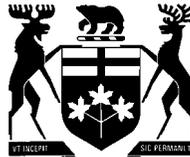


ISSUE DATE:

June 22, 2012



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

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PL101238

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 "1".

DECISION DELIVERED BY S. WILSON LEE AND K. HUSSEY ARISING FROM THE 8TH PRE-HEARING CONFERENCE

A host of matters have been canvassed at this two-day, pre-hearing conference (PHC). The Regional Municipality of York (Region) has agreed to adjourn the motion for partial approvals. Similarly, lead counsel for the North Markham Landowners Group (NMLG) has also adjourned the motion for consolidation with the ROP-2010 with ROPAs 1 and 3. As for the motions for productions, the moving parties have agreed to continue working with the Region.

Some, if not all of these, may have to be addressed at the next PHC. Some party status and scoping matters have been consented to and recorded in this decision; others argued before this panel. The remaining appellant of ROPA2 has withdrawn and the Board has agreed to have its secretary issue a letter pursuant to subsection 17(30) of the *Planning Act* (Act). The Board in this decision has made a number of findings, directions and suggestions, both generally and specifically. We have reviewed the filed

affidavits and made observations of some of their contents. Hopefully, they will avert the pending contentious motions as well as providing some sign posts for the future.

Proposal regarding consolidation

On behalf of the Region, Mr. Waque expressed an unwillingness to consolidate the ROPAs with the ROP appeals. Ms. Pepino, speaking on behalf of NMLG, is quite concerned that there would be a multiplicity of proceedings with conflicting or jarring outcomes. Her suggestion that all ROP and ROPA appeals are to be heard by the same panel in the same hearing is a logical corollary of that concern.

The Board is not oblivious of the desires of the NMLG for ensuring the matters are heard by the same panel, so that the Board will not issue conflicting rulings and decisions. The following items in Exhibit 59A are noteworthy because they indicate Mr. Waque's sensitivity in this regard:

2. Unless issues are later consolidated with local planning hearings, there will be one panel that hear the issues before the Board in the ROP and ROPA in phases;
3. The panel that is seized will determine whether the decision on a phase can be released as a final or as an interim decision;
6. Where there are substantial issues in common, there will be a hearing together as directed by the panel;
7. There is no general consolidation so that prior Board orders which addressed party status related to issues and the distinction between ROP and ROPA appeals stands unless specifically amended by the panel for the phase before it; and
8. The parties are agreed that certain matters do require a hearing together and, in particular, the resolution of the portions of the Maps that remain under appeal in

the in the ROP because the ROPA puts them in issue must be resolved with the ROPA resolution. However, the resolution of the relevant Map portions may be dealt with in separate ROPA 1 and ROPA 3 hearings.

The Board will assign the same panel to hear the ROP-2010 and ROPAs 1 and 3 matters. Item 2 will be satisfied and the principal concerns are addressed by the Board's direction aforesaid. Items 6, 7 and 8 are also amicable to the Board because they appear to be nuanced and indicate a degree of compromise. Item 3 is obvious and seems to relate additionally to matters other than this area. For instance, it does offer comfort for those who do not want to relinquish too much scope of the appeals. Hopefully, our directions and expressed leanings in this regard will help to avoid the motion of consolidation. The Board is confident that the parties will be able to reach a procedural compromise with respect to all details on this matter; otherwise we can be asked to address the extent and manner of these matters heard together.

Chapter 2, Table 1 and 2, and other tantalising items

The Region's motion for partial approval stems in part from a desire to harvest the efforts of the Board's mediation process which consumed almost six weeks. In particular, Chapter 2 and Tables 1 and 2 are close to having complete unanimity but for a number of whole plan appeals and other outlying parties. Additionally, there is an urge to manage the size and the extent of the hearings. The Region requests the Board to direct the parties to voluntarily scope the appeals. Otherwise, the Board will be asked to approve some of the policies. The Board will address the questions on scoping and partial approvals in the next section.

