ISSUE DATE:
November 17, 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

LIST OF PARTIES AND PARTICIPANTS

Please refer to Attachment "2"

MEMORANDUM OF ORAL DECISION DELIVERED BY S. W. LEE AND K. J. HUSSEY ARISING FROM MOTIONS TO DETERMINE APPEAL STATUS AND STANDING OF PARTIES AT A PREHEARING CONFERENCE

This decision addresses a number of contested motions with regard to the questions of status and standing. These motions were raised and argued at different prehearing sessions concerning the York Region Official Plan (the YROP), a proceeding relating to the Growth Plan Conformity exercise. This panel of the Board is mindful not to issue separate decisions spanning from one session to another. Our motive for this consolidated approach is to maintain a common and consistent standpoint. It is essential to do so not only in the application of the law, but to underline the same analytical framework and the interpretative nuance within the same proceeding, especially a proceeding of this size and complexity.

These motions brought by the Region are to challenge the "appellant status" and the "party status" of a number of persons or corporations. The Board discerns that generally speaking, the Region adopts a "tough-minded" approach to the "right of appeal", and, relatively speaking, a more "tender-minded" approach to endowing party status. The Region maintains that the formal requirement of subsection 17(34) of the *Planning Act* (the "*Act*") is absolute. A person that has failed to comply with the requisite requirements is deprived of the right of appeal. On the other hand, the Region also maintains that the Board has the jurisdiction to endow party status on a person other than a legitimate appellant pursuant to subsection 17(44.1) and (44.2) of the *Act.*

Because of this dualistic approach, a number of parties have recoiled from contesting for appeal rights in return of being endowed the party status or participant status by the Region on consent. There are others who are adamant to secure their rights of appeal, arising from various circumstances. Some wish to avoid the precariousness of the sheltered party status. Others had no choice as there is no policy

issue under which sheltering may be possible. Still others wish to challenge the Region's analysis of the relevant facts and applicable law on principle and in detail.

It is to these persons who are caught under such horns of dilemma that this decision will next address.

1. Sustainable Vaughan; and

2. Peat Farmers of Ontario, Allen Eng, Paul Jadilebovski, Shai Perlmutter and Philip Comartin

The factual basis for these two groups of persons seeking appellant status is undisputed. There is no assertion from either of these groups that timely oral submissions at a public meeting or written submissions to council had been made. In the case of Sustainable Vaughan, a residents association, the Board has not been given any affidavit evidence to controvert the central tenets of the Region that no oral or written submissions had been made. Its representative has not made any oral submission to contradict the undisputed facts.

In the case of the Peat Farmers, it is the same. Unfortunately, as the affidavit materials submitted by this group's counsel indicates, this group has made extensive contacts and submissions to the Lake Simcoe Region Conservation Authority, the Town of East Gwillimbury, as well as with the Hon. John Gerretsen, the Minister of Environment, the Hon. Donna Canfield and the Hon. Michael Gravelle over the months of January 2009, to October 2009, seeking its voice heard on planning issues central to the livelihood of the members of Peat Farmers of Ontario. It has actively and demonstrably shown that it is urgently interested in the land use planning process. Yet, it has not done precisely the things that are absolutely needed -- it has not made its concerns known to the Regional Council, either orally at a public meeting or in writing before council adopted the Official Plan instruments.

The plight of these Peat Farmers is self-evident. The existing "Rural Area" land use designation does permit non-agricultural uses, including the extraction of peat. However, Peat-lands are inherently single-purpose environments. Under the YROP, no use is permitted by the "Agricultural" designation while peat deposits remain on lands in question.

Counsel for these Peat Farmers, Mr. Bowley, did his utmost to put the best foot forward in the interests of his clients. He cast the Board, wrongly, in our view, of being vested with an inherent power, larger than what the *Act* warrants. Nonetheless, he rightly observed that while the municipality has its assigned roles within the present regime, it is not vested with pre-eminence to the exclusion of all others. Mr. Bowley is also correct in his recognition that under the present system, the post-Bill 51 planning regime, the notion of a fair appeal process has not been sent to exile.

