

ISSUE DATE:

December 12, 2012



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL101128
PL101233
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: 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

BEFORE:

S. W. LEE
ASSOCIATE CHAIR

K.J. HUSSEY
VICE-CHAIR

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Wednesday, the 12th day of

December, 2012

THE BOARD ORDERS that the Procedural Order, attached hereto as Attachment "A", shall be in force and effect for the purpose of governing the procedures leading up to and including the hearing, for which Phase 1 of this hearing is scheduled to commence on Monday, January 14, 2013 at 10:00 AM for four (4) weeks. The Phase 3 hearing for four (4) weeks is to be scheduled at a later date to be determined by the Board and as noted in the attached Procedural Order. The hearing will be held at the Ontario Municipal Board, 16th Floor Hearing Room, 655 Bay Street in Toronto.

A handwritten signature in black ink, appearing to read "Jeanne Hogg", with a stylized flourish at the end.

SECRETARY

ATTACHMENT "A"

PL101128
PL101233
PL101238

ONTARIO MUNICIPAL BOARD Commission des affaires municipales de l'Ontario

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Appellants: See Attachment "1"
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Appellant: Grace Chinese Gospel Church of North York
Appellant: North Markham Landowners Group
Subject: Proposed Official Plan Amendment No. 3 ("ROPA 3")
Municipality: Regional Municipality of York (Town of Markham)
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PROCEDURAL ORDER

1. The Board may vary or add to these rules at any time, either on request of a party or as it sees fit. It may alter this Order by an oral ruling or by written Order.

Organization of the Hearing

2. The hearing of these appeals will commence on **Monday, January 14, 2013 at 10:00 AM at the Ontario Municipal Board, 16th Floor Hearing Room, 655 Bay Street, in Toronto.**
3. The length of time scheduled for phase 1 of the hearing is **four (4) weeks and phase 3 of the hearing is four (4) weeks.**
4. The hearing of these appeals will be divided into separate phases, as follows:

Phase 1 – Growth Management and Land Needs:

Component C

- i. a) Land requirements to accommodate population growth
b) Land requirements to accommodate employment growth
- ii. Land required to accommodate approved ROW requirements
- iii. Determination of existing supply of land in designated greenfield areas
- iv. Determination of the appropriate elements to consider in the net to gross calculation for developable areas in designated greenfield areas and new community areas
- v. Comprehensive land budget methodology which includes but is not limited to relevant components of the above
- vi. Determination of amount of land required for settlement area expansion, including the consideration of the minima of Table 2 for intensification

Component D

- i. Consideration of growth beyond 2031 as it bears on retail and employment needs
- ii. Consideration of growth beyond 2031 as it bears on transit and transportation
Consideration of how the official plan should/should not address growth beyond 2031 as it bears on the organization of land identified to meet growth to 2031

Phase 3

Area-specific application of land budget methodology based on the principles established in Phase 1, in ROPA 3 appeals, including (i) urban expansion area requirements in the Town of Markham, and appropriate location of urban expansion in the Town of Markham and (ii) Policy 7.2.50.

Phase 4

Resolution of other Region-wide policies including those necessary for ROPA lands to be released for urban development.

Phase 5

Remaining site/area specific appeals not addressed through phases 1 to 4, above.

