

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: March 23, 2016

CASE NO(S): PL110189

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

Appellants:

Amir-Hessam Limited & 668152 Ontario Limited
583753 Ontario Limited
Yonge Bayview Holdings Inc.
K.J. Beamish Holdings Limited
Signature Developments Inc.
TSMJC Properties Inc.
Haulover Investments Limited
New Era Developments (2011) Inc.
Rice Commercial Group and Major Mac Realty Inc.
Loblaw Properties Limited
E. Manson Investments
North Leslie Residential Landowners Group Inc.
Montanaro Estates Limited and William & Yvonne Worden
Baif Developments Limited
Arten Developments Inc.
Stonecourt Construction Inc.
P. Campagna Investments Ltd., P.A. Campagna and 1480420 Ontario Ltd.
Ram Nischal, Rekha Nischal, Neelam Narula and Raj Kumar
Angelo, Louise and Josephine Cimetta and Shiplake Developments Ltd.
Great Land (Westwood) Inc.
775377 Ontario Ltd. (Belmont)
Robert Salna and Robert Salna Holdings Inc.
AME-SON Holdings Ltd.
Corsica Development Inc.
Elginbay Corporation
Sitzer Group Holdings No. 1 Limited, Grall Corporation Limited, Natweiss Investments Limited, 967933 Ontario Limited & Loblaws Inc. (owners of the Richmond Heights Shopping Centre)

Dickson 48 Property Inc., Sedgewick Property Inc.,
 Long Body Homes Inc., & 1419079 Ontario
 1191621 Ontario Inc.
 1835942 Ontario Inc.
 1122270 Ontario Inc.
 Subject: Failure of the Regional Municipality of York to
 announce a decision respecting the proposed new
 Official Plan for the Town of Richmond Hill
 Municipality: Town of Richmond Hill
 OMB Case No.: PL110189
 OMB File No.: PL110189
 OMB Case Name: Cimetta v. Richmond Hill (Town)

Heard: March 14, 2016 in Richmond Hill, Ontario

APPEARANCES:

Parties

Counsel

Town of Richmond Hill	Barnet Kussner
Regional Municipality of York	Frank Santaguida
1835942 Ontario Inc.	

MEMORANDUM OF ORAL DECISION DELIVERED BY J. de P. SEABORN ON MARCH 14, 2016 AND ORDER OF THE BOARD

[1] The matter before the Board is an appeal by 1835942 Ontario Inc. ("183") with respect to certain policies contained in the adopted (and partially approved) Official Plan ("OP") for the Town of Richmond Hill ("Town"). In accordance with a decision issued following a pre-hearing conference, a five-day hearing had been set to deal with the appeal. Prior to the hearing, Counsel for the Town advised that the appeal was resolved and policy modifications that are recommended to apply on a site-specific basis were agreed upon. Donald Given, qualified to provide opinion evidence in the discipline of land use planning, filed an affidavit (Exhibit 1) and testified in support of the settlement, recommending specific policy modifications be approved. Mr. Given was retained in 2014 and in light of the fact that 183 is no longer represented, Mr. Kussner led the evidence and recommended the settlement on behalf of the parties. The Regional

Municipality of York (“Region”), represented by Mr. Santaguida, indicated its support for the policy modifications presented as part of the testimony.

[2] By way of background, 183 owns a 7.25 hectare (“ha”) vacant parcel of land at 10481 Yonge Street (“Yonge”), directly opposite Levendale Road (“Levendale”) and on the western periphery of the Newkirk Business Park. The site formerly contained the World Color/Quebecor World printing plant. Under the adopted OP, the site holds several land use designations including: Employment Corridor (2.29 ha); Employment Area (2.98 ha); and, Natural Core Area (1.99 ha). Approximately two-thirds of the site is identified with a Flood Vulnerable Area Overlay. 183 is one of many appellants who have appealed the adopted Town’s OP. The bulk of these appeals have been resolved either by way of hearing and settlement and the appeal by 183 is now entirely resolved.