These and other related notions are addressed by the Board as follows:

Subsection 17(36) of the *Planning Act* states:

> (36) Any of the following may, not later than 20 days after the day that the giving of notice under subsection (35) is completed, appeal all or part of the decision of the approval authority to the Municipal Board by filing a notice of appeal with the approval authority:
>
> 1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
> 2. The Minister.
> 3. In the case of a request to amend the plan, the person or public body that made the request. 2006, c. 23, s. 9(6).

It is trite that the notion of a municipal council as the primary decision-maker is a *leitmotif* that recurs throughout the *Act.* This notion permeates throughout the provincially led policy system and has materialized policies not only in this *Act,* but others. While subsection 1.1 celebrates and enshrines many of the planning values, subsection 1.1(f) sets out specifically that one of the purposes of the *Act* is to "recognize the decision-making authority and accountability of municipal councils in planning".

Subsection 17(36) is, in part, an embodiment and materialisation of this value. It empowers the Municipal Council with the opportunity to act on, reject or partially accept any submissions, oral or written, presented before it prior to the adoption of the Plan.

The requirement for making oral or written submissions is absolute and not provisional. Anyone, except the Minister and the applicant of an Official Plan Amendment, who has not adhered to this formality, is barred from appealing. The lack of compliance in this regard by both Sustainable Vaughan and the Peat Farmers therefore dooms them inexorably as appellants.

Because of the breadth that is required of this Decision, the Board is desirous to venture beyond the obvious provision of subsection 17(36) to further analyze whether the Board has any residual legal authority to overcome the disqualification as set out in subsection 17(36).

As an adjudicative body, the Board is not vested with any jurisdiction to create an appeal. This last-mentioned proposition has been affirmed by a number of Board Decisions, commencing from Kanata Research Park Corp-the Ottawa Comprehensive Zoning By-Law Decision 2008 Carswell Ont 6850,60 O.M.B.R. 271. The pronouncements of the Hon. John Gerretsen at the Legislature, which has been recorded in Hansard during the debate of Bill 51 that the Board does not have such power, has been cited on more than one occasion.

A close textual analysis of other provisions will also lead to the same conclusion. For instance, it is true that the Board can refuse, approve wholly and partially or modify any Plan as set out in subsection 17(50). Nonetheless, subsection 17(50.1) simultaneously ensures and demands that the Board cannot overreach into policy areas where no appeal right exists:

> (50.1) For greater certainty, subsection (50) does not give the Municipal Board power to approve or modify any part of the plan that,
>
> (a) is in effect; and
>
> (b) was not dealt with in the decision of council to which the notice of appeal relates. 2006, c. 23, s. 9(13).

This is not just a friendly reminder. It is a potent injunction against the Ontario Municipal Board to open up ("approve or modify") an Official Plan or parts which are in legal effect and outside the purview of the decision of council to which the appeal notice relates. What this provision demonstrably shows is that the power of the Board is appellate, derivative rather than original.

In view of the foregoing, the Board cannot but come to the conclusion that neither of these groups would be qualified as appellants.

The next step of our analysis is whether they can be given the standing of a party pursuant to the general power of the Board to add parties. Sustainable Vaughan did not make such a request. Accordingly, the Board cannot confer the status gratuitously. Counsel for the Peat Farmers did, albeit rather circuitously. However, he failed to formulate an argument cogent enough to establish a case for his clients.

Under Sections 34 & 38 of the *Ontario Municipal Board Act*, the Board is conferred with amplitude of powers, amongst which is the power to add or substitute parties. Section 38 states:

> 38. The Board, for the due exercise of its jurisdiction and powers and otherwise for carrying into effect the provisions of this or any other general or special Act, has all such powers, rights and privileges as are vested in the Superior Court of Justice with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders and all other matters necessary or proper therefor. R.S.O. 1990, c. O.28, s. 38; 2006, c. 19, Sched. C, s. 1(1).