5. The hearing of Phase 1 will commence on **January 14, 2013** in accordance with paragraph 2 above. The Board may be asked to release an interim decision after the completion of any component or phase of the hearing.
6. Any person intending to participate in any of the phases identified in paragraph 4 shall notify the Board and all other parties and participants of which phase or phases they intend to participate in no later than **August 3, 2012**.
7. The order of evidence for phases 1 and 3 shall be as follows:
 - (a) York Region
 - (b) Parties in support of York Region
 - (c) Appellants and other parties
 - (d) Reply – York Region
8. Any person intending to participate in any of the phases identified in paragraph 4 above should provide a telephone number and an email address to the Board as soon as possible, and in any event, no later than **August 3, 2012**. Any participant who will be retaining a representative should advise the other parties and the Board of the representative's name, address and phone number and email address as soon as possible and in any event, no later than **August 3, 2012**.
9. The Issues for Phases 1 and 3 are to be set out in an Issues List to be settled upon by the parties and forwarded to the Board. There will be no additions or other changes to this List once it is settled unless the Board permits and a party who asks for changes to this List may have costs awarded against it.
10. The parties and participants (see Attachment 2 for the meaning of these terms) are listed at Attachment 3 to this Order.
11. The Board will conduct a PHC on (i) **Friday, September 7, 2012**, at 10:10 AM at the Ontario Municipal Board, 16th Floor Hearing Room, 655 Bay Street, in Toronto, at which time it may, among other things, receive submissions respecting further modifications to phasing as proposed in paragraph 4, including any adjustment to the order of Phase 2 and 3 (i.e. the potential for Phase 3 to precede Phase 2); (ii) **Friday, September 21, 2012**, at 10:10 AM at Arbitration Place, located at the Bay Adelaide Centre, 333 Bay Street, 9th Floor, in Toronto; (iii) **Friday, October 12, 2012**, at 10:10 AM at Arbitration Place, located at the Bay Adelaide Centre, 333 Bay Street, 9th Floor, in Toronto; (iv) **Monday, November 19, 2012**, at 10:10 AM at the Ontario Municipal Board, 16th Floor Hearing room, 655 Bay Street, , in Toronto; and (v) **Monday, December 10,**

2012 at 2:00 PM at the Ontario Municipal Board, 16th Floor Hearing room, 655 Bay Street, in Toronto.

12. The Board will conduct a teleconference with the Region and North Leslie Landowners Group on **July 18, 2012**, at 9:00 am, with respect to the status of the North Leslie Landowners Group Minutes of Settlement with the Region.

Requirements Before the Hearing

13. The requirements set out in paragraphs 14 to 18 below pertain to matters that will be addressed in Phases 1 and 3 of these appeals. Hearing requirements related to matters in Phase 4 and 5 (including the delivery of witness statements, reply witness statements, and visual evidence) will be determined through a separate procedural Order which will be established following the conclusion of Phase 3.
14. Expert witnesses in the same field shall have at least 2 meetings prior to Phase 1 of the hearing to try to resolve or reduce the issues for the hearing. The first meeting will be scheduled for approximately 10 days following the production of witness lists in accordance with paragraph 16. The second meeting will take place approximately 10 days following the exchange of written evidence for Phase 1, in accordance with paragraph 20. An additional expert meeting will take place prior to the exchange of written evidence for Phase 3, in accordance with paragraph 25. The experts are encouraged to prepare a list of agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all parties.
15. The Board will be requested to schedule additional mediation sessions in August and September, 2012 on those issues that remain outstanding for adjudication in the hearing (as set out in paragraph 4 above).
16. A party who intends to call witnesses, whether by summons or not, shall provide to the Board, the other parties and to the Clerk a list of the witnesses and their disciplines on or before **August 17, 2012**.
17. Except as noted in this paragraph, only a party can call or lead professional (expert) evidence and only a party can cross-examine witnesses called by others. A participant can lead lay evidence and can make submissions. A party may be subject to an award of costs but a participant is not subject to costs.
18. All expert witnesses shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of the statement and supporting reports or documents must be provided as required in paragraphs 20 and 25 below. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If neither of these requirements are complied with, the Board may refuse to hear the expert's testimony.

Specific Requirements Prior to Hearing of Phase 1

19. A participant must provide to the Board and the parties a detailed participant statement for Phase 1 by the same date that expert witness statements for the phase are due (Friday **November 30, 2012**, as set out in paragraph 20 below) or the participant may not give oral evidence at the Phase 1 hearing.
20. On or before **Friday, November 30, 2012**, all parties shall provide copies of their witness and expert witness statements for Phase 1 to all other parties and to the Clerk.
21. Any party may reply to an expert witness statement (or expert report) or participant statement for Phase 1 provided such reply is provided to all parties and the Clerk by no later than **Friday, December 21, 2012**.
22. A party who has filed an expert witness statement must have that witness attend Phase 1 to give oral evidence unless the party notifies the parties and the Board on or before **Friday, December 21, 2012**, that the written evidence is not part of the record.
23. On or before **Friday, January 4, 2013**, the parties and participants shall provide copies of their visual evidence for Phase 1 to all other parties and participants. If a model will be used, all parties and participants must have a reasonable opportunity to view it before the hearing.