[3] Briefly, 183 seeks a mixed-use and Neighbourhood designation for the southern portion of its site. As set out in the Minutes of Settlement (“Minutes”) dated February 16, 2016 and filed as Attachment 3 to Mr. Given’s affidavit (Exhibit 1), the Town has agreed to the re-designation of the land located south of the proposed westerly extension of Enford Road, opposite Levendale. The precise designations to be applied to the site in accordance with the Minutes and associated policy modifications were provided as Schedule A to Attachment 3 of Mr. Given’s affidavit and are set out as Attachment 1 to this Decision. They include the following designations: Employment Corridor, Employment Area, Natural Core, Neighbourhood, and Downtown Local Centre.

[4] Mr. Given provided a comprehensive evaluation of the applicable policies in his affidavit and subsequent testimony, recommending approval of the policy modifications and re-designations, as set out in the Minutes. It was Mr. Given’s opinion that the proposed policy and land use changes are consistent with the Provincial Policy Statement (2014) and conform to the provisions of the Growth Plan. There is no conflict with the Region’s OP and it is in support of the re-designations. Mr. Given also testified that the Region’s OP allows for the conversion of employment lands to non-employment uses to be considered at the time of a Municipal Comprehensive Review in accordance with the applicable policies and population/employment forecasts of the Region. In

addition, development of the 183 site will assist the Region in achieving its intensification and transit objectives.

[5] The settlement is consistent with the Town's OP insofar as it seeks to promote compact, mixed use, transit oriented built form along Yonge and the re-designation of a portion of the site is more consistent with the surrounding area and the Town's vision for the Downtown Local Centre. Mr. Given explained the land uses that will be permitted under each designation and compared the original land use designations with the new designations (Exhibit 2) agreed to as part of the settlement. The parties have agreed to wholly settle the 183 appeal in accordance with the OP policies and schedules, set out as part of the Minutes. Mr. Given recommended the policy modifications and indicated that in his opinion they constitute good planning. I adopt and rely upon the opinion of Mr. Given in this regard and find that the policy modifications and associated schedules should be approved consistent with the evidence and the Minutes. In arriving at this conclusion, there has been regard to the provincial interest which is satisfied by the settlement between the parties.

[6] The Decision and Order of the Board is to allow the appeal of 183, in part. The Town's OP is modified in the manner set out in Attachment 1 and as modified, is approved.

"J. de P. Seaborn"