The restriction regarding adding parties in an Official Plan hearing is set out specifically in subsection 17(44.1) and (44.2) of the *Planning Act*:

> (44.1) Despite subsection (44), in the case of an appeal under subsection (24) or (36), only the following may be added as parties:
>
> 1. A person or public body who satisfies one of the conditions set out in subsection (44.2).
> 2. The Minister.
> 3. The appropriate approval authority. 2006, c. 23, s. 9 (7).
>
> (44.2) The conditions mentioned in paragraph 1 of subsection (44.1) are:
>
> 1. Before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council.
> 2. The Municipal Board is of the opinion that there are reasonable grounds to add the person or public body as a party. 2006, c. 23, s. 9 (7).

Are there reasonable grounds to add the Peat Farmers as parties under paragraph 2 of subsection 17(44.2)? Vice-Chair Mr. Stefanko in his Oakville Official Plan (PL100058) Decision has set out a number of "obvious factors" to be considered by the Board in the exercise of its discretion based on reasonable grounds. One of them involves the question of sheltering; others relate to questions of direct interests. Still

others relate to the prejudice an addition of parties may ensue. These are good and practical indicia as to what may be considered in the exercise of a remedial discretion.

The one aspect singled out by the Region for attack in this case is that there is no shelter for the Peat Farmers to nest. On that basis, the Region urged the Board not to confer Peat Farmers party status. The Region's Affidavit, filed as Exhibit 15, indicates that the only possible shelter under which party status can be conferred may be the Mahamevna and the Mandarin appeals. The deponent for the Region asserts that none of these appeals relate to the issues raised by the Peat Farmers. As such, no party status should be conferred. None of these attested assertions set out in the Affidavit filed by the Region has been contradicted or queried by Counsel for the Peat Farmers.

This panel of the Board is of the view that amongst the obvious factors, the requirement of sheltering is of great importance. This requirement as a prerequisite for a party status stems in part from the strictures of the Section 17 in general. For example, under subsection 17(50.1), the Board is enjoined by that provision to overreach into policy areas in an Official Plan in effect and outside the decision of council to which the appeal notice relates. Recall our earlier finding that the Board should not and cannot create appeals with respect to such policies. For the same, if not for stronger reasons, it should not and cannot exercise its discretion to add parties in such areas.

An un-appealed policy is, *de jure* a policy in effect pursuant to subsection 17(38). The subsection states:

> (38) If no notice of appeal is filed under subsection (36) in respect of all or part of the decision of the approval authority and the time for filing appeals has expired,
>
> (a) the decision of the approval authority or the part of the decision that is not the subject of an appeal is final; and
>
> (b) the plan or part of the plan that was approved and that is not the subject of an appeal comes into effect as an official plan or part of an official plan on the day after the last day for filing a notice of appeal. 1996, c. 4, s.9.

If the Board were to add parties in a policy scenario where no appeal has been launched, two implications would ensue. First, the Board would create parties possessing a fictional prowess to challenge policies already in legal effect. Secondly, the Board would be doing indirectly where it is enjoined to do directly. The addition of

parties must be based on grounds that are "reasonable" as called for in subsection 17 (44.2). Anything done that is enjoined by the statute cannot be said to be reasonable.

In short, the Board has not received any legal or evidentiary submission to controvert the Region's position. The Peat Farmers case is simply a case where the remedial relief had not been established satisfactorily. Accordingly, no party status will be conferred.

3. The Yonge-Bayview Corporation

The Board will next turn to an entity which has been refused by the Region as an appellant. The relevant facts of this motion are not in dispute although divergent interpretations have resulted from the same facts. Important to note in this case is that the Region has consented to the conferring of the party status. However, Yonge-Bayview eschews the precariousness of being added as a party under subsection 17 (44.1) of the *Act* and prefers to establish itself as an appellant. The important chasm between the two kinds of status is clearly recognised by its Counsel.

Counsel for Yonge-Bayview, Mr. Flowers, rests his case on this contested motion upon several grounds. He maintains that his client has adhered to the formality as called for in subsection 17(36). Through a corporate related developer-manager, it is his contention that Metrus Development Inc. has made written submissions on behalf of Yonge-Bayview. In the alternative, Mr. Flowers maintains that Yonge-Bayview has made its own submissions at a later stage, a stage, in his view, fully in keeping with the statutory requirements.