Specific Requirements Prior to Hearing of Phase 3

24. A participant must provide to the Board and the parties a detailed participant statement for Phase 3, as the case may be, by the same date that expert witness statements for that Phase are due **March 19, 2013 (which date is subject to modification by the panel hearing Phase 1)**, as set out in paragraph 25 below) or the participant may not give oral evidence at the Phase 3 hearing.
25. On or before **March 19, 2013 (which date is subject to modification by the panel hearing Phase 1)**, all parties shall provide copies of their witness and expert witness statements for Phase 3 to all other parties and to the Clerk.
26. Any party may reply to an expert witness statement (or expert report) or participant statement for Phase 3, provided such reply is provided to all parties and the Clerk by no later than **April 2, 2013 (which date is subject to modification by the panel hearing Phase 1)**.
27. On or before **TBD**, the parties and participants shall provide copies of their visual evidence for Phase 3, to all other parties and participants. If a model will be used, all parties and participants must have a reasonable opportunity to view it before the hearing.

28. A party who has filed an expert witness statement must have that witness attend Phase 3 to give oral evidence unless the party notifies the parties and the Board on or before **TBD**, that the written evidence is not part of the record.
29. In the event that a Board decision, interim decision, or other guidance in respect of Phase 1 is released after TBD (i.e. the date for filing of reply evidence in accordance with paragraph 26 above) then the parties will be permitted to file supplementary witness statements and/or reply statements that are responsive to the Board's decision as they may deem appropriate in respect of Phase 3 issues. Such further supplementary and/or reply witness statements shall be filed no later than 10 days following the release of the Board's decision, interim or otherwise, in respect of the Phase 1 issues. It is acknowledged that there is disagreement among parties as to whether or not the issuance of an interim decision or decision following Phase 1, or any component thereof, is necessary or required prior to proceeding with subsequent components of Phase 1, or subsequent hearing phases.
30. The parties are targeting **TBD** as the start date for Phase 3. If a substantial number of Phase 1 issues settle or are resolved, the Board may be spoken to with respect to earlier exchange dates and an earlier hearing start date for Phase 3.
31. Subject to paragraph 29 above, a person wishing to change written evidence, including witness statements, must make a written motion to the Board. Such motion shall be in accordance with the Board's Rules 34 and 35, which require that the moving party provide copies of the motion to all other parties 10 days before the Board hears the motion.
32. Documents may be delivered by personal delivery, email, facsimile, courier, registered or certified mail, or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's Rules on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.
33. The Ontario Municipal Board file number is to be clearly marked on all documents, visual, written or otherwise, to be filed with the Board.
34. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

This member is not seized of the matter.

So Orders the Board.

SUMMARY OF KEY DATES

<u>DATE</u>	<u>EVENT</u>
July 18, 2012	Board teleconference with the Region and North Leslie Landowners Group
August 3, 2012	Parties/participants to identify phase(s) in which they intend to participate
August 3, 2012	Issues Lists to be settled
August 17, 2012	Delivery of witness lists
Between Aug. 17 and Oct. 15, 2012	Expert witnesses to meet at least twice
September 7, 2012	Pre-hearing Conference
September 21, 2012	Pre-hearing Conference
October 12, 2012	Pre-hearing Conference
October 23, 2012	CMHC motion for party status
November 19, 2012	Pre-hearing Conference
November 30, 2012	Exchange of expert witness statements/reports and witness/participant statements for Phase 1
December 10, 2012	Pre-hearing Conference
December 21, 2012	Exchange of reply witness statements for Phase 1
January 4, 2013	Visual evidence to be delivered for Phase 1
January 14, 2013	Start of hearing on Phase 1
TBD	Expert witnesses to meet
March 19 2013 (date is subject to modification by panel hearing Phase 1)	Exchange of expert witness statements/reports and witness/participant statements for Phase 3
April 2, 2013 (date is subject to modification by panel hearing Phase 1)	Exchange of reply witness statements for Phase 3
TBD	Visual evidence to be delivered for Phase 3
10 days after release of decision on Phase 1	Supplementary witness statements and/or reply statements in the event that a Board decision, interim decision or other guidance in respect of Phase 1 is released after TBD
TBD	Target date for start of Phase 3

