

ISSUE DATE:

**Jul. 15, 2011**



Ontario

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:**

### **Parties**

Please refer to Attachment "1"

### **DECISION DELIVERED BY K. J. HUSSEY AND ORDER OF THE BOARD**

The third Pre-hearing Conference for the proceedings involving the York Region Official Plan - 2010 (Region OP) and the Regional Official Plan Amendments (ROPA 1, 2 & 3) was held on June 30<sup>th</sup>, 2011, to address the following items:

1. Urban area expansion to accommodate Vaughan OPA 637/ ROPA 52 Deferral Areas 1 and 2;
2. Confirmation that the forecasts of population and employment in Table 1 of the York Region Official Plan - 2010 ("ROP-2010") are not challenged and are thus, capable of coming into force;
3. Matrix of Issues/draft Issues Lists, including scheduling an additional Pre-hearing Conference to address the Matrix of Issues/Draft Issues List and Procedural Order;
4. Status requests on consent.

#### **1. Vaughan OPA 637/ROPA 52:**

The Parties to the Vaughan OPA 637 appeals have been in mediation and did not achieve a resolution before this Pre-hearing Conference. This matter will therefore be placed on the agenda for the next Pre-hearing Conference.

#### **2. Employment and Population Forecast - Table 1:**

There are two Appellants who are concerned with Table 1, namely, Robert G. Sikura and Aurora Leslie. Both are Parties to the Aurora OPA 73/Aurora-Leslie

Secondary Plan appeals and both have characterized their appeals as "protective" appeals, to preserve their positions in the OPA 73/Aurora-Leslie Secondary Plan appeals. These Parties have indicated that they will not consent unconditionally to the forecasts in Table 1. The Region therefore, will not seek an order at this time confirming any portion of Table 1.

### **3. Matrix of Issues/Draft Issues Lists:**

Counsel for the Region informed the Board that approximately 50% of Appellants have provided a response to the draft Matrix of Issues that have been circulated. Counsel also advises that based on the comments received to date it will be necessary to determine by way of motion matters related to the Matrix of Issues/Draft Issues List, and has requested the Board to set aside August 23<sup>rd</sup>, 2011, to hear contested motions on this matter. The Board confirms that **August 23, 2011**, has been reserved on the Board's calendar to hear the motions. The Parties who have not responded to the Matrix of Issues are hereby directed to do so before **July 15, 2011**. The Region is directed to respond to those comments by **August 5, 2011**.

If required, the Region's motion materials are to be filed by **August 12<sup>th</sup>, 2011**, and responses to the motion are to be no later than **August 19, 2011**. For those Parties only, whose status is to be determined by the s. 17(36) motions returnable July 19 and 20, 2011, in order to allow sufficient time to file responses, an alternative date of **September 15, 2011**, has been reserved to hear the motion on the Matrix of Issues/Draft Issues List.

### **4. Status Requests:**

Markham Gateway was identified in the Region's status motion, scheduled to be heard July 19 and 20, 2011. On consent the motion has been resolved.

Markham Gateway has withdrawn its appeal and instead has sought Participant status in the ROP 2010 Appeals. The Board acknowledges Markham Gateway as a Participant, in the ROP 2010 Appeals.

Kau and Associates L.P. has withdrawn its appeal to the ROP. The Board accepts the withdrawal. The Board acknowledges Kau and Associates L.P. is now a Party to the ROP 2010 appeals by Times Group Corporation, Smart Centres and Calloway Real Estate Investment Trust and Rice Commercial Group of Companies.

The status of MMAH as a Party to the ROPA 3 Appeals remains unresolved. This matter will be placed on the agenda for the next Pre-hearing Conference.

**5. Future Pre-hearing Conferences:**

The following are the dates and locations for the Pre-hearing Conferences mentioned above.

- July 19 and 20, 2011, at 10:30 a.m., at the Regional Municipality of York offices, Seminar Room, 17250 Yonge Street, Newmarket;
- August 23, 2011, at 10:30 a.m. at the Regional Municipality of York offices, Seminar Room, 17250 Yonge Street, Newmarket;
- September 15, 2011 at 10:30 a.m. at the Regional Municipality of York offices, Seminar Room, 17250 Yonge Street, Newmarket.

There will be no further notice.

This is the Order of the Board.

“K. J. Hussey”

K. J. HUSSEY  
VICE-CHAIR



<p>Draga Barbir                  Barbir &amp; Associates                  345 Melrose Street                  Etobicoke, Ontario M8Z1G9</p>	<p>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</p>
<p>Barry Horosko                  Bratty and Partnership LLP                  7501 Keele Street, Suite 200                  Vaughan, Ontario L4K 1Y2</p>	<p>17 Kau &amp; Associates L.P.</p>
<p>John M. Alati                  Davies Howe Partners Lawyers                  The Fifth Floor 99 Spadina Ave                  Toronto, Ontario M5V 3P8</p>	<p>18 Block 27 Landowners Group                  19 Dorzil Developments (Bayview) Ltd.                  20 Westlin Farms</p>
<p>Jeffrey L. Davies                  Davies Howe Partners Lawyers                  The Fifth Floor 99 Spadina Ave                  Toronto, Ontario M5V 3P8</p>	<p>21 Lucia Milani and Rizmi Holdings                  Limited</p>
<p>Mark Flowers                  Davies Howe Partners Lawyers                  The Fifth Floor 99 Spadina Ave                  Toronto, Ontario M5V 3P8</p>	<p>22 Daraban Holdings Limited                  23 Smart Centres and Calloway Real                  Estate Investment Trust                  24 Yonge Bayview Holdings Inc.</p>
<p>Susan Rosenthal                  Davies Howe Partners Lawyers                  The Fifth Floor 99 Spadina Ave                  Toronto, Ontario M5V 3P8</p>	<p>25 583753 Ontario Ltd.                  26 775377 Ontario Ltd.                  27 Helmhorst Investments Ltd.</p>
<p>Chris Barnett                  Davis LLP Barristers and Solicitors                  1 First Canadian Place, Suite                  5600, P.O. Box 367, 100 King                  Street West                  Toronto, Ontario M5X 1E2</p>	<p>28 Aurora 2C Landowners Group Inc.</p>

