

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: October 10, 2019

CASE NO(S): PL111184

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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)

Heard: October 1, 2019 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel

City of Vaughan (“City”)

B. Engell

Langvalley Holdings Inc.
 (“Appellant” / “Langvalley”)

N. Macos

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON
OCTOBER 1, 2019 AND ORDER OF THE TRIBUNAL**

PROCEEDINGS

[1] This Decision approves a settlement reached by the Parties pertaining to that portion of Langvalley's appeal affecting approximately 0.36 hectares ("ha") of land at the northwest corner of its 5.4 ha property at 2180 Langstaff Road ("property") in the City. Langvalley is Appeal 77 to the City of Vaughan Official Plan, 2010 ("VOP").

[2] The Tribunal qualified David Marcucci, Registered Professional Planner and Senior Planner with the City to provide opinion evidence in the area of land use planning. With reference to his signed affidavit, Mr. Marcucci explained that the property is bisected by valley lands associated with the Don River, leaving a small developable area in the northwest corner of the property fronting on Keele Street and, subject to further study, an undetermined development area on the east side of the property fronting on Langstaff Road.

[3] Mr. Marcucci advised that Langvalley applied for an Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") in 2012 to permit a four-storey office building on the northwest corner of the property, and later amended the application to also include the east side of the property. The proposed modification to the VOP resolves the OPA for the northwest corner and allows the ZBA to proceed for that portion of the property.

[4] Based on studies provided by the Appellant and reviewed by the Toronto and Region Conservation Authority ("TRCA"), Mr. Marcucci testified that the northwest corner contains developable area suitable for designation as Prestige Employment in the VOP, consistent with adjacent properties. The designation would be placed on the northwest corner of the property on the relevant VOP Schedules with the final determination of the boundary of the Natural Area to be delineated in the ZBA based on the completion and acceptance of further study, including staking the boundary of the natural features in consultation with the TRCA. Mr. Marcucci testified that this approach is supported by policies in the VOP, and that the employment designation and the

protection of the adjacent natural heritage features have regard for s. 2 of the *Planning Act* (“Act”), conform with the Growth Plan for the Greater Golden Horseshoe, 2019, are consistent with the Provincial Policy Statement, 2014, and conform with the Regional Municipality of York Official Plan.

[5] In response to the settlement of the Parties, the Tribunal accepted the uncontradicted planning evidence of Mr. Marcucci that the modification satisfies all statutory tests and approved the modification as set out below.

ORDER

[6] The Tribunal orders that in accordance with the provisions of s. 17(50) of the Act, in respect of the City of Vaughan Official Plan, 2010 (“VOP”), as adopted by the City on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, and as modified and endorsed by the Regional Municipality of York on June 28, 2012:

- The appeal of Langvalley Holdings Inc. (Appeal 77) is allowed in part and in respect of the northwest portion of the lands affected by Appeal 77 as outlined and identified as “Subject Lands” on Schedule B attached to this Order (Attachment 1), that Volume 1, Schedules 2 and 13 of the VOP are modified in accordance with Schedule C attached to and forming part of this Order (Attachment 1), and the VOP as modified is approved in respect of the lands identified as “Subject Lands” on Schedule B to this Order; and
- The balance of the hearing of Appeal 77 for the east portion of the lands is adjourned to a date to be set.

[7] The Tribunal may be spoken to if issues arise from this Order.

“S. Tousaw”

S. TOUSAW
MEMBER

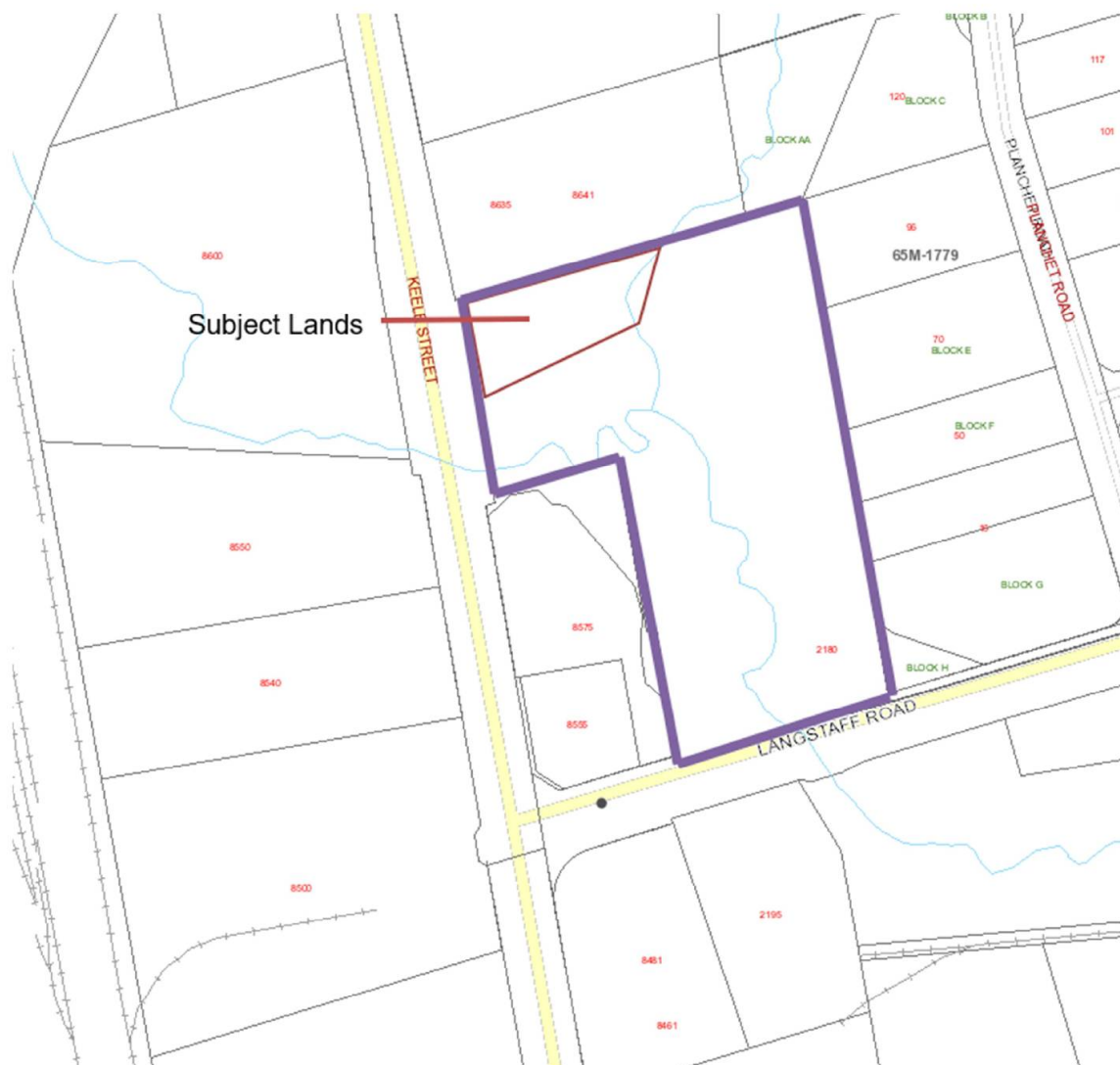
If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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ATTACHMENT 1

SCHEDULE "B"



Proposed Amended Schedule 13 VOP 2010, Volume 1