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Attachment 1 – List of Appellants

List of Appellants	
York region Official Plan – PL101128 (ROP) Appellants	Counsel
Angus Glen North West Inc. and Angus Glen Holdings Inc. (Appellant 1)	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
E. Manson Investments (Appellant 2)	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
North Leslie Residential Landowners Group Inc. (Appellant 3)	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
North Markham Landowners Group (Appellant 4): <ul style="list-style-type: none"> • 1212763 Ontario Limited • 1463069 Ontario Limited • 1512406 Ontario Limited • 1612286 Ontario Inc. • 4551 Elgin Mills Developments Limited • CAVCOE Holdings Ltd. • EL-EN Packaging Company Limited • EL-EN Realty Limited • First Elgin Mills Developments Inc • Glendower Properties Inc. • Haremat Plastic Manufacturing Limited • Haremat Realty Limited • Mackenzie 48 Investments Limited • Major Kennedy Developments Limited • Major Kennedy South Developments Limited • Framboirdeux Developments Inc. and Kennedy Elgin Developments Limited • Tsialtas, Peter and Cathy • Tung Kee Investment Limited Partnership • Warden Mills Development Limited • ZACORP Ventures Inc. 	Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com

List of Appellants

York region Official Plan – PL101128 (ROP)		Counsel
Appellants		
Romandale Farms Ltd. (<i>initially part of Appellant 4 but now separately represented</i>)		Michael Melling/Raj Kehar michaelm@davieshowe.com / rajk@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com
Loblaw Properties Limited (Appellant 5)		Steven A. Zakem szakem@airdberlis.com
Rice Commercial Group of Companies (Non-East Gwillimbury Lands) (Appellant 6)		Ira T. Kagan ikagan@ksllp.ca
Yonge Green Lane Developments Limited (Appellant 7)		Steven A. Zakem szakem@airdberlis.com
Mr. Allen Eng (Appellant 8)		
Mr. John Hayes (Appellant 9)		
Mr. Paul Jachlebovski (Appellant 10)		
Mr. Peter Antonopoulos (Appellant 11)		
Mr. Philip Comartin (Appellant 12)		
Mr. Shai Perlmutter (Appellant 13)		
Mr. Steven DeFretas (Appellant 14)		
Peat Farmers of Ontario represented by Mr. Phil Comartin (Appellant 15)		
Property Owners with Rights Association represented by Paul Jachlebovski (Appellant 16)		
Kau & Associates L.P. (Appellant 17)		
Bleek 27 Landowners Group (Appellant 18)		
Dorzil Developments (Bayview) Ltd. (Appellant 19)		John M. Alati johna@davieshowe.com
Westlin Farms (Appellant 20)		Michael Melling michaelm@davieshowe.com
Lucia Milani and Rizmi Holdings Limited (Appellant 21)		Michael Melling/Raj Kehar michaelm@davieshowe.com / rajk@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com

