

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 12, 2023

CASE NO(S): OLT-21-001787
(Formerly PL111184)
OLT-22-002335
(Formerly PL200260)
OLT-22-002358
(Formerly PL200473)
OLT-22-002340
(Formerly PL210178)
OLT-22-002164
(Formerly PL210178)
OLT-21-001218
(Formerly PL210333)

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
OLT Case No.: OLT-21-001787
Legacy Case No.: PL111184
OLT Lead Case No.: OLT-21-001787
Legacy Lead Case No.: PL111184
OLT 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: Yonge & Steeles Development Inc.
Subject: Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation: General Commercial Area
Proposed Designated: General Commercial Area – Site Specific
Purpose: To permit the existing commercial uses to continue and permits retail stores, restaurants, banks and

	business and professional offices, retail and hotel uses
Property Address/Description:	7028 Yonge Street & 2 Steeles Avenue West
Municipality:	City of Vaughan
Approval Authority File No.:	OP.18.016
OLT Case No.:	OLT-22-002335
Legacy Case No.:	PL200260
OLT Lead Case No.:	OLT-22-002335
Legacy Lead Case No.:	PL200260
OLT Case Name:	Yonge & Steeles Development 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:	Yonge & Steeles Development Inc.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	C1 Restricted Commercial Zone subject to site-specific Exceptions 9(865) and 9(331)
Proposed Zoning:	RA3 Residential Apartment Zone and to permit site-specific zoning exceptions
Purpose:	To permit the existing commercial uses to continue and permits retail stores, restaurants, banks and business and professional offices, retail and hotel uses
Property Address/Description:	7028 Yonge Street & 2 Steeles Avenue West
Municipality:	City of Vaughan
Municipality File No.:	Z.18.028
OLT Case No.:	OLT-22-002338
Legacy Case No.:	PL200261
OLT Lead Case No.:	OLT-22-002335
Legacy Lead Case No.:	PL200260

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

Applicant and Appellant:	Development Group (100 SAW) Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation:	"General Commercial" and "Low Density Residential" in accordance with Official Plan Amendment No. 210 (OPA 210), the Thornhill-Vaughan Community Plan
Proposed Designated:	"Mixed Commercial and Residential"

Purpose:	To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses
Property Address/Description:	100 Steeles Avenue West
Municipality:	City of Vaughan
Approval Authority File No.:	OP.20.001
OLT Case No.:	OLT-22-002358
Legacy Case No.:	PL200473
OLT Lead Case No.:	OLT-22-002358
Legacy Lead Case No.:	PL200473
OLT Case Name:	Development Group (100 SAW) 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:	Development Group (100 SAW) Inc.
Subject:	Application to amend Zoning By-law No. 1-88, as amended - Neglect of the City of Vaughan to make a decision
Existing Zoning:	"C2 General Commercial Zone"; subject to Exception 9(731)
Proposed Zoning:	"RA3 Apartment Residential Zone"; subject to Exception 9(xxx)
Purpose:	To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses
Property Address/Description:	100 Steeles Avenue West
Municipality:	City of Vaughan
Municipality File No.:	Z.20.004
OLT Case No.:	OLT-22-002359
Legacy Case No.:	PL200474
OLT Lead Case No.:	OLT-22-002358
Legacy Lead Case No.:	PL200473

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OLT Lead Case No.:	OLT-22-002358
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OLT Lead Case No.:	OLT-22-002358
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PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Development Group (100 SAW) Inc.
Subject:	Proposed Plan of Subdivision - Failure of the City of Vaughan to make a decision
Purpose:	To permit the redevelopment of the subject lands with a mixed-use development containing residential and commercial uses
Property Address/Description:	100 Steeles Avenue West
Municipality:	City of Vaughan
Municipality File No.:	19T-20V001

OLT Case No.:	OLT-22-002360
Legacy Case No.:	PL200475
OLT Lead Case No.:	OLT-22-002358
Legacy Lead Case No.:	PL200473