Let us deal with the submission regarding corporate relatedness.

It is undisputed that Metrus has complied with the requirement and filed the submissions on behalf of itself and other related companies of which Metrus has interests in relation to the YROP. These submissions are dated October 13th, 2009 and December 16th, 2009, both of which were made prior to the adoption of YROP on December 16th, 2009 by By-Law 2009-58. However, Yonge-Bayview as a distinct entity was not specifically referred to by Metrus. The Board is loath to accept such a casual and off-hand reference as definitive. Since subsection 17(34) focuses on the questions of qualification, it is vitally important to ascertain with exactitude which entity can be

qualified. In this case, the reference is imprecise and vague. The argument that this entity has complied, is therefore not persuasive.

As for the second leg of the arguments, this panel of the Board finds that it warrants a studied and thoughtful approach.

Mr. Flowers maintains that Yonge-Bayview has complied fully with subsection 17(36) given the facts as delineated. The YROP as adopted by Council in December 2009 was subsequently modified by a number of Regional Modifications, commencing on May 20th, 2010. He submits that Yonge-Bayview had forwarded its written submissions on May 19th, 2010 and has specifically requested Additional Modifications to the YROP for its benefit in the context of a major modification exercise. As such, it is his contention that subsection 17(36) has been complied with. Mr. Waque steadfastly maintains that the exact time to make submission should be fastened to the point of time prior to the adoption of the YROP on December 16th, 2009 and not subsequently.

Our conclusion with respect to this question is that Yonge-Bayview is endowed the appellant status. Our reasons are based on the essential findings that Yonge-Bayview has complied both in form and in substance. The details of our analysis are set out as follows.

First, it is this panel's finding that these Regional Modifications are not those that represent minor corrections. They involve policy thrusts. If the first adoption on December 16th, 2009 is the first milestone, these Modifications represent the subsequent milestones in the process of an Official Plan making. What is before the Board is the sum total of the YROP with the Regionally-requested Modifications.

Secondly, the evidence is clear that the Yonge-Bayview's written submissions were made prior to the meeting on the first set of Modifications on May 20th, 2010. The written submissions had been made available to council as Regional staff has noted and referred to in the submissions. These facts have not been disputed or contradicted. The implication of Mr. Waque's arguments is that the date for making submissions for both the adoption of the Plan and the subsequent Regionally-requested Modifications are driven only by the first adoption date. It is his contention that the only relevant time is prior to the adoption date of December 16th, 2009.

Mr. Waque's insistence that Yonge-Bayview is precluded from being qualified because it should have made its submissions prior to December 16th, 2009, would be persuasive, if the effect of the modification exercise is generically different from the adoption exercise. What is the essence of a Modification but an adoption of a policy, whether it is the making of a novel policy or an amendment of an adopted policy? Unless one can demonstrably show that the effect of modification is legally and substantially distinct from the effect of an adoption, it is impossible for the Board to distinguish the two.

Thirdly, the implication of Mr. Waque's arguments poses profound difficulties that cannot be resolved. For instance, how would such a thesis deal with this following situation? A person has not filed any submission prior to the adoption date because there is no issue with the adopted policy. However, she is unhappy with the effect of a subsequent modification proffered by the Municipality which has altered a policy that may affect her. They filed her written submission prior to the modification date. If she is considered eligible to be an appellant, how do we distinguish her situation from the situation of Yonge-Bayview? If she is barred for the same reason as Yonge-Bayview, is it not patently unfair and legally untenable?

Alternatively, if one were to remain punctiliously glued to the adoption date as the benchmark, is it not appropriate to treat both situations as ones belonging to the category of paragraph 3 of subsection 17(36)? Is it not possible to consider both as *de facto* applicants to the amendment of YROP by virtue of their submissions prior to the modification and are therefore exempt from the formality requirements?