On a go-forward basis, the Board directs the parties to do, and/or continue to do, the following:

1. Wrap up all the on-going settlements with minutes of settlements in the ROP-2010 & ROPAs 1 and 3 appeals and continue in the settlements of the retail employment appeals in a similar vein;

2. Between the Region and the NMLG, the Board directs the two to find as much common ground as possible on substantive matters. Secondly, the two should reach greater agreements on partial approvals and procedural matters. As a suggestion, the parties may want to use the revised scheduled “A” of Exhibit 42, the Region’s revised list on one hand and the schedule in Don Given’s affidavit at Exhibit 49 at p.25 on the other as a base for discussion. Thirdly, the structure of the Phase 1 of the hearing is addressed later in the decision.
3. As between the whole-plan appellants (both the Region-wide and the site-specific identified on p. 207-209 of Exhibit 41) and the Region, they are directed to undertake a more vigorous attempt at scoping. The next section in our decision deals with whole-plan appellants’ obligations to scope. Suggestions have been made by the Board in some specific appeals.
4. Other major parties need to participate. Apart from working at scoping for partial approvals, they need to cull issues and prepare a plan for the hearings.
5. Mediation services by Mr. J. McKenzie on substantive and procedural matters will be provided on an ongoing basis. All parties should respond to his calls for mediation assessment.

The principle of reciprocity and the legality of scoping

The Board endorses fully the principle of reciprocity: that the procedural refinements for the hearing, which should include issue identification, phasing designs and work schedules must march in concert with a steady progression towards the path of partial approvals. Both paths are important. Neither should be neglected. Neither should be the exclusive tool.

The arguments against a muscular approach of “scoping” of appeals expressed by a number of whole-plan appellants is that it is based, in part, on the proposition that whole-plan appellants cannot be made to scope. References are made to subsection

17(37)(a) of the Act by more than one party. Based on that provision, an argument is made that a whole-plan appellant is not under any obligation to scope further. Additionally, there is a concern that the direction to scope is based on the threat of a partial approval. As such, many parties at the hearing indicate or imply that this is but a less than transparent form of a dismissal of part of the appeal without a hearing pursuant to subsection 17(45) of the Act.

There are actually two sets of questions involved here. While they have an affinity, these two are distinct. First, whether the Board can direct parties to scope; and can the parties simply refuse to volunteer? Secondly, whether subsection 17(45) power can be invoked as a last resort to enforce scoping; and can the power be deployed for purposes of filtering appeals? The Board makes the following dicta only in relation to the first set of questions. It will reserve on the second as the motion has, in fact, been adjourned.

The sheer size and magnitude of this hearing is a class of its own. Scoping is a necessary process. The Board will be remiss if it does not see to it that it would be at play in this pre-hearing process. Once the specific policies are identified as of primary concerns by a party, the same party has an obligation to relinquish areas of remote and insignificant concerns for approvals. Mechanisms must be designed so that the proposed approved provisions under such a scenario could be earmarked for subsequent site-specific or ancillary modifications. A fair balance must be struck to give the parties a comfort zone and to enable the breadth and size of the hearing to remain manageable. These mechanisms must be refined and agreed to. If not, the Board may be requested to impose them.

No party can take refuge under the provision of subsection 17(37)(a) to avoid the necessity to scope. This provision allows the whole-plan appellant to launch an appeal without specifying the specific policies to which the appeal applies. However, after the appeals have been launched and once the pre-hearing process commences, the Board can issue directions and impose obligations for specificities. Particularly at a stage when

hearing organisation is involved, the Board has the authority to make demands for scoping on any party appearing before it. Any consideration that a state of “suspended obligation” can be made to persist after the appeal and throughout the pre-hearing process is an anathema to common sense. More importantly, the Board is of the view that the urge to litigate everything in order to litigate something is uneconomical and counterproductive.

It is trite to say that an official plan is not a statute and ought not be viewed and handled as such. The Court eschews an interpretation of official plan policies that is fastidious, legalistic and narrow, and favours one that is purposive, liberal and large (see for instance the Court of Appeal decision in *Bele Himmel Investment Limited v. Mississauga, 1982 Carswell Ont 1946* and see the recent endorsement in practical terms by the Div. Court in *City of Toronto v. Home Depot Holdings Court File No. 527/09*). In our view, such an approach must be adopted not only for the deconstruction process which includes interpretation, it should suffuse in the construction process which includes crafting of modifications as a result of appeal. Not every word is laden with ambiguity; not every paragraph is pregnant with implications; not every policy deserves the same weighty attachment. The importance and binding nature of an official plan document is enshrined in many provisions of the Act and is beyond doubt. To think that every inch of it possesses a cosmic dimension is to misread a policy document and elevate it to a status belonging to black letter law.