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

Applicant and Appellant:	Mizrahi Constantine (180 SAW) Inc. Et Al
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	General Commercial Area and Low Density Residential
Proposed Designated:	Mixed Commercial/Residential Area
Purpose:	To permit 6, mixed-use residential apartment buildings
Property Address/Description:	180 Steeles Avenue West
Municipality:	City of Vaughan
Approval Authority File No.:	OP.20.002
OLT Case No.:	OLT-22-002340
Legacy Case No.:	PL210178
OLT Lead Case No.:	OLT-22-002340
Legacy Lead Case No.:	PL210178
OLT Case Name:	Mizrahi Constantine (180 SAW) 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:	Mizrahi Constantine (180 SAW) Inc. Et Al
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	C4 Neighbourhood Commercial Zone
Proposed Zoning:	RA3 Apartment Residential Zone
Purpose:	To permit 6, mixed-use residential apartment buildings
Property Address/Description:	180 Steeles Avenue West
Municipality:	City of Vaughan
Municipality File No.:	Z.20.005
OLT Case No.:	OLT-22-002341
Legacy Case No.:	PL210180
OLT Lead Case No.:	OLT-22-002340
Legacy Lead Case No.:	PL210178

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

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Proposed Designated:	Mixed Commercial/Residential Area
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Property Address/Description:	180 Steeles Avenue West
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Legacy Lead Case No.:	PL210178
OLT Case Name:	Mizrahi Constantine (180 SAW) Inc. v. Vaughan (City)

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OLT Case No.:	OLT-22-002341
Legacy Case No.:	PL210180
OLT Lead Case No.:	OLT-22-002340
Legacy Lead Case No.:	PL210178

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

Applicant and Appellant:	Eastwood Holdings Corp.
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	High Density Residential/Commercial

Proposed Designated:	High Rise Residential
Purpose:	To permit two residential towers
Property Address/Description:	9291 Jane Street
Municipality:	City of Vaughan
Approval Authority File No.:	OP.20.017
OLT Case No.:	OLT-22-002164
Legacy Case No.:	PL210333
OLT Lead Case No.:	OLT-22-002164
Legacy Lead Case No.:	PL210333
OLT Case Name:	Eastwood Holdings Corp. 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:	Eastwood Holdings Corp.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	Restricted Commercial" with a holding provision C1(H)
Proposed Zoning:	Residential Apartment Zone 3" (RA3)
Purpose:	To permit two residential towers
Property Address/Description:	9291 Jane Street
Municipality:	City of Vaughan
Municipality File No.:	Z.20.044
OLT Case No.:	OLT-22-002166
Legacy Case No.:	PL210334
OLT Lead Case No.:	OLT-22-002164
Legacy Lead Case No.:	PL210333

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

Applicant and Appellant:	72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	General Commercial
Proposed Designated:	Mixed Use – Residential and Commercial
Purpose:	To permit the development of high density, mixed- use development
Property Address/Description:	72 Steeles Avenue West and 7040/7054 Yonge Street
Municipality:	City of Vaughan
Approval Authority File No.:	OP.20.014
OLT Case No.:	OLT-21-001218
OLT File No.:	OLT-21-001218

OLT Case Name: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited 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: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning: C1 Restricted Commercial Zone
Proposed Zoning: RA3 Apartment Residential Zone with site specific exceptions
Purpose: To permit the development of high density, mixed-use development
Property Address/Description: 72 Steeles Avenue West and 7040/7054 Yonge Street
Municipality: City of Vaughan
Municipality File No.: Z.20.038
OLT Case No.: OLT-21-001218
OLT File No.: OLT-21-001219

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
Subject: Proposed Plan of Subdivision - Failure of City of Vaughan to make a decision
Purpose: To permit the development of high density, mixed-use development
Property Address/Description: 72 Steeles Avenue West and 7040/7054 Yonge Street
Municipality: City of Vaughan
Municipality File No.: 19T-20V007
OLT Case No.: OLT-21-001218
OLT File No.: OLT-21-001220

