

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** September 16, 2016

**CASE NO(S):** PL111184  
PL160284

**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 1042710 Ontario Limited (aka Royal Centre)  
Appellant: 1096818 Ontario Inc.  
Appellant: 11333 Dufferin St et al  
Appellant: 1191621 Ontario Inc.; and others  
Subject: Failure to announce a decision respecting  
Proposed New Official Plan  
Municipality: City of Vaughan  
OMB Case No.: PL111184  
OMB File No.: PL111184  
OMB Case Name: Duca v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: FCF Old Market Lane 2013 Inc.  
Subject: Request to amend the Official Plan - Failure of  
City of Vaughan to adopt the requested  
amendment  
Existing Designation: Residential Medium Density and Mixed Use  
Commercial  
Proposed Designated: Mixed Use Commercial  
Purpose: To permit a range of residential and grade-  
related commercial uses  
Property Address/Description: 177, 185 & 197 Woodbridge Avenue  
Municipality: City of Vaughan  
Approval Authority File No.: OP 14.006  
OMB Case No.: PL160284  
OMB File No.: PL160284  
OMB Case Name: FCF Old Market Lane 2013 Inc. v. Vaughan  
(City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: FCF Old Market Lane 2013 Inc.  
 Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision  
 Existing Zoning: R2 Residential Zone and Z1 Restricted Commercial Zone  
 Proposed Zoning: RA2 Apartment Residential Zone with site-specific zoning exceptions  
 Purpose: To permit a range of residential and grade-related commercial uses  
 Property Address/Description: 177, 185 & 197 Woodbridge Avenue  
 Municipality: City of Vaughan  
 Municipality File No.: Z.14.026  
 OMB Case No.: PL160284  
 OMB File No.: PL160285

**PROCEEDING COMMENCED UNDER** subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by: FCF Old Market Lane 2013 Inc.  
 Subject: Site Plan  
 Property Address/Description: 177, 185 & 197 Woodbridge Avenue  
 Municipality: City of Vaughan  
 OMB Case No.: PL160284  
 OMB File No.: PL160307

**PROCEEDING COMMENCED UNDER** section 37 of the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28, as amended, and Rule 34 of the Board's Rules of Practice and Procedure

Request by: FCF Old Market Lane 2013 Inc.  
 Request for: Request for Directions

**Board Rule 107 states:**

**107. Effective Date of Board Decision** A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

**Heard:** September 13, 2016 in Toronto, Ontario

**APPEARANCES:**

**Parties**

**Counsel\*/Representatives**

FCF Old Market Lane 2013 Inc.

C. Tanzola\*  
K. Oskenberg\*

City of Vaughan

D. Baker\*  
M. Toshakovski\*

Toronto and Region Conservation  
Authority

J. Little

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON  
SEPTEMBER 13, 2016 AND ORDER OF THE BOARD**

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[1] The Board had before it a motion for consolidation brought by FCF Old Market Lane 2013 Inc. ("FCF"). FCF wishes to consolidate its appeals of the Vaughan Official Plan 2010 and the Woodbridge Centre Secondary Plan with its site specific appeals involving an Official Plan Amendment, Zoning By-law amendment and referral of its site plan for the subject lands located at 177, 185 and 197 Woodbridge Avenue. FCF also sought the setting of a hearing date for the consolidated appeals.

[2] The proposal contemplates a seven storey mixed use building with commercial/retail uses at grade and approximately 117 dwelling units on the subject lands. The subject lands are designated Part V under the *Ontario Heritage Act* as the lands are within the Woodbridge Heritage Conservation District. There are two heritage buildings on the subject lands which are known as the Thomas Wallace Frazier house and the Dr. Peter McLean house. The Applicant proposes to relocate and conserve both heritage buildings. A third building (one storey with commercial use) on the subject lands that is not a heritage building is proposed to be demolished.

[3] The Board heard that consolidation of these appeals would reduce the multiplicity of hearings. The appeals relate to the same lands and involve common issues. One hearing would result in an efficient use of the Board's time.

[4] The City was not opposed to the consolidation request nor was it opposed to setting a hearing date. The Board granted the motion for consolidation finding it to be in the broader public interest to do so. The Board also determined that setting a hearing date at this time was not pre-mature. The Board set the hearing date for the consolidated appeals for **Monday, April 24, 2017 for five consecutive hearing days commencing at 10 a.m. The venue will be:**

**Vaughan Municipal Building  
OMB Hearing Room  
2141 Major Mackenzie drive  
Vaughan Ontario**

[5] The Toronto and Region Conservation Authority ("TRCA") was granted party standing in these consolidated appeals.

[6] Maria D'Agostino who lives in a condominium townhouse complex that abuts the subject land was granted participant status on behalf of the Condominium Corporation. Ms. D'Agostino is to provide written authorization from the Condominium Board authorizing her to be its spokesperson.

[7] Cindy Yi, a solicitor with Loopstra Nixon was in attendance as an observer.

[8] Mr. Tanzola will provide a draft Procedural Order with an issues list to the Board within thirty days of the issuance of this decision and order.

[9] Should the parties in the future, request a pre-hearing conference into the consolidated appeals they can contact the Board's Case Coordinator.

[10] It is the Board's view that these matters would benefit from mediation. The Board encouraged the parties to consider board-led mediation into these matters in the hopes of resolving some or all of the issues. In this regard they can contact the Board for a mediation assessment.

[11] No further notice is required of the main hearing.

[12] I am not seized of these matters.

*"Jason Chee-Hing"*

JASON CHEE-HING  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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