Section 65 of the Act confers a right and a duty on the Board to use mediation to resolve disputes of any planning matter. In this sense, we are charged not only to encourage mediations, but to see such resolutions coming to fruition. If what has been achieved and what will be achieved by way of continued mediations is not given effect or is being stalled substantially, the mediation efforts would be wasted and the legislative intent thwarted. Our upcoming hearing will inevitably resemble a prolonged war of attrition, which will be all-consuming in time and in expenditure. Some parties may find the process, and at times the results, a Pyrrhic victory or an unalloyed defeat. These remarks made by the Board are not those of a dilettante Cassandra, but are

offered in deadly earnest. No one should harbour illusions that an improperly scoped hearing with multi-party participation and polycentric dimensions would be an effective adjudicative tool.

Furthermore, the Board is vested with the powers to organize hearings and address procedural matters. We are on firm legal ground to demand and give directions to parties to scope before hearings. For obvious reasons, it is undesirable to resort to subsection 17(45) power unless it is necessary. When that bridge needs to be crossed, further oral arguments will be invited and the Board will lay bare our analytical thoughts and our findings on the question.

Accordingly, the Board reserves the option to deploy all the tools within our legal and jurisdictional competence if we sense that this principle of reciprocity is not honoured and the organization effort in the pre-hearing process is going awry.

Target date for the first phase of hearing and its contents

The target commencement date for the first phase is November 19, 2012. Twelve weeks will be set aside. The sitting panel will determine further the details of sitting during that phase.

However, there appears to be a difference of opinion as to how the first phase is to be structured. On one hand, it is claimed that the Employment/ Retail issues and Transportation and Transit issues (except roads that have widths in ROPA 3 and the policies to be applied to new community areas should constitute the subject matters of Phase 1. On the other hand, the NMLG claims that the land budget that leads to a determination for additional lands to be required should be included and remain the first focus.

The main difference is that the Region claims that the decisions of the Board on Retail and Commercial will inform and will be required before the determination of the land budget. Additionally, there is the difference of assumptions that the new community

issues are required to be determined before the land budget phase. Mr. Waque's point that the land budget for NMLG should take a backseat is an issue.

The Board is of the view that there should be no misunderstanding between the NMLG and the Region as to what is meant by "land budget" and the extent of issues that may be deployed in the context of the Town of Markham. Land budget matters in Growth Plan Conformity hearings resemble long, sustained and somewhat interlocked arguments, in separate phases. What the Board insists on is an organisational plan that possesses attentiveness to the contested items as well as an all-embracing unity of conception. In addition, the Board understands that there will not be "poaching" of numbers reserved in Table 1 for other municipalities. Whether land budget should be in Phase 1 is the parties' issue. What the arguments involved and how they are to be structured are the Board's concerns. No doubt, the consultants from these two contenders, Mr. Butler, Mr. Givens and Ms. Jeffrey, and their respective economic counterparts should have a serious chat as to how the land budget involving the Town of Markham should configure and whether it should be included in Phase 1 at all. No doubt the Town of Markham will be involved as well. The Board is very keen at seeing a fruitful resolution in this regard and we will wait patiently, even beyond the next telephone conference call (TCC).

If no consensus is forthcoming for the contents of Phase 1 or if no mediated result is to ensue, a motion should be structured for us to determine these questions. Matters of phasing plans should normally be based on consensus, as the parties are most familiar with the details and the stakes involved. Nonetheless, we are ready to adjudicate if it becomes necessary.

All other parties are directed to consider not only this phase, but the subsequent phases. Obviously, the time has come for final resolutions and negotiations with the Region on both substantive and procedural matters. Nothing should be delayed. The Board has made Mr. McKenzie available for that purpose and any party missing this opportunity, does so at its own peril.

The next pre-hearing conferences will be held on July 11 to 12, 2012. A TCC is to be held on a date to be organized by the case worker. At this TCC, the board may be apprised of the progress of the partial approvals and all aspects of hearing organization matters.

