

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



**ISSUE DATE:** February 01, 2021

**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)

**PROCEEDING COMMENCED UNDER** subsection 12(1) of the *Local Planning Appeal Tribunal Act, 2017*, S.O. 2017, c. 23, Sched. 1, and Rule 9.01 of the Tribunal’s Rules of Practice and Procedure

Request by:	City of Vaughan
Request for:	Request for Directions

**Heard:** January 15, 2021 by video hearing

**APPEARANCES:**

**Parties**

Regional Municipality of York

**Counsel**

B. Ogunmefun

City of Vaughan

B. Engell  
E. Lidakis  
L. Dyer (Student-at-law)

Appellants and Added Parties  
(listed in Attachment 1)

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON  
JANUARY 15, 2021 AND ORDER OF THE TRIBUNAL**

---

[1] This Motion hearing was held to consider the City of Vaughan's ("City") Motion seeking to hear site-specific Official Plan Amendment ("OPA") appeals within the south area of the Yonge Steeles Corridor Secondary Plan ("YSCSP") together with appeals of the YSCSP.

[2] The Motion Record, the Responding Records, and the Parties' email correspondence in lieu of a Responding Record, as filed with the Tribunal, were marked as Exhibits.

[3] Based on the affidavit of David Marcucci, Registered Professional Planner with the City and previously qualified in these proceedings, the City suggests that the overlap of planning issues raised by the site-specific appeals and by the YSCSP appeals, if heard together, will result in a more efficient hearing and enable a consistent planning approach within this area surrounding a future subway station. Mr. Marcucci explains that the site-specific proposals themselves exceed the population and density expectations of the YSCSP under appeal.

[4] The City requests to hear five site-specific OPAs with the YSCSP hearing. Not all of these files have been appealed by their respective proponent and assigned a file number at the Tribunal, although each supports the Motion, noting that appeals will be filed in the near future.

[5] The site-specific proponents (“Applicants”) and Appellants have no objection to the Motion provided that should circumstances change, they retain the right to request their appeal to be separated from the YSCSP, with such separation determined by the Tribunal. The City agreed that it would evaluate such requests on their merits without arguing that this Motion precludes such consideration.

[6] Parties to the YSCSP who have not yet filed development applications advised that they would like the same opportunity to be combined with the YSCSP should appeals be lodged.

[7] With consent of the affected Applicants, Appellants and Parties, the Tribunal granted the City’s Motion request 1(b) as follows: that appeals to site-specific OPA applications within the south area of the YSCSP, as listed on Attachment 2, be heard together with the appeals of the YSCSP.

[8] The Tribunal finds that the efficiency and fairness resulting from combining the hearings are confirmed by the support of the affected Applicants, Appellants and Parties. Although the Tribunal has no jurisdiction over any site-specific OPAs that are not under appeal, those included in Attachment 2 have consented to their inclusion, and should they lodge appeals, this Decision will provide guidance to the Tribunal to administer their hearings with the YSCSP. An affected site-specific Appellant may request the Tribunal to consider separating it from the combined hearing should they feel that new circumstances warrant. Other site-specific OPA appeals that arise within the YSCSP south area may be considered at a future Case Management Conference (“CMC”) for inclusion in a combined hearing at the request of the Parties.

[9] The City withdrew its Motion requests 1(a) and 1(c). As directed in the Tribunal’s Decision issued December 11, 2020, the scheduling of the combined hearing for the YSCSP will be considered at a future CMC based on a hearing plan, Issues List and Procedural Order to be drafted by the Parties.

[10] The Tribunal so orders.

