ms. Sheryl Kotzer, Mr. Howie Kotzer and Mr. Michael Kotzer	D. Santo	PL101128 (ROP)	Party	PL101128	Site specific: 8.4.15 to 8.4.20
Mr. Gary Foch	D. Santo	PL101128 (ROP)	Party	PL101128	Site specific: 8.4.15 to 8.4.20
South Sharon Developments Inc.	J. Park	PL101233 (ROPA 1)	Party	PL101233 (ROPA 1)	ROPA 1
Acorn Development Corporation	R. Houser	PL101233 (ROPA 1)	Party	PL101233 (ROPA 1)	ROPA 1
Ladyfield Construction Ltd.	R. Houser	PL101233 (ROPA 1)	Party	PL101233 (ROPA 1)	ROPA 1
Farm Cove Holdings Inc.	R. Houser	PL101233 (ROPA 1)	Party	PL101233 (ROPA 1)	ROPA 1

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates
Fetlar Holdings Limited	R. Houser	PL101233 (ROPA 1)	Party	PL101233 (ROPA 1)	ROPA 1

Landowner Participant Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates
Trevor Rose Angelo Antonangeli, Leslie Gardens 1450968 Ontario Inc, c/o Peter Gorin	H. Friedman	PL101128 (ROP)	Participant	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"
Intracorp Projects Acquisitions Ltd.	M. Melling	PL101128 (ROP)	Participant	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.
William H. Worden and Yvonne W. Worden Montanaro Estates	J. Streisfield	PL101128 (ROP)	Participant	PL101128	Participant status with respect to Chapter 2 of ROP.

Landowner Participant Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates
Limited					
Markham Gateway Inc.	R. Beaman	PL101128 (ROP)	Participant	PL101128	
165 Pine Grove Investments Inc.	A. Brown	PL101128 (ROP)	Participant	PL101128	Participant status to monitor policies 5.1, 5.2 and 5.3 and
Devon Lane Construction Ltd.	L. Townsend	PL101128 (ROP)	Participant	PL101128	Provisions specified and agreed upon as between the Region and Devon Lane Construction Ltd.
Haulover Investments Ltd.	J. Streisfield	PL101128 (ROP)	Participant	PL101128	Site Specific: 8.4.15 to 8.4.20

ATTACHMENT "A"

List of Appellants

York Region Official Plan – OMB Case No. PL101128

1. Angus Glen North West Inc. and Angus Glen Holdings Inc.
2. E. Manson Investments
3. North Leslie Residential Landowners Group Inc.
4. North Markham Landowners Group
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 - 1463069 Ontario Limited
 - 1512406 Ontario Limited
 - 1612286 Ontario Inc.
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 - 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
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 - Tsialtas, Peter and Cathy
 - Tung Kee Investment Limited Partnership
 - Warden Mills Developments Limited
 - ZACORP Ventures Inc.
5. Loblaw Properties Limited
6. Rice Commercial Group of Companies
7. Yonge Green Lane Developments Limited
8. ~~Mr. Allen Eng~~
9. ~~Mr. John Hayes~~
10. ~~Mr. Paul Jadilebovski~~

11. ~~Mr. Peter Antonopoulos~~
12. ~~Mr. Philip Comartin~~
13. ~~Mr. Shai Perlmutter~~
14. ~~Mr. Steven DeFreitas~~
15. ~~Peat Farmers of Ontario represented by Mr. Phil Comartin~~
16. ~~Property Owners with Rights Association represented by Paul Jadilebovski~~
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36. Fieldgate Developments and ~~TACC Developments~~

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42. ~~Arten Developments Inc.~~
43. Sanmike Construction Ltd.
44. ~~Canada Mortgage and Housing Corporation~~
46. ~~Mahamevna Bhavana Asapuwa Toronto~~
47. The Mandarin Golf and Country Club Inc. and AV Investments II Inc.
48. ~~Cornerstone Christian Community Church~~
49. Tesmar Holdings Inc.
50. ~~Sustainable Vaughan~~
51. ~~Markham Gateway Inc.~~
52. CHFMS:
 - Colebay Investments Inc.
 - Highcove Investments Inc.
 - Firwood Holdings Inc.
 - Major McCowan Developments Limited
 - Summerlane Realty Corp.

Amendment 1 – Urban Expansion in the Town of East Gwillimbury – OMB Case No. PL101233

- Dalton and Alan Faris
- Eden Mills Estates Inc.
- Martin Pick, Thomas Pick and 1324534 Ontario Inc.
- Rice Commercial Group of Companies

Amendment 2 – Urban Expansion in the City of Vaughan – OMB Case No. PL101237

- ~~Sustainable Vaughan~~

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

- Minotar Holdings Inc., Corlots Developments, Cherokee Holdings and Halvan 5.5 Investments Ltd.
- Grace Chinese Gospel Church of North York
- North Markham Landowners Group
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