Heard: March 31, 2023 by video hearing

APPEARANCES: As listed in Attachment 1

MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW AND G.A. CROSER ON MARCH 31, 2023 AND ORDER OF THE TRIBUNAL

Introduction

[1] This further Case Management Conference (“CMC”) was convened for the remaining appeals to the 2010 Vaughan Official Plan (“VOP”) and appeals of site-specific development applications being heard together with certain VOP appeals.

[2] This CMC had been scheduled for Monday, March 27, 2023, but on consent of all Parties, was deferred four days, to March 31, 2023, in place of a VOP appeal hearing that had been adjourned as noted below. The City of Vaughan (“City”) had provided notification to all Parties of the revised CMC date.

Yonge-Steeles Corridor Secondary Plan (“YSCSP”)

[3] Prior to the four-day Phase 3 Hearing for the YSCSP, scheduled for March 28, 2023, the Tribunal had granted the Parties’ request for rescheduling the hearing to allow further settlement discussions to occur. The Phase 3 Hearing is now scheduled as noted below. The Tribunal directed the Parties to file a final Procedural Order (“PO”) for the hearing within five days of this CMC. Ira Kagan advised that he would circulate the final PO to all Parties and file the PO with the Tribunal as directed. The PO, now contained in Attachment 2 to this Decision, is approved. The Tribunal further directed the Parties to advise the Tribunal at least 35 days in advance of the new hearing date as to whether all scheduled days remain necessary. Vice-Chair S. Tousaw remains seized for this Phase 3 Hearing. No further Notice will be given.

[4] **Monday, August 21, 2023, 10 a.m.** for five days

GoTo Meeting: <https://global.gotomeeting.com/join/765631861>

Access code: 765-631-861

Audio-only telephone line: +1 (647) 497-9373 or Toll Free 1 (888) 299-1889

Audio-only access code: 765-631-861

[5] Please refer to paragraphs [12] to [15] for hearing instructions.

[6] 1306497 Ontario Inc. (Sisley Honda) of 88 Steeles Avenue West (“Sisley”) requested that its appeals to the City’s absence of decision on applications for Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) be heard together with the YSCSP and related appeals at the Phase 3 Hearing. Sisley submits that its property and proposed development are adjacent and similar to other Appellants’ lands within the YSCSP, and that the commonality of issues being heard should trump other requirements. Sisley is prepared to follow standard Notice procedures under the direction of the Tribunal, but requests that a CMC, if required, be conducted before the commencement of the Phase 3 Hearing.

[7] The City and the Appellants within the YSCSP oppose the request. They submit that, like all other related appeals that exist within the YSCSP area, site-specific matters should follow the standard process of a CMC to: ensure fair notice; consider Parties and Participants; prepare a PO with detailed Issues List (“IL”); and determine how best to proceed to a hearing on the merits.

[8] The Panel adjourned to discuss the issue and returned to the CMC to advise Sisley that its request was denied.

[9] First, the Panel found that due process for an appeal requires Notice to ensure that any interested persons are considered for Party or Participant status, and matters of mediation, IL and PO are addressed. The Tribunal directed Sisley to pursue a separate CMC with the Case Coordinator and that its appeal would unfold in the normal course.

[10] Second, the Tribunal agreed with the Parties in opposition to the request, that, at this time, it is not appropriate to join Sisley’s necessary CMC with the YSCSP Phase 3 hearing. As the YSCSP Phase 3 hearing process is at an advanced stage with a finalized PO, it is unknown if an additional party could be accommodated within the limited scheduled number of days for the hearing on the merits.

Remaining Appeals

[11] The other remaining appeals to the VOP continue in discussion among the Parties, and the Parties will keep the Tribunal apprised of their status through the Case Coordinator and at the next CMC.