ROPA 2 & Fieldgate developments and TACC Developments

Sustainable Vaughan has withdrawn the appeal to ROPA 2. On behalf of these clients, Mr. Kagan has also withdrawn the party status in relation to ROPA 2 and has consented to the issuance of the letter from the Board secretary pursuant to subsection 17(30) of the Act. Mr. Kagan has also agreed that the appeals should be “judged” in accordance with ROP-2010.

Party status: South Sharon and King City Corporation

These parties agreed not to pursue party status at this PHC and may pursue at a subsequent PHC.

Scoping and party status: Block 27 Landowners Group

This entity’s conferred party status has not been challenged. However, it has agreed to be scoped to certain policies in Chapter 5. In the Bousfield affidavit, some 48 sub-clauses have been identified. The Board understands that this list is to be scoped further on the mediated policies of 5.1.8, 5.6.9 and 5.6.14.

Party status: 1539253 Ontario Inc.

The Region has agreed to this entity to be conferred party status on a site-specific and policy specific basis (10951 Kipling Avenue, Vaughan) in respect of the following policies, maps and figure: 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. The policies referred to are those identified by Rosemary Humphries in her affidavits which have been filed with the Board.

Party status: Block 40/47 Developers Group Inc.

This entity has made written submissions regarding certain maps and was satisfied with the modifications made by the minister on the mappings of the urban area. Accordingly, no appeal was launched. As part of the confidential mediation process, modifications were proposed to Map 1 and this entity wishes to be conferred party status. The Region has agreed to party status being conferred on an area- or site-specific basis. Accordingly, the Board confers party status on consent and on an area-specific basis, with specific policies and mapping issues identified in the affidavit of Mark Yarranto, sworn May 18, 2012.

Party status: Haulover

Haulover wishes to be conferred party status for the modified policies of the transitional policies under section 8.4. This entity has received an approval from the Board for an OPA and zoning amendment in a recent decision of the Board after a hearing was held. At that hearing, a settlement agreement with the Region was executed.

Haulover claims that it has a direct interest in the modifications of subsection 8.4 and wants to have party status to those provisions now. The Board agrees with the Region and finds that Haulover is adequately protected under paragraphs 14 and 17 of the proposed provisions. The need for Haulover to be included as a Key Development area has not been demonstrated satisfactorily to the Board. Besides, being included does not give a blanket protection as there are provisos for time-sensitivity and requirements of minutes of settlements. The Board has not been shown how its alleged prejudice is being enhanced under the modified provisions. Its application for party status on these provisions is accordingly denied.

Scoping: Yonge Bayview Holdings Inc. Smart Centre and Calloway Real Estate Investment Trust, Lucia Milani and Rizmi Holdings Limited, Tesmar Holdings Inc.

All these parties are represented by Davis Howe, Partners LLP. Mr. Mark Flowers spoke on behalf of each of them at this session. Exhibits 53, 54, 55 and 56 have been filed on behalf of these parties respectively by the same firm.

Notwithstanding Mr. Flowers' general misgivings, a number of his clients in their materials filed have identified their primary focuses. Yonge-Bayview is prepared to scope. Similarly, Smart Centre and Calloway are so prepared. The Board directs the Region to take note of these parties' indications in their respective filed materials. Together they can work towards either a settlement or refinement of discrete issues for hearing. With respect to Milani and Rizmi Holdings, the filed affidavit of Lindsay Dale-Harris indicates that the subject matters have been active subjects of ongoing negotiations between the province, the Region and the Town of Markham. It is best to allow the process to ripen. As for Tesmar, the list at Tab B of Exhibit 56, being the issues identified by Mr. Kennedy, should not only be a good foundation to scope, but also for mediation in respect of the transit and transportation corridor matter.

Sanmike Construction Limited

Counsel for this entity has indicated to the Board that while his client is content to have certain provisions in section 2 of the Revised schedule "A" of Exhibit 42 to come to a partial approval, the appeal has not been withdrawn. His client wishes to have input to Map 1, as well as to subsection 7.2.25 before they are to be approved.

Devon Lane Construction Ltd.

The Region has agreed this entity is to be conferred participant status with respect to provisions specified between the two parties.