J. de P. SEABORN
VICE-CHAIR

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

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

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

ATTACHMENT 1

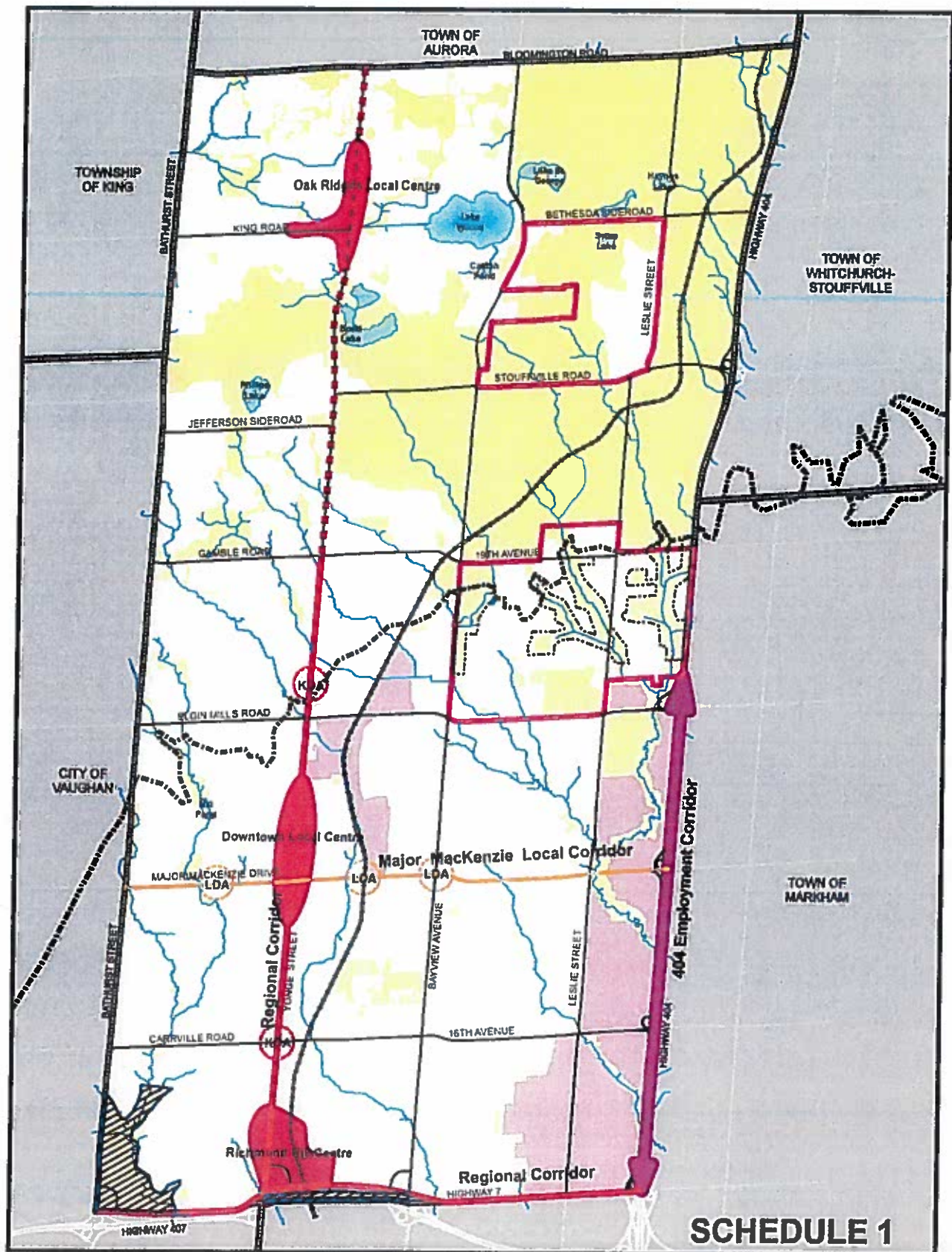
SCHEDULE "A"

OP Modifications for 1835942 Ontario Inc.

- 1) Schedule A1 (Urban Structure) is amended by eliminating the portion of the lands shown as Employment Lands which are south of the proposed westerly extension of Enford Road as shown on Schedule 1 (Urban Structure) attached.
- 2) Schedule A2 (Land Use) is amended as follows as shown on Schedule 2 (Land Use) attached:
 - i) by changing the land use designation on the westerly lands closest to Yonge Street and south of the Enford Road extension (as shown on Schedule A8) from Employment Corridor to Downtown Local Centre; and,
 - ii) by changing the land use designation on the lands immediately east of the Downtown Local Centre; west of the lands designated Natural Core; and south of the Enford Road extension (as shown on Schedule A8), from Employment Area to Neighbourhood.
- 3) That Schedule A9 (Downtown Local Centre Districts) is amended by moving the northerly boundary of the Downtown Local Centre northward as shown on Schedule 3 (Downtown Local Centre Districts) attached.
- 4) That Schedule A10 (Secondary Plan Areas) is amended by moving the north boundary of the Downtown Local Centre Secondary Plan area northward (Secondary Plan Areas) as shown on Schedule 4 attached.
- 5) That Section 6 (Exceptions) is amended by adding the following subsection:

XX Notwithstanding any other provision of this Plan to the contrary, for the lands municipally known as 10481 Yonge Street as shown as Exception Area XX on Schedule A 11 (Exceptions) to this Plan, the following shall apply:

 - a. *Medium density residential* uses excluding multi-unit apartments shall be permitted on the lands designated Neighbourhood and shall have a maximum height of 3 storeys;
 - b. The lands designated Downtown Local Centre have frontage onto Yonge Street and hence the policies of Section 4.3.1.1.5 shall apply and hence *medium density residential* uses are not permitted;
 - c. No new development shall occur on lands in the Flood Vulnerable Area as shown on Schedule A2 (Land Use) and Schedule A7 (Flood Plain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas) until the requirements of Section 3.2.2.5 of this Plan have been met.