Next CMC

[12] The next CMC for the remaining VOP appeals is scheduled as follows. No further Notice will be given. The Panel is not seized.

Tuesday, October 3, 2023, 10 a.m.

GoTo Meeting: <https://meet.goto.com/558205565>

Audio-only telephone line: +1 (647) 497-9373 or Toll Free 1 (888) 299-1889

Access code: 558-205-565

[13] Statutory Parties and anyone seeking Party or Participant status are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

[14] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://app.gotomeeting.com/home.html) or a web application is available:
<https://app.gotomeeting.com/home.html>

[15] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line with the access code provided.

[16] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the CMC hearing by video to ensure that they are properly connected to the event at the correct time.

Questions prior to the hearing events may be directed to the Tribunal's Case Coordinator having carriage of this case.

Order

[17] The Tribunal Orders the directions and rulings as set out above.

"S. Tousaw"

S. TOUSAW
VICE-CHAIR

"G.A. Croser"

G.A. CROSER
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

**Vaughan Official Plan 2010 appeals
OLT-21-001787**

March 31, 2023 Case Management Conference attendance list

	Name	Client Name
1.	Bruce Engell and Effie Lidakis	City of Vaughan
2.	Bola Ogunmefun and Stephen D'Agostino	York Region
3.	Joel Farber and Matthew Rutledge	1306497 Ontario Inc.
4.	Samantha Lampert	Auto Complex Ltd.
5.	Chris Barnett	7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.
6.	David Tang and Jesse White	Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada
7.	Sidonia Tomasella	Development Group (100 SAW) Inc.
8.	Justin Papazian	1163919 Ontario Limited et al.
9.	Ira Kagan and Sarah Kagan	Yonge Steeles Landowners Group Inc
10	Patrick Pinho	390 Steeles West Holdings Inc., 398 Steeles Avenue West Inc. and Associated Vaughan Properties Limited
11	Quinto Annibale	Mizrahi Constantine (180 SAW) Inc.
12	Andrew Biggart	City of Markham
13	Matthew Di Vona	Lucia Milani and Rizmi Holdings Ltd.
14	Donya Yarahmadi	Bentall Kennedy (Canada) LP and Longevity Properties Limited
15	Ian Andres	Fairfax Financial Holdings Ltd.
16	David Bronskill	7080 Yonge Limited
17	Dennis Wood	Morguard Investments Limited
18	Daniel Artenosi and Natalie Ast	Yonge & Steeles Developments Inc.



Ontario Land Tribunal

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Web Site: olt.gov.on.ca

ATTACHMENT 2

ISSUE DATE: April 12, 2023

CASE NO(S): OLT-21-001787
(Formerly PL111184)
OLT-22-002335
(Formerly PL200260)
OLT-22-002358
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OLT-22-002340
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OLT-21-001218

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No.: OP.20.001
OLT Case No.: OLT-22-002358
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OLT Case No.: OLT-22-0002360
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Subject: Request to amend the Official Plan – Failure of the City of Vaughan to adopt the requested amendment

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Proposed Designation: Mixed Commercial/ Residential Area
Purpose: To permit 6, mixed-use residential apartment buildings

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Municipality: City of Vaughan
Approval Authority File
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Purpose: To permit 6, mixed-use residential apartment buildings

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 No.: Z.20.005
 OLT Case No.: OLT-22-002341
 Legacy Case No.: PL210180
 OLT Lead Case No.: OLT-22-002340
 Legacy Lead Case No.: PL20178
 OLT Case Name: Mizrahi Constantine (180 SAW) Inc. v. Vaughan (City)