**North Leslie Residential Landowners Group and E. Manson, (NLRLG/ Manson)
Yonge and Green Lane Developments Corp. & Yonge and Green Lane South
Developments Corp. Lowlaws Properties Limited**

Mr. Zakem spoke on behalf of these entities and commented on Exhibits 50, 51 and 52, as Aird & Berlis LLP represents them. No findings need to be made. No observations need to be recorded. The Board noted Mr. Zakem's arguments relating to partial approvals and the relations to dismissal without a hearing, and our earlier findings have addressed some of his arguments and concerns.

The Board also notes Ms. Rosenthal's comments with respect to ROPA 1. No finding or observation from the Board is needed, except that the Region will continue discussion with all the interested parties, including Ms. Rosenthal's clients with respect to this instrument. In view of the fact that the motion for partial approval has been adjourned, this panel needs not make any finding on **Romandale Farms Limited**.

Next pre-hearing conference

The Board has scheduled a further pre-hearing conference to commence on **Wednesday, July 11, 2012, 10:30 a.m., Regional Municipality of York offices, Seminar Room, 17250 Yonge Street, Newmarket, Ontario**. The Board has set aside two days for this pre-hearing conference.

"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 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.

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

Public Sector Party Status

Note: Underlined text denotes text updated on July 20, 2011
Underlined and bold text denotes text updated on May 28, 2012
~~Strikethrough~~ text denotes either a withdrawal of appeal or an OMB Order deeming not to be an appellant, updated as of May 29, 2012

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 <u>PL101237</u> PL101238	Party
Town of Richmond Hill	Antonio R. Dimilta	PL101128 PL101233 PL101237 PL101238	Party

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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

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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
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

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Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	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 Wagama 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
Dorzil Developments (Bayview) Ltd.	J. Alati	PL101233 (ROPA 1)	Party	PL101233 (ROPA 1)	ROPA 1

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Landowner	Counsel	OMB proceeding in which status is granted	Status	Appeal to Which Status Granted (See Attachment A)	Policies to Which Status Relates
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
<u>Kau and Associates</u>	<u>B. Horosko</u> <u>C. Facciolo</u>	<u>PL101128 (ROP)</u>	<u>Party</u>	<u>PL101128 – 5, 6, 23, and 37</u>	<u>4.3.3; 4.3.4; 4.3.7; 4.3.9; 4.3.12; 4.4.6; definition of "Major Retail"</u>
<u>Mahamevna Bhavana Asapuwa Toronto</u>	<u>M. Flowers</u>	<u>PL101128 (ROP)</u>	<u>Party</u>	<u>PL101128 - 47</u>	<u>6.3.2, 6.3.3, 6.3.10 and Map 8</u>
<u>Block 27 Landowners Group Inc.</u>	<u>M. Melling</u>	<u>PL101128 (ROP)</u> <u>PL101237 (ROPA 2)</u>	<u>Party</u>	<u>PL101128 – 4, 19, 30</u> <u>PL101237 (ROPA 2)</u>	<u>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)</u>
<u>Huron-Wendat Nation</u>	<u>D. Donnelly</u>	<u>PL101128 (ROP)</u>	<u>Party</u>	<u>PL101128 – 4, 27</u>	<u>3.4.11 and 3.4.14</u>

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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.
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	J. Streisfield	PL101128 (ROP)	Participant	PL101128	Participant status with

PL101128
 PL101233
 PL101237
 PL101238

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
Yvonne W. Worden Montanaro Estates Limited					respect to Chapter 2 of ROP.
Markham Gateway Inc.	R. Beaman	<u>PL101128 (ROP)</u>	Participant	<u>PL101128</u>	
165 Pine Grove Investments Inc.	A. Brown	<u>PL101128 (ROP)</u> <u>PL101237 (ROPA 2)</u>	Participant	<u>PL101128</u> <u>PL101237</u>	Participant status to monitor policies 5.1, 5.2 and 5.3 and ROPA 2.
<u>Devon Lane Construction Ltd.</u>	<u>L. Townsend</u>	<u>PL101128 (ROP)</u>	<u>Participant</u>	<u>PL101128</u>	<u>Such ROP – 2010 policies as are under appeal by appellants in the North Leslie Secondary Plan area.</u>

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
 - 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.
 - Kennedy Elgin Developments Limited
 - Mackenzie 48 Investments 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.

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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. ~~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.~~

**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 132463 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
 - 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.
 - Kennedy Elgin Developments Limited
 - Mackenzie 48 Investments 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.