List of Appellants

York region Official Plan – PL101128 (ROP) Appellants	Counsel
Daraban Holdings Limited (Appellant 22)	Mark Flowers Email : markf@davieshowe.com
SmartCentres and Calloway Real Estate Investment Trust (Appellant 23)	Mark Flowers markf@davieshowe.com
Yonge Bayview Holdings Inc. (Appellant 24)	Mark Flowers markf@davieshowe.com
583753 Ontario Ltd. (Appellant 25 and 40)	Susan Rosenthal susanr@davieshowe.com
775377 Ontario Ltd. (Appellant 26)	Susan Rosenthal susanr@davieshowe.com
Helmhorst Investments Ltd. (Appellant 27)	Susan Rosenthal susanr@davieshowe.com
Aurora 26 Landowners Group Inc. (Appellant 28)	Chris Barnett / Laura Bisset cbarnett@davis.ca / lbisset@davis.ca Assistant: Simone Oliveira soliveira@davis.ca
W. J. Smith Gardens Limited (Appellant 29)	Neil G. Davis neil.davis@daviswebb.com
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Upper City Corporation and Clear Point Developments (Appellant 31)	Roslyn Houser rhouser@goodmans.ca
Minotar Holdings Inc, Cor-lots Development, Cherokee Holdings and	Catherine A. Lyons

List of Appellants

York region Official Plan – PL101128 (ROP) Appellants	Counsel
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John Carlisle Robert G. Sikura (Appellant 34)	Patricia Foran / Jane Pepino pforan@airdberlis.com / jpepino@airdberlis.com
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Fieldgate Developments and FACC Developments (Appellant 36)	Ira T. Kagan ikagan@ksllp.ca
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Amir Hessam Limited and 668152 Ontario Ltd. (Appellant 41)	Susan Rosenthal susanr@davieshowe.com
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Canadian Mortgage and Housing Corporation (Appellant 44)	
Mahamevna Bhavana Asapuwa Toronto (Appellant 46)	

List of Appellants	
York region Official Plan – PL101128 (ROP) Appellants	Counsel
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Tesnar Holdings Inc. (Appellant 49)	Michael Melling/Raj Kehar michaelm@davieshowe.com / rajk@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com
Sustainable Vaughan (Appellant 50)	
Markham Gateway Inc. (Appellant 51)	
CHFMS aka Trinison (Appellant 52):	Stephen J. D'Agostino sdagostino@thomsonrogers.com
<ul style="list-style-type: none"> • Colebay Investments Inc. • Firwood Holdings Inc. • Highcove Investment Inc. • Major McCowan Developments Limited • Summerlane Realty Corp 	
<i>(initially part of Appellant 4 but now separately represented)</i>	

Amendment 1 – Urban Expansion in the Town of East Gwillimbury – OMB Case No. PL101233 (ROPA I)	
Appellant	Counsel
Dalton and Alan Faris	Susan Rosenthal susanr@davieshowe.com
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Martin Pick, Thomas Pick and 132463 Ontario Inc.	Mark Flowers markf@davieshowe.com

Amendment 1 – Urban Expansion in the Town of East Gwillimbury – OMB Case No. PL101233 (ROPA 1)	
Appellant	Counsel
Rice Commercial Group of Companies	Susan Rosenthal susanr@davieshowe.com

Amendment 2 – Urban Expansion in the City of Vaughan – OMB Case No. PL101237 (ROPA 2)	
Appellant	Counsel
Sustainable Vaughan	

Amendment 3 - Urban Expansion in the Town of Markham – OMB Case No. PL101238 (ROPA 3)	
Appellant	Counsel
<p>Minor Holdings Inc., Corlots Developments, Cherokee Holdings and Halvan 5.5 Investments Ltd.</p>	<p>Catherine A. Lyons clyons@goodmans.ca</p>
<p>Grace Chinese Gospel Church of North York</p>	<p>Richard R. Arblaster, rick@arblasterlaw.com</p>
<p>North Markham Landowners Group:</p> <ul style="list-style-type: none"> ▪ 1212763 Ontario Limited ▪ 1463069 Ontario Limited ▪ 1512406 Ontario Limited ▪ 1612286 Ontario Inc. ▪ 4551 Elgin Mills Developments Limited ▪ CAVCOE Holding Ltd. ▪ First Elgin Mills Developments Inc. ▪ Glendower Properties Inc. ▪ Kennedy Elgin Developments Limited ▪ Mackenzie 48 Investments Limited ▪ Major Kennedy Developments Limited ▪ Major Kennedy South Developments Limited ▪ Frambois Development Inc. ▪ Tsialtas, Peter and Cathy ▪ Tung Kee Investment Limited Partnership ▪ Warden Mills Developments Limited ▪ ZACORP Ventures Inc. 	<p>Patricia A. Foran/N. Jane Pepino pforan@airdberlis.com/ jpepino@airdberlis.com</p>
<p>Romandale Farms Limited</p>	<p>Michael Meiling/Raj Kehar michaelm@davieshowe.com rajk@davieshowe.com Assistant: Jules Calzavara julesc@davieshowe.com</p>
<p>CHFMS aka Trinson:</p> <ul style="list-style-type: none"> • Colebay Investments Inc. • Firwood Holdings Inc. • Highcove Investment Inc. 	<p>Stephen J. D’Agostino: sdagostino@thomsonrogers.com</p>