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

Applicant and Appellant: 72 Steeles Holdings Limited and 7040 Yonge Holdings Limited
 Subject: Request to amend the Official Plan – Failure of the City of Vaughan to adopt the requested amendment
 Existing Designation: General Commercial
 Proposed Designation: Mixed Use – Residential and Commercial
 Purpose: To permit the development of high density, mixed-use development
 Property Address/
 Description: 72 Steeles Avenue West and 7040/7054 Yonge Street
 Municipality: City of Vaughan
 Approval Authority File
 No.: OP.20.014
 OLT Case No.: OLT-21-001218
 OLT File No.: OLT-21-001218
 OLT Case Name: 72 Holdings Limited and 7040 Yonge Holdings Limited v. Vaughan (City)

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

Applicant and Appellant: 72 Holdings Limited and 7040 Yonge Holdings Limited
 Subject: Application to amend Zoning By-law 1-88, as amended – Refusal or neglect of the City of Vaughan to make decision
 Existing Zoning: C1 Restricted Commercial Zone
 Proposed Zoning: RA3 Apartment Residential Zone with site specific exceptions
 Purpose: To permit the development of high density, mixed-use development

Property Address/
 Description: 72 Steeles Avenue West and 7040/7054 Yonge Street
 Municipality: City of Vaughan
 Approval Authority File
 No.: Z.20.038
 OLT Case No.: OLT-21-001218
 OLT File No.: OLT-22-001219
 OLT Case Name: 72 Holdings Limited and 7040 Yonge Holdings Limited v.
 Vaughan (City)

PROCEEDING COMMENCED UNDER section 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 72 Holdings Limited and 7040 Yonge Holdings Limited
 Subject: Proposed Plan of Subdivision – Failure of City of Vaughan
 to make a decision
 Purpose: To permit the development of high density, mixed-use
 development
 Property Address/
 Description: 72 Steeles Avenue West and 7040/7054 Yonge Street
 Municipality: City of Vaughan
 Approval Authority File
 No.: 19T-20V007
 OLT Case No.: OLT-21-001218
 OLT File No.: OLT-22-001220
 OLT Case Name: Development Group (100 SAW) Inc. v. Vaughan (City)

1. The Tribunal may vary or add to the directions in this procedural order at any time by an oral ruling or by another written order, either on the parties' request or its own motion.

Organization of the Hearing

2. The video hearing will begin on **Monday, August 21, 2023** at 10:00 a.m. Parties and participants are to log onto the following link below:

GoTo Meeting: <https://global.gotomeeting.com/joi>

Access code: 765-631-861

3. The parties' initial estimation for the length of the hearing is **five** days. The parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues where possible.

4. The parties identified at the case management conference are set out in Attachment #2 (see the sample procedural order for the meaning of these terms).
5. The issues are set out in the Issues List attached as Attachment #3. There will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
6. The order of evidence shall be as set out in Attachment #4 to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on the parties' consent, subject to the Tribunal's approval, or by Order of the Tribunal.
7. Any person intending to participate in the hearing should provide a mailing address, email address and a telephone number to the Tribunal as soon as possible – ideally before the case management conference. Any person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address, email address and the phone number as soon as possible.
8. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's [Video Hearing Guide](#), available on the Tribunal's website.

Requirements Before the Hearing

9. On or before **Wednesday May 31, 2023** the City and YSLOG shall provide all parties with its proposed modifications to Secondary Plan policies 5.8 and 8.4. On or before **Wednesday May 31, 2023** Gupta, Humboldt, Dream and Mizrahi shall provide all parties with their proposed site-specific zoning by-law amendment and subdivisions/conditions of approval (where applicable).
10. On or before **Friday June 9, 2023** the parties shall advise each other of any issues or concerns that they have with the proposed modifications to policies 5.8 and 8.4, to the site-specific zoning by-law amendments, and/or to the proposed plans of subdivision/conditions of approval.
11. Expert witnesses in the same field shall have a meeting by **Friday, June 23, 2023** and use best efforts to try to resolve or reduce the issues for the hearing. Following the experts' meeting the parties must prepare and file a Statement of Agreed Facts and Issues with the OLT case co-ordinator by **Monday, July 3, 2023**.

