

ISSUE DATE:

**Sept. 4, 2012**



PL101128  
PL101233  
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  
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

IN THE MATTER OF section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended, and Rule 34 of the Board's Rules of Practice and Procedure

Request by: Martin Pick, Thomas Pick & 1324534 Ontario Inc.  
Request for: Request for Directions (Motion for Production/Disclosure)  
Subject: Proposed Official Plan for the Regional Municipality of York  
Proposed Regional Official Plan Amendment No. 1 (ROPA 1)  
Proposed Regional Official Plan Amendment No. 3 (ROPA 3)  
OMB Case Nos. PL101128, PL101233, PL101238  
OMB File Nos. PL101128, PL101233, PL101238

**A P P E A R A N C E S:**

**Parties**

Regional Municipality of York

Martin Pick, Thomas Pick  
and 1324534 Ontario Inc.

Colebay Investments Inc.,  
Highcove Investments Inc.,  
Firwood Holdings Inc.,  
Major McCowan Developments Limited &  
Summerlane Realty Corp.

North Markham Landowners Group

South Sharon Developments Inc.

Acorn Development Corporation,  
Ladyfield Construction Ltd.,  
Farm Cove Holdings Inc. & Fetlar Holdings Limited

**Counsel**

S. Waque, I. Mathany

M. Flowers

S. D'Agostino

J. Pepino, A. Skinner

J. Park

J. Drake

**MEMORANDUM BY K. J. HUSSEY ON A TELEPHONE CONFERENCE CALL  
HELD ON AUGUST 24, 2012**

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This telephone conference was scheduled to hear a motion brought by Martin Pick, Thomas Pick and 1324534 Ontario Inc. ("Pick"). Pick sought an Order of the Board directing the Region of York to deliver certain information that Pick requested on July 29, 2011, July 7, 2012 and August 1, 2012.

At the onset, Counsel for Pick advised the Board that subsequent to filing the Notice of Motion some progress towards resolving the matter was made. In keeping with the Procedural Order approved in principle by the Board on August 15, 2012, expert meetings have occurred and information sought by Pick by way of this motion has been provided, although there are still outstanding requests. The Region advises that it will continue to respond to Pick in the context of the Procedural Order.

North Markham Landowners Group (“NMLG”), Colebay Investments Inc., Firwood Holdings Inc., Highcove Investments Inc., Major McCowan Developments Limited, Summerlane Realty Corp (“Trinison”) responded to Pick’s motion and in addition to the information sought by Pick, NMLG and Trinison seek the additional information requested in their respective motions filed May 17 and 18, 2012, returnable on May 28, 2012. That hearing was adjourned on consent. The Region’s position on NMLG’s and Trinison’s additional requests is that those are distinct and independent of Picks’ and that motion ought to be heard separately.

The Region reiterated that the Board’s procedural Order is now in effect and contains direction for meetings of experts, exchange of witness lists and witness statements. Any information relevant to the appeals would be provided through this process and to the extent that the requests by NMLG and Trinison are not satisfied, those motions, previously adjourned, can be heard at the next pre-hearing conference scheduled for September 7, 2012. The parties consented to this course of action. NMLG and Trinison asked to be provided with information delivered to Pick relating to its motion and further requested all land budget information to be shared with the appellants to the land budget component of these appeals.

Counsel for South Sharon Developments Inc. takes no position on the production issue but requests that any information exchanged and material to the upcoming mediation sessions, be provided to those participating in the mediation.

The parties were in agreement that at this time there is no need for a Board Order to compel production but asked that the Board issue a report on these discussions.

“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 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. 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.