*“S. Tousaw”*

S. TOUSAW  
MEMBER

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

**Local Planning Appeal Tribunal**

A constituent tribunal of Ontario Land Tribunals

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

VAUGHAN VOP 2010 (PL111184)

JANUARY 15, 2021 MOTION

PARTIES IN ATTENDANCE

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
City of Vaughan		Bruce Engell	WeirFoulds LLP 66 Wellington Street West TD Bank Tower, Suite 4100 Toronto, ON M5K 1B7 (t) (416) 947-5081 / (f) (416) 365-1876 bengell@weirfoulds.com
		Effie Lidakis	City of Vaughan 2141 Major Mackenzie Drive Vaughan, ON L6A 1T1 (t) (905) 832-8585 x 8851 / (f) (905) 832-6130 Effie.Lidakis@vaughan.ca
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38	Chris Barnett/ Alyssa Clutterbuck	Osler Hoskin & Harcourt LLP 100 King Street West 1 First Canadian Place Suite 6200, P.O. Box 50 Toronto, ON M5X 1B8 (t) (416) 862-6651 / (f) (416) 862-6666 cbarnett@osler.com aclutterbuck@osler.com
		(Ira Kagan)	Kagan Shastri LLP 188 Avenue Road Toronto, ON M5R 2J1 (t) (416) 368-2100 x226 / (f) (416) 324-4224 ikagan@ksllp.ca
Yonge & Steeles Developments Inc.	39	Daniel Artenosi/ Natalie Ast	Overland LLP 1101 - 5255 Yonge Street Toronto, ON M2N 6P4 (t) 416-730-0338 / (f) 416-730-9097 dartenosi@overlandllp.ca / nast@overlandllp.ca
Auto Complex Ltd.	40	Michael Melling/ Zachary Fleisher	Davies Howe LLP 425 Adelaide Street West, 10 <sup>th</sup> Floor Toronto, ON M5V 3C1 (t) (416) 263-4515/ (f) (416) 977-8931 MichaelM@davieshowe.com ZacharyF@davieshowe.com

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
Salz & Son Ltd.	51	Tom Halinski/ Sidonia Tomasella	Aird & Berlis LLP 181 Bay Street, Suite 1800 Brookfield Place Toronto, ON M5J 2T9 (t) (416) 865-7767 / (f) (416) 863-1515 thalinski@airdberlis.com / stomasella@airdberlis.com
		(Ira Kagan)	Kagan Shastri LLP 188 Avenue Road Toronto, ON M5R 2J1 (t) (416) 368-2100 x226 / (f) (416) 324-4224 ikagan@ksllp.ca
1306497 Ontario Inc. (Sisley Honda)	133	Joel Farber	Fogler Rubinoff LLP 77 King Street West, Suite 3000 North Tower, TD Centre Toronto, ON M5K 1G8 (t) (416) 365-3707 / (f) (416) 941-8852 jfarber@foglers.com
390 Steeles West Holdings Inc.	153	Mary Flynn- Guglietti / (Kailey Sutton)	McMillan LLP Brookfield Place 181 Bay Street, Suite 4400 Toronto, ON M5J 2T3 (t) (416) 865-7256 / (f) (416) 865-7048 mary.flynn-guglietti@mcmillan.ca / Kailey.Sutton@mcmillan.ca
398 Steeles Avenue West Inc.	160		
Associated Vaughan Properties Limited			
Tan-Mark Holdings Limited & Telast Enterprises Inc.	156	William Friedman/ Adam Deverett	Friedman Law Professional Corporation 150 Ferrand Drive, Suite 800 Toronto, ON M3C 3E5 (t) (416) 496-3340 x199 / (f) (416) 497-3809 wf@friedmans.ca / adamd@friedmans.ca
Regional Municipality of York		Bola Ogunmefun	The Regional Municipality of York Legal & Court Services Department 17250 Yonge Street, 4 <sup>th</sup> Floor Newmarket, ON L3Y 6Z1 (t) 1(877) 464-9675 / (f) (905) 895-3768 bola.ogunmefun@york.ca
Mizrahi Constantine (180 Saw) Inc.		Quinto Annibale	Loopstra Nixon LLP 135 Queens Plate Drive, Suite 600 Toronto, ON M9W 6V7 (t) (416) 748-4757 / (f) (416) 746-8319 qannibale@loonix.com