12. On or before **Friday, July 7, 2023**, the parties shall provide copies of any supplementary [witness and] expert witness statements to the other parties and to the OLT case co-ordinator and in accordance with paragraph 18 below.
13. On or before **Monday, August 7, 2023** the parties shall confirm with the Tribunal if all the reserved hearing dates are still required.
14. On or before **Friday, August 11, 2023**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with paragraph 20 below. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
15. On or before **Friday, July 28, 2023**, parties shall provide copies of the Reply Witness Statements, if any, to the other parties and the OLT case co-ordinator and in accordance with paragraph 18 below.
16. The parties shall cooperate to prepare a joint document book which shall be shared with the OLT case co-ordinator on or before **Monday, August 14, 2023**.
17. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. *See Rule 10 of the Tribunal's Rules with respect to Motions, which requires that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.*
18. A party who provides written evidence of a witness to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of their record.
19. The parties shall prepare and file a preliminary [hearing plan](#) with the Tribunal on or before **Monday, August 14, 2023**, with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds in an efficient manner and in accordance with the hearing plan. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the course of the hearing.

20. All filings shall be submitted electronically and in hard copy. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by the *Rule 7*.

21. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

**This Member is seized.
So orders the Tribunal.**

BEFORE:

Name of Member:

Date:

TRIBUNAL REGISTRAR

ATTACHMENT #1

Meaning of terms used in the Procedural Order

A **party** is an individual or corporation permitted by the Tribunal 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. An **unincorporated group** cannot be a party and 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 case management conference (CMC), must ask the Tribunal to permit this.

A **participant** is an individual or corporation, whether represented by a lawyer or not, who may make a written submission to the Tribunal. A participant cannot make an oral submission to the Tribunal or present oral evidence (testify in-person) at the hearing (only a party may do so). Section 17 of the Ontario Land Tribunal Act states that a person who is not a party to a proceeding may only make a submission to the Tribunal in writing. The Tribunal may direct a participant to attend a hearing to answer questions from the Tribunal on the content of their written submission, should that be found necessary by the Tribunal. A participant may also be asked questions by the parties should the Tribunal direct a participant to attend a hearing to answer questions on the content of their written submission.

A participant must be identified and be accorded participant status by the Tribunal at the CMC. A participant will not receive notice of conference calls on procedural issues that may be scheduled prior to the hearing, nor receive notice of mediation. A participant cannot ask for costs, or review of a decision, as a participant does not have the rights of a party to make such requests of the Tribunal.

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.

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 a list of reports or materials 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 supporting their opinions and conclusions and (5) a list of reports or materials that the witness will rely on at the hearing. An expert witness statement must be accompanied by an acknowledgement of expert's duty.

A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a statement of the participant's position on the appeal; a list of the issues which the participant wishes to address and the submissions of the participant on those issues; and a list of reports or materials, if any, which the participant wishes to refer to in their statement.

Additional Information

A **summons** may compel the appearance of a person before the Tribunal who has not agreed to appear as a witness. A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons through a request. (See [Rule 13](#) on the summons procedure.) The request should indicate how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the information provided in the request that the evidence is relevant, necessary or admissible, the party requesting the summons may provide a further request with more detail or bring a motion in accordance with the Rules.

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 Tribunal;
- 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 Tribunal.

ATTACHMENT #2 PARTIES AND PARTICIPANTS

PARTIES

1. **Yonge Steeles Landowners Group Inc.**
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Bola Ogunmefun

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4. **7040 Yonge Holdings Ltd. & 72 Steeles Holdings Ltd.**
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8. **1163919 Ontario Limited, 1888836 Ontario Limited, 1211612 Ontario Limited, 1973280 Ontario Limited, 1219414 Ontario Limited**
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11. **390 Steeles West Holdings Inc., 398 Steeles Avenue West Inc. & Associated Vaughan Properties Limited.**
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Victoria Chai

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15. Fairfax Financial Holdings Limited [Toys' R Us (Canada) Ltd.]