Finally, when the Approval Authority, the Ministry of Municipal Affairs and Housing, issued its decision, it did so for the sum total of the YROP and the Regionally-requested Modifications. The decision issued on September 7th, 2010 by the Minister is an "approval with modification". It addresses all the products and processes which had been managed and monitored by the Region i.e., both the adopted policies and the adopted modifications. If one were to test the impugned scenario by the policy reason of the provision, it is hard to see to what extent would this scenario run afoul the notion of municipal primacy as submissions had been made to Council prior to the adoptions of the modifications. The purpose of the provision is therefore satisfied. If one were to test

the impugned scenario by the adherence in form, it is also satisfied since submissions had been made prior to the relevant dates in question.

For all these reasons, this panel concludes that Yonge-Bayview had complied with the formality requirements and is a legitimate appellant.

"S. W. Lee"

S. W. LEE
ASSOCIATE CHAIR

"K. J. Hussey"

K. J. 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.
   - Colbay Investments Inc.
   - First Elgin Mills Development Inc.
   - Firwood Holdings Inc.
   - Glendower Properties Inc.
   - Highcove Investment Inc.
   - Mackenzie 48 Investments Limited
   - Major Kennedy Developments Limited
   - Major Kennedy South Developments Limited
   - Major McCowan Developments Limited
   - Romandale Farms Ltd.; Frambordeaux Developments Inc.
   - Kennedy Elgin Developments Limited
   - Summerlane Realty Corp
   - Tsialtas, Peter and Cathy
   - Tung Kee Investment Limited Partnership
   - Warden Mills Development 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
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. John Carlisle and 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.

ATTACHMENT "2"

List of Parties and Participants (as updated July 20, 2011)

Public Sector Party Status

Note: Underlined text denotes text updated on July 20, 2011

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 PL101237 PL101238	Party
City of Vaughan	C. Storto	PL101128 PL101233 PL101237 PL101238	Party
Town of East Gwillimbury	Don Sinclair	PL101128 PL101233 PL101237 PL101238	Party
Town of Richmond Hill	Antonio R. Dimilta	PL101128 PL101233 PL101237 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 PL101237 PL101238	Participant

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment 1)	Policies to Which Status Relates
Angus Glen Developments Ltd. Angus Glen Golf Club Ltd.	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
William H. Worden and Yvonne W. Worden Montanaro Estates Limited	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.
Vaughan 400 Landowners Group Inc.	M. Melling	PL101128 (ROP)	Party	N/A	Lifting of deferral area 2 in ROPA 52

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment 1)	Policies to Which Status Relates
Harry John Lewis and Murray 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
Ruth Elizabeth Brock Lois Marguerite Frisby Ruth Elizabeth Brock Charlotte Marie Frisby Marguerite Alice Gallone Gerhard Schickendanz Elma Schickendanz Wagema Holdings Limited Lorna Mary Passafiume Walmark Holdings Inc.	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 ROPA 3 and the alternative urban boundary line
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
Block 34 East Landowners Group Inc.	R. Houser	PL101128 (ROP)	Party	N/A	Lifting of deferral area 1 in ROPA 52

Landowner Party Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment 1)	Policies to Which Status Relates
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
Block 27 Landowners Group Inc.	M. Melling	PL101128 (ROP) PL101237 (ROPA 2)	Party	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	D. Donnelly	PL101128 (ROP)	Party	PL101128 – 4, 27	3.4.11 and 3.4.14

Landowner Participant Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment 1)	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.
South Sharon Developments Inc.	J. Park	PL101128 (ROP) PL101233 (ROPA 1)	Participant	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	J. Streisfield	PL101128 (ROP)	Participant	PL101128	Participant status with respect to Chapter 2 of ROP.
Markham Gateway Inc.	R. Beaman	PL101128 (ROP)	Participant	PL101128	

Landowner Participant Status

Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment 1)	Policies to Which Status Relates
165 Pine Grove Investments Inc.	A. Brown	PL101128 (ROP) PL101237 (ROPA 2)	Participant	PL101128 PL101237	Participant status to monitor policies 5.1, 5.2 and 5.3 and ROPA 2.