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
City of Toronto		Ray Kallio	City of Toronto 55 John Street Metro Hall, 26 <sup>th</sup> Floor Toronto, ON M5V 3C6 (t) (416) 397-4063 / (f) (416) 397-5624 ray.kallio@toronto.ca
City of Markham		Andrew Biggart /(Tina Kapelos)	Ritchie Ketcheson Hart & Biggart LLP 206 - 1 Eva Road Toronto, ON M9C 4Z5 (t) 416-622-6601 / (f) 416-622-4713 abiggart@ritchieketcheson.com/ tkapelos@ritchieketcheson.com
		(Francesco Santaguida)/ (Victoria Chai)	City of Markham 101 Town Centre Boulevard Markham, ON L3R 9W3 (t) (905) 477-7000 x3583 / (f) (905) 479-7764 Fsantaguida@markham.ca/ vchai@markham.ca
Toys' R Us (Canada) Ltd.		Ros Houser	Goodmans LLP 333 Bay Street, Suite 3400 Bay Adelaide Centre Toronto, ON M5H 2S7 (t) (416) 597-4119 / (f) (416) 979-1234 rhouser@goodmans.ca
1163919 Ontario Limited, 1930238 Ontario Limited, 1211612 Ontario Limited, 1972380 Ontario Limited, 1219414 Ontario Limited		Alan Heisey	Papazian Heisey Myers 121 King Street West, Suite 510 Standard Life Centre, P.O. Box 105 Toronto, ON M5H 3T9 (t) (416) 601-2702 / (f) (416) 601-1818 heisey@phmlaw.com
Roman Catholic Episcopal Corporation for the Diocese of Toronto (St. Paschal Baylon Church)		David Tang	Miller Thomson LLP 40 King Street West, Suite 5800 Scotia Plaza, P.O. Box 1011 Toronto, ON M5H 3S1 (t) (416) 597-6047 / (f) (416) 595-8695 dtang@millerthomson.com
Mercedes Benz of Canada Inc.			
Morguard Investments Limited (7120 Yonge Street, 24-26 Crestwood		Sharmini Mahadevan/ Aaria Rahim/	Wood Bull LLP 65 Queen Street West, Suite 1400 Toronto, ON M5H 2M5 (t) (416) 203-5631 / (f) (416) 203-8324

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
Road & Centrepoint Mall)		(Johanna Shapira)	jshapira@woodbull.ca / smahadevan@woodbull.ca / arahim@woodbull.ca
Yonge-Steeles Landowners Group Inc.		Jason Park	Devine Park LLP 250 Yonge Street Suite 2302, P.O. Box 65 Toronto, ON M5B 2L7 (t) (416) 645-4572 / (f) (416) 645-4569 jason.park@devinepark.com
		(Ira Kagan)	Kagan Shastri LLP 188 Avenue Road Toronto, ON M5R 2J1 (t) (416) 368-2100 x226 / (f) (416) 324-4224 ikagan@ksllp.ca



**List of YSCSP South Area sites that have submitted Site-Specific Development Applications up to January 15, 2021**

<b>VOP 2010 Appeal #</b>	<b>Site Address</b>	<b>Owner</b>	<b>Have Development Applications been appealed to LPAT?</b>
#38	72 Steeles Ave W. and 7040 & 7054 Yonge St	7040 Yonge Holdings Ltd & 72 Steeles Holdings Ltd.	NO (Able to appeal on April 14, 2021)
#39 & #165	2 & 32 Steeles Ave W, and 7028 Yonge St	Gupta Group (Yonge & Steeles Developments Inc and Glenwood Property Management)	YES (PL200260)  CMC held December 7, 2020
#51	100 Steeles Ave W.	Salz - Westdale / Dream	YES (PL200473, PL200474, PL200475)
#156 & #168	7080 Yonge St	Tan-Mark Holdings Limited	NO (Able to appeal on February 13, 2021)
	180 Steeles Ave W.	Mizrahi Constantine (180 Saw) Inc.	NO (Able to appeal now)