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17. Morguard Investments Limited (7120 Yonge Street, 24-26 Crestwood Road & Centerpoint Mall)

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ATTACHMENT #3 ISSUES LIST

Policies Deferred in the Yonge Steeles Corridor Secondary Plan [OLT-21-001781] [BEYOND THE APPELLANTS AND CITY, PARTIES INVOLVED ARE IDENTIFIED IN BRACKETS]

- 5.8 – Vehicular parking
- 8.4 – Holding Provisions

The Four Site-Specific Zoning By-law Appeals [OLT-22-002335 (Gupta), OLT-21-001218 (Humbold), OLT-22-002358 (Dream), OLT-22-002340 (Mizrahi) and the Dream (OLT-22-002360) AND Humbold (OLT-21-001220) Subdivisions]

- The entirety of the site-specific zoning by-law amendments were deferred
- The entirety of the Dream and Humbold plans of subdivision were deferred
- The parties agree that the only issues for the site-specific hearing of the remaining appeals are those noted below:
 - Whether the holding provisions in the by-law should apply to all or part of the property and the contents of the holding provisions [Morguard and Autocomplex]
 - Whether the by-law should include the exemption from the 2-year moratorium on minor variance applications [Morguard and Autocomplex]
 - Whether the by-law should include the maximum population and minimum job numbers, or be otherwise calculable from the by-law itself by the inclusion of number of units and/or unit mix [Morguard]
 - With respect to the road network, does the development permitted by the zoning by-law(s) and the plans of subdivision conform to the YSCSP sections 5.9.2, 5.9.13.2, 5.9.15.3 [Morguard]
 - Parking provisions to be included in the by-law, in conjunction with the resolution of Policy 5.8 above
 - The final format of the zoning by-laws

Note: NS-2 must continue to conform with policy 5.9.4 [Morguard]

Note 1: Where two or more parties raise the same technical issue, they can co-ordinate and rely upon a qualified independent expert but must call expert evidence in support of that technical issue. Where a single party alone raises a technical issue then that party must call technical evidence in support of that issue from a qualified independent expert.

Note 2: The identification of an issue does not mean that all parties agree that such issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Tribunal at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Tribunal at the hearing will be a matter of evidence and argument at the hearing.

**ATTACHMENT #4
ORDER OF EVIDENCE**

**NOTE: THE ORDER OF EVIDENCE WILL BE DETERMINED AT A LATER DATE
ONCE IT HAS BEEN DETERMINED WHETHER THERE ARE ANY OUTSTANDING
ISSUES FOR POLICIES 5.8 AND 8.4 AND THE SITE SPECIFIC ZONING BY-LAW
AMENDMENTS.**

**ATTACHMENT #5
SUMMARY OF FILING DEADLINES**

EVENT	DATE
City and YSLOG to file its proposed modifications to policies 5.8 and 8.4 Gupta, Humboldt, Dream and Mizrahi to file the proposed site-specific ZBLAs and subdivisions/conditions of approval where applicable.	Wed, May 31, 2023
Parties to advise of concerns/issues with the proposed modifications to policies 5.8 and 8.4. Parties to advise of concerns/issues with the proposed site-specific ZBLAs and subdivisions/conditions of approval.	Wed, June 14, 2023
Deadline for Expert Meeting	Fri, June 23, 2023
Parties to file Statement of Agreed Facts and Issues	Mon, July 3, 2023
Parties to exchange their Witness and Expert Witness Statements	Fri, July 7, 2023
Parties to exchange their Reply Witness Statements	Fri, July 28, 2023
Parties to confirm if all hearing dates are needed	Mon, August 7, 2023
Parties to exchange their Visual Evidence	Fri, August 11, 2023
Parties to File Preliminary Hearing Plan Parties to File Joint Document Book	Mon, August 14, 2023
Hearing commences	August 21, 2023