Amendment 3 - Urban Expansion in the Town of Markham – OMB Case No. PL101238 (ROPA 3)	
Appellant	Counsel
<ul style="list-style-type: none"> • Major McCowan Developments Limited • Summerlane Realty Corp 	

Attachment 2

Purpose of the Procedural Order and Meaning of Terms

The Board recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Board to order following the conference. The Board will hear the parties' comments about the contents of the Order at the conference.

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Ontario Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-326-6800, or from the Board website at www.omb.gov.on.ca.

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Board to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.

NOTE that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Board to permit this.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Board will set the time for hearing this statements. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Board will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.

Written and Visual Evidence: **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

Witness Statements: A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An **expert**

witness statement should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness'

opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.

Additional Information

Summons: A party must ask a Board Member or the senior staff of the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure.) If the Board requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Board is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

direct examination by the party presenting the witness;

direct examination by any party of similar interest, in the manner determined by the Board;

cross-examination by parties of opposite interest;

re-examination by the party presenting the witness; or

another order of examination mutually agreed among the parties or directed by the Board.

Attachment 3 – List of Parties and Participants

Public Sector Party Status		
<u>Municipality or other public agency / Party</u>	<u>Counsel</u>	<u>OMB proceeding in which Party status is granted</u>
Township of King	Josephine A. Matera jmatera@airdberliss.com	PL101128
City of Markham	Chris Barnett cbarnett@davis.ca Andrea Wilson-Peebles A Wilson-Peebles@markham.ca Catherine Conrad cconrad@markham.ca	PL101128 PL101233 PL101237 PL101238
City of Vaughan	Claudia A. Storto Claudia.Storto@vaughan.ca Karen Trzaska karen.trzaska@vaughan.ca	PL101128 PL101233 PL101237 PL101238
Town of East Gwillimbury	Bruce Ketcheson bketcheson@ritchieketcheson.com Andrew Biggart abiggart@ritchieketcheson.com Effie Lidakis elidakis@ritchieketcheson.com Don Sinclair dsinclair@eastgwillimbury.ca Hajnalka Hartwick hhartwick@eastgwillimbury.ca	PL101128 PL101233 PL101237 PL101238
Town of Richmond Hill	Antonio DIMITA, adimita@richmondhill.ca	PL101128 PL101233 PL101237 PL101238

Public Sector Participant Status		
<u>Municipality or other public agency / Participant</u>	<u>Counsel</u>	<u>OMB proceeding in which Participant status is granted</u>
Town of Newmarket	Esther Armchuk-Ball earmchuk-ball@newmarket.ca	PL101128
Town of Georgina	Signe Leisk sleisk@casselsbrock.com	PL101233
TRCA	Quentin Hanchard qhanchard@trca.on.ca	PL101128 PL101233 PL101237 PL101238

Landowner Party Status				
<u>Landowner / Party</u>	<u>Counsel</u>	<u>OMB proceeding in which status is granted</u>	<u>Appeal to Which Status Granted</u>	<u>Policies to Which Party Status Relates</u>

