

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 S. W. LEE AND ORDER OF THE BOARD

The second Pre-hearing Conference for the proceedings involving the York Region Official Plan - 2010 (Region OP) and Regional Official Plan Amendments (ROPA 1, 2 & 3) was held on May 30, 2011, for the purpose of determining Party and Participant status and to schedule upcoming procedural events and deadlines.

The Board having heard the submissions of the Regional Municipality of York relating to Party status requests, Participant status requests and scheduling matters proceeding on consent; and the Board having heard the submissions of Counsel for certain other Appellants and other interested persons relating to Party status requests, Participant status requests, Orders as follows:

1. Those municipalities or other public agencies listed on the attached Schedule "A1" are hereby added as Parties as so stated on that Schedule.
2. Those municipalities or other public agencies listed on the attached Schedule "A2" are hereby added as Participants as so stated on that Schedule.
3. The Board acknowledges the Party status of the Ministry of Municipal Affairs and Housing in the appeals of the new Region of York Official Plan (PL101128), Regional Official Plan Amendment No. 1 (PL101233) and Regional Official Plan Amendment No. 2 (PL101237).
4. Those persons listed on the attached Schedule "B1" are hereby added as Parties to the specific appeal(s) and in respect of the specific issue(s) as so stated on that Schedule.

5. Those person listed on the attached Schedule "B2" are hereby added as Participants as so stated on that Schedule.
6. For those procedural events and deadlines whose dates have now been fixed, those events and deadlines shall proceed as set out in the attached Schedule "C".

This is the Order of the Board.

"K. J. Hussey"

K. J. HUSSEY
VICE-CHAIR

"S. W. Lee"

S. W. LEE
ASSOCIATE CHAIR

<p>Draga Barbir Barbir & 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 & 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. Arsenosi 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 & 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 & 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>

Schedules "A1" and "A2" – Public Sector Party and Participant Status

**York Region Official Plan 2010 and Regional Official Plan Amendments 1, 2 and 3
OMB Case Nos. PL101128; PL101233; PL101237; PL101238**

Schedule A1 – 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 PL101237 PL101238	Party
City of Vaughan	C. Storto	PL101128 PL101233 PL101237 PL101238	Party
Town of East Gwillimbury	Don Sinclair	PL101128 PL101233 PL101238	Party
Town of Richmond Hill	Antonio R. Dimilia	PL101128 PL101233 PL101237 PL101238	Party

Schedules "A1" and "A2" – Public Sector Party and Participant Status

Schedule A2 – 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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Schedules "B1" and "B2" – Landowner Party and Participant Status

York Region Official Plan 2010 and Regional Official Plan Amendments 1, 2 and 3
 OMB Case Nos. PL101128; PL101233; PL101237; PL101238

Schedule B1 – 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. Straisfield	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. Straisfield	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. Mellling	PL101128 (ROP)	Party	N/A	Lifting of deferral area 2 in ROPA 52
Harry John Lewis and Murray Allin Lewis	D. Hindson	PL101128 (ROP) PL101238 (ROPA 3)	Party	PL101128 – 47 ROPA 3	Chapter 2 policies and related maps, figures and definitions, as set

Schedules "B1" and "B2" – Landowner Party and 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
Donald Miller					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	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
Gerhard Schickendanz Elma Schickendanz					
Wagema Holdings Limited					
Lorna Mary Passafiume					
Wainmark 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
Block 34 East Landowners Group Inc. Dorzil Developments (Bayview) Ltd.	R. Houser J. Alati	PL101128 (ROP) PL101233 (ROPA 1)	Party Party	N/A PL101233 (ROPA 1)	Lifting of deferral area 1 in ROPA 52 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 Minotaure et. al appeals

Schedules "B1" and "B2" – Landowner Party and Participant Status

Schedule B2 – 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	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"
Angelo Antonangeli, Leslie Gardens					
1450968 Ontario Inc., c/o Peter Gorin					
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	J. Streisfeld	PL101128 (ROP)	Participant	PL101128	Participant status with respect to Chapter 2 of ROP.
Montanaro Estates Limited					

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ATTACHMENT "1"

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.
 - 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
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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. 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.
 - 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

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Schedule "C" – Upcoming Procedural Events and Deadlines

**York Region Official Plan 2010 and Regional Official Plan Amendments 1, 2 and 3
OMB Case Nos. PL101128; PL101233; PL101237; PL101238**

Schedule C – Upcoming Procedural Events and Deadlines

Date, Time and Location	Procedural Event(s) or Deadline
June 13, 2011	Individuals seeking party status to provide clarification on or before this date of the appeals and policies to which the request for status relates.
June 30, 2011 10:30 am Vandorf Ballroom Glenway Country Club 470 Crossland Gate Newmarket, ON L3X 1B8	Third pre-hearing conference to address the following matters: <ul style="list-style-type: none"> • Vaughan OPA 637/ROPA 52 Deferral Areas 1 and 2 • Fixing Table 1 Allocation of Population and Employment Unless Challenge Indicated • Matrix of Issues (Ex. 4)/draft issues lists to be spoken to • Scheduling of an additional prehearing conference to address the matrix of issues/draft issues lists and procedural Order • Party status requests on consent, if any
July 4, 2011	Deadline for filing of responding materials for motions under s. 17(36) of the <i>Planning Act</i> (except Fieldgate/TACC – see below).
July 8, 2011	Deadline for filing of moving parties' motion materials for party status requests not proceeding on consent.
July 14, 2011	Deadline for filing of materials in response to s. 17(36) motion to determine the status of Fieldgate/TACC.
July 15, 2011	Deadline for filing of materials in response to motions for party status not proceeding on consent.
July 19 and 20, 2011 10:30 am Seminar Room Region of York Administrative Building 17250 Yonge Street, Newmarket, ON	Continuation of motions under s. 17(36) of <i>Planning Act</i> . Motions if any to determine party status requests not proceeding on consent. Party status requests on consent if any. Matrix of Issues (Ex. 4)/draft issues lists to be spoken to
September, 2011 (dates and location to be determined)	Mediation assessment.
October 7, 2011 10:30 am Vandorf Ballroom Glenway Country Club 470 Crossland Gate Newmarket, ON L3X 1B8	Fourth pre-hearing conference to address the following matters: <ul style="list-style-type: none"> • Issues List • Procedural Order • Settlements on Consent

Schedule "C" – Upcoming Procedural Events and Deadlines

Date, Time and Location	Procedural Event(s) or Deadline
October 19, 2011 (for 5 days) (Location TBD)	Mediation – prior to exchange of expert reports
February 13, 2012 (for 5 days) (Location TBD)	Mediation – after exchange of expert reports

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