<p>Neil G. Davis Davis Webb LLP Barristers and Solicitors 24 Queen Street East, Ste. 800 Brampton, Ontario L6V 1A3</p>	<p>29 W. J. Smith Gardens Limited</p>
<p>David Bronskill Goodmans LLP Barristers and Solicitors Bay Adelaide Centre, 333 Bay Street, Suite 3400 Toronto, Ontario M5H 2S7</p>	<p>30 Metrus Development Inc.</p>
<p>Roslyn Houser Goodmans LLP Barristers and Solicitors Bay Adelaide Centre, 333 Bay Street, Suite 3400 Toronto, Ontario M5H 2S7</p>	<p>31 Upper City Corporation and Clear Point Developments</p>
<p>Catherine A. Lyons Goodmans LLP Barristers and Solicitors Bay Adelaide Centre, 333 Bay Street, Suite 3400 Toronto, Ontario M5H 2S7</p>	<p>32 Minotar Holdings Inc, Cor-lots Development, Cherokee Holdings and Halvan 5.5 Investments Limited</p>
<p>David Charezenko iPLANcorp 211 Main Street South Newmarket, Ontario L3Y 3Y9</p>	<p>33 Dalton and Alan Faris and Eden Mills Estates Inc. 34 John Carlisle and Robert G. Sikura</p>
<p>Ira T. Kagan Kagan Shastri Lawyers 188 Avenue Road Toronto, Ontario M5R 2J1</p>	<p>35 Aurora-Leslie Developments Inc. 36 Fieldgate Developments and TACC Developments 37 Times Group Corporation</p>
<p>Sarah F. Baldwin LARKIN+ Associates Planning Consultants Inc. 1168 Kingdlae Road Newmarket, Ontario L3Y 4W1</p>	<p>38 Memorial Gardens Canada Limited</p>
<p>Fred Darvish Liberty Development 505 Highway 7 East, Suite 303 Thornhill, Ontario L3T 7T1</p>	<p>39 1596630 Ontario Ltd.</p>

<p>Jim Kirk Malone Given Parsons Ltd. 140 Renfrew Drive, Suite 201 Markham, Ontario L3R 6B3</p>	<p>40 583753 Ontario Ltd. 41 Amir Hessam Limited and 668152 Ontario Ltd.</p>
<p>Daniel B. Artenosi McCarthy Tetrault Box 48, Suite 5300, Toronto Dominion Bank Tower Toronto, Ontario M5K 1E6</p>	<p>42 Arten Developments Inc.</p>
<p>John A.R. Dawson McCarthy Tetrault Box 48, Suite 5300, Toronto Dominion Bank Tower Toronto, Ontario M5K 1E6</p>	<p>43 Sanmike Construction Ltd.</p>
<p>David A. McKay MHBC Planning Urban Design &amp; Landscape Architecture 230-7050 Weston Road Woodbridge, Ontario L4L 8G7</p>	<p>44 Canadian Mortgage and Housing Corporation</p>
<p>Diana Santo MMM Group 100 Commerce Valley Drive West Thornhill, Ontario L3T 0A1</p>	<p>45 Signature Developments Inc.</p>
<p>Randal Dickie pmg Planning Consultants 227 Bridgeland Avenue Toronto, Ontario M6A 1Y7</p>	<p>46 Mahamevna Bhavana Asapuwa Toronto</p>
<p>Richard R. Arblaster Richard R. Arblaster Barrister &amp; Solicitor Suite 200, 7100 Woodbine Avenue Markham, Ontario L3R 5J2</p>	<p>47 Mandarin Golf and Country Club Inc. and A V Investments II Inc.</p>
<p>Robert E. Jarvis Robert E. Jarvis, Q.C. 105 Confederation Way Thornhill, Ontario L3T 5R4</p>	<p>48 Cornerstone Christian Community Church</p>



<p>Maurizio Rogato SOLMAR Development Corp. 122 Romina Drive Concord, Ontario L4K 4Z7</p>	<p>49 Tesmar Holdings Inc.</p>
<p>Satinder Rai Sustainable Vaughan 143 Vaughan Mills Road Vaughan, Ontario L4H 1K2</p>	<p>50 Sustainable Vaughan</p>
<p>Roger Beaman Thomson Rogers Suite 3100 390 Bay Street Toronto, Ontario M5H 1W2</p>	<p>51 Markham Gateway Inc.</p>