Landowner Party Status

<u>Landowner / Party</u>	<u>Counsel</u>	<u>OMB proceeding in which status is granted</u>	<u>Appeal to Which Status Granted</u>	<u>Policies to Which Party Status Relates</u>
Angus Glen Developments Ltd. Angus Glen Golf Club Ltd.	Signe Leisk sleisk@casselsbrock.com Brad Duguid bduguid@casselsbrock.com	PL101238 (ROPA 3)	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.	Jeffrey E. Streisfield jeffrey@landplanlaw.com	PL101128 (ROP)	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. Montanaro Estates Limited	Jeffrey E. Streisfield jeffrey@landplanlaw.com	PL101128 (ROP)	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.	Michael Melling michaelm@davieshowe.com	PL101128 (ROP)	N/A	Lifting of deferral area 2 in ROPA 52
Harry John Lewis and Murray Allin Lewis,	Donald Hindson dona1d@cattanach.ca Lyn Townsend Townsend and Associates	PL101128 (ROP) PL101238 (ROPA 3)	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

Landowner Party Status

Landowner / Party	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which Party Status Relates
Donald Miller	lyn.townsend@ltownsend.ca			ROPA 3 –Map 2
Ruth Elizabeth Brock	Donald Hindson donald@caffanach.ca	PL101238 (ROPA 3)	ROPA 3 – North Mankham Landowners Group	ROPA 3 – Policies and mapping raised by North Mankham Landowners Group appeal respecting the urban boundary expansion as delineated by ROPA 3 and the alternative urban boundary line
Lois Marguerite Frisby Ruth Elizabeth Brock Charlotte Marie Frisby Marguerite Alice Gallone	Lyn Townsend Townsend and Associates lyn.townsend@ltownsend.ca			
Gerhard Schickendanz Elma Schickendanz				
Wagama Holdings Limited				
Lorna Mary Passafiume				
Walmark Holdings Inc.				
MI Developments Inc.	Steven A. Zakem szakem@airberlis.com	PL101128 (ROP)	PL101128 – 49	Policies which may be raised by Tesmar appeal
Delisle Properties Limited	Barry Horosko/Cathy Facciolo bhorosko@bratty.com cfacciolo@bratty.com	PL101128 (ROP)	PL101128 – 49	Policies which may be raised by Tesmar appeal
Block 34 East Landowners Group Inc.	Roslyn Houser rhouser@goodmans.ca	PL101128 (ROP)	N/A	Lifting of deferral area 1 in ROPA 52
Dorzil Developments (Bayview) Ltd.	John M. Alati	PL101233	PL101233	ROPA 1

Landowner Party Status

Landowner / Party	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which Party Status Relates
	johna@davieshowe.com	(ROPA 1)	(ROPA 1)	
Canada Mortgage and Housing Corporation ("CMHC") and Quaestus Corporation	Patrick Devine/Mark Piel Patrick.devine@fmc-law.com mark.piel@fmc-law.com	PL101128 (ROP)	PL101128 - 23 and 37	Policy identified as "old 4.3.8" on Exhibit 4
Halvan 5.5 Investments Limited	Catherine A. Lyons clyons@goodmans.ca	PL101128 (ROP)	PL101128 - 32	Policies at issue in Minotaure et. al appeals
Kau and Associates	Barry Horosko Cathy Facciolo bhorosko@bratty.com cfacciolo@bratty.com	PL101128 (ROP)	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	Mark Flowers markf@davieshowe.com	PL101128 (ROP)	PL101128 - 47	6.3.2, 6.3.3, 6.3.10 and Map 8
Block 27 Landowners Group Inc.	Michael Mellling/Raj Kehar michaelm@davieshowe.com raj@davieshowe.com	PL101128 (ROP) PL101237 (ROPA 2)	PL101128 - 4, 19, 30 PL101237 (ROPA-2)	Appeals and policies as set out in correspondence between D. Klacko and M. Mellling on June 13 and 14, 2011 and July 8 and 18, 2011 (filed as Exhibit 23)
Huron-Wendat Nation	David Donnelly david@donnellylaw.ca	PL101128 (ROP)	PL101128 - 4, 27	3.4.11 and 3.4.14
Block 40/47 Developers Group Inc.	Michael Mellling/Raj Kehar michaelm@davieshowe.com raj@davieshowe.com	PL101128 (ROP)	PL101128 (ROP)	Chapter 2; section 3.5; policies 5.6.23 - 5.6.32; policies 8.4.15 to 8.4.20; Maps 1 - 5, 6 and 8

Landowner Party Status

Landowner / Party	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	Policies to Which Party Status Relates
				Figure 3
1539253 Ontario Inc.	Michael Melling/Raj Kehar michaelm@davieshowe.com rajk@davieshowe.com	PL101128 (ROP)	PL101128 (ROP)	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
445158 Ontario Inc. (Meldan), Mr. Tracy Ellis and Ms. Kelly Ellis	Michael Melling/Raj Kehar michaelm@davieshowe.com rajk@davieshowe.com	PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20
Karma Tekchen Zabsal Ling		PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20
878211 Ontario Ltd.		PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20
Mr. Borden Kent		PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20
Wholesale Forest Products Ltd.		PL101128 (ROP)	PL101128 (ROP)	Site Specific: 8.4.15 to 8.4.20
Ms. Sheryl Kotzer, Mr. Howie Kotzer, Mr. Michael Kotzer	Diana Santo santod@mmm.ca	PL101128 (ROP)	PL101128 (ROP)	Site specific: 8.4.15 and 8.4.20
Mr. Gary Foch		PL101128 (ROP)	PL101128 (ROP)	Site specific: 8.4.15 and 8.4.20
South Sharon Developments Inc.	Jason Park jason.park@fmc-law.com	PL101233 (ROPA 1)	PL101233 (ROPA 1)	ROPA 1
Acorn Development Corporation Ladyfield Construction Ltd., Farm Cove Holdings Inc.,	Roslyn Houser rhouser@goodmans.ca	PL101233 (ROPA 1)	PL101233 (ROPA 1)	ROPA 1

Landowner Party Status				
<u>Landowner / Party</u>	Counsel	OMB proceeding in which status is granted	Appeal to Which Status Granted	<u>Policies to Which Party Status Relates</u>

Landowner Participant Status				
<u>Landowner/ Participant</u>	<u>Counsel</u>	<u>OMB proceeding in which status is granted</u>	<u>Appeal to Which Status Granted</u>	<u>Policies to Which Participant Status Relates</u>
Trevor Rose Angelo Antonangeli, Leslie Gardens 1450968 Ontario Inc. c/o Peter Gorin	Howard Friedman hbrplanning@bellnet.ca	PL101128 (ROP)	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.	Michael Melling michaelm@davieshowe.com	PL101128 (ROP)	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.	Jason Park jason.park@fmc-law.com	PL101128 (ROP) PL101233 (ROPA 1)	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	Jeffrey E. Streisfeld jeffrey@landplanlaw.com	PL101128 (ROP)	PL101128	Participant status re Chapter 2 of ROP.
Markham Gateway Inc.	Roger T. Beaman	PL101128	PL101128	

Landowner Participant Status				
<u>Landowner/ Participant</u>	<u>Counsel</u>	<u>OMB proceeding in which status is granted</u>	<u>Appeal to Which Status Granted</u>	<u>Policies to Which Participant Status Relates</u>
165 Pine Grove Investments Inc.	rbeamman@thomsonrogers.com Adam Brown adam@shermanbrown.com	(ROP) PL101128 (ROP) PL101237 (ROPA-2)	PL101128 PL101237	Participant status to monitor policies 5.1, 5.2 and 5.3 and ROPA 2.
Devon Lane Construction Ltd.	Lyn Townsend lyn.townsend@ltownsend.ca	PL101128 (ROP)	PL101128 (ROP)	Provisions specified and agreed upon as between the Region and Devon Lane Construction Ltd.
Haulover Investments Ltd.	Jeffrey E. Streisfield jeffrey@landplanlaw.com	PL101128 (ROP)	PL101128	Site Specific: 8.4.15 to 8.4.20

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