**RICHMOND HILL
OFFICIAL PLAN
Urban Structure
SCHEDULE A1**

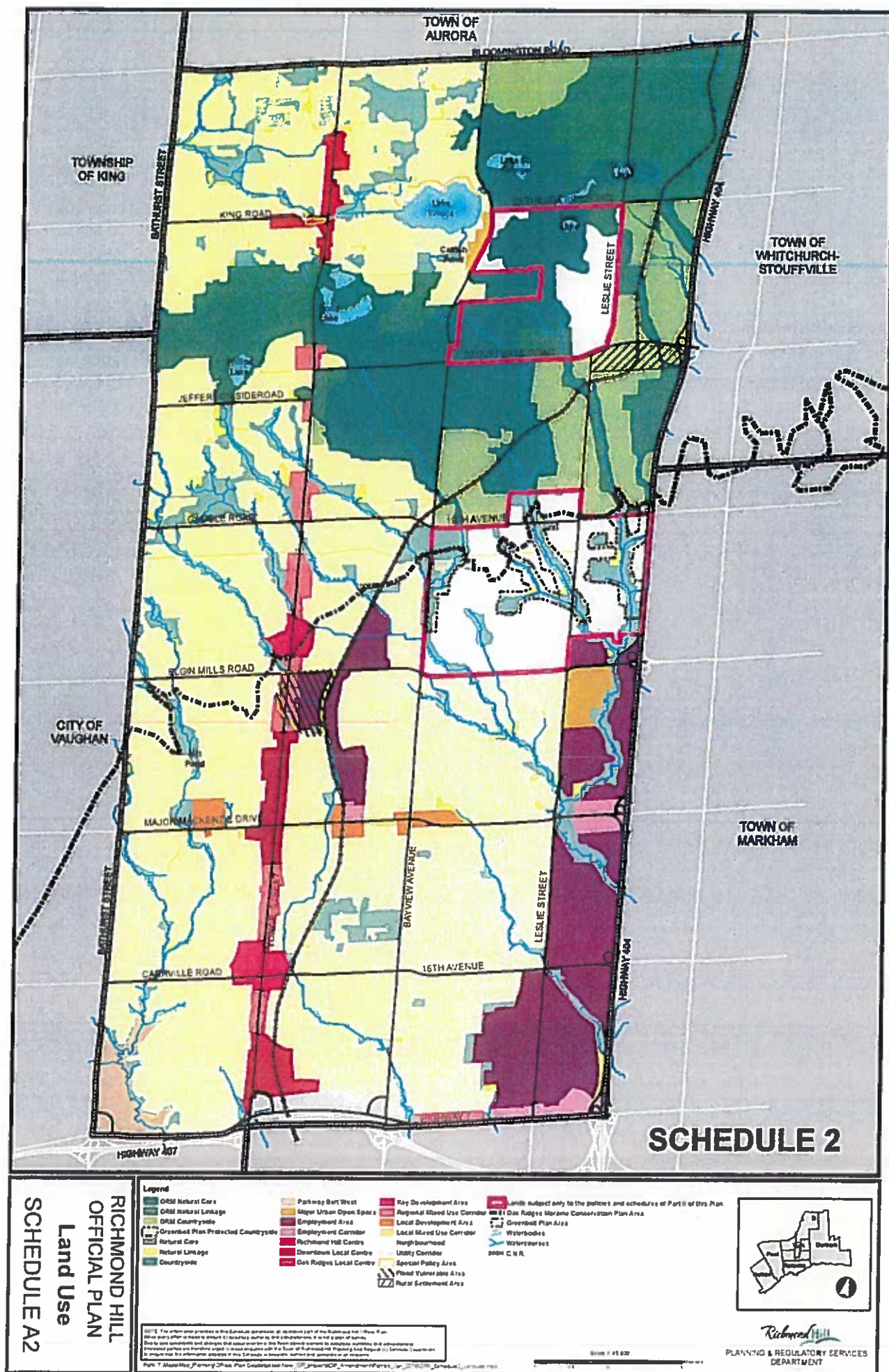
Legend

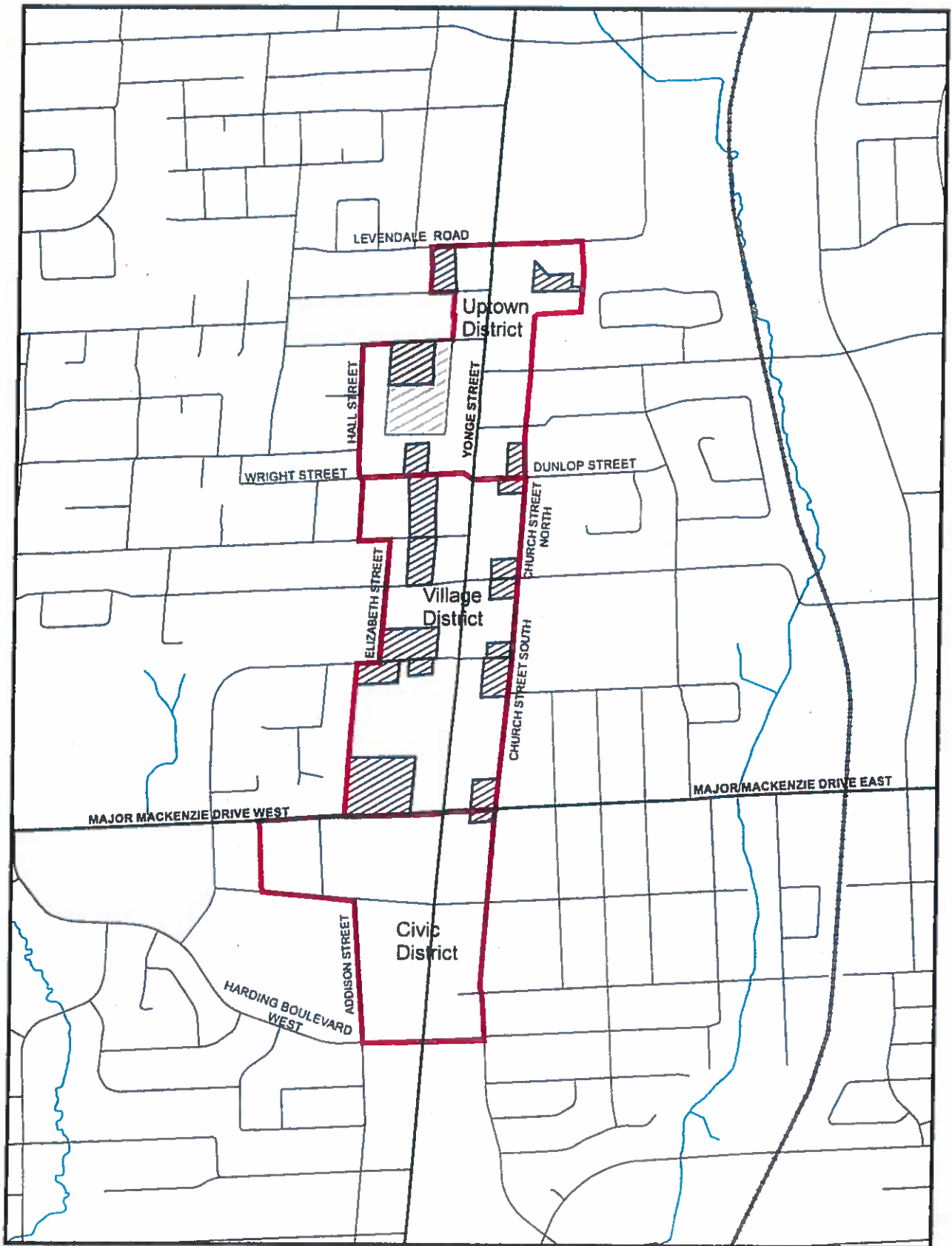
1. The Official Plan and Schedule A1 of this Plan are subject to the provisions of the Planning Act and the Planning Act Regulations. The Official Plan and Schedule A1 of this Plan are subject to the provisions of the Planning Act and the Planning Act Regulations. The Official Plan and Schedule A1 of this Plan are subject to the provisions of the Planning Act and the Planning Act Regulations.

Richmond Hill
PLANNING & REGULATORY SERVICES
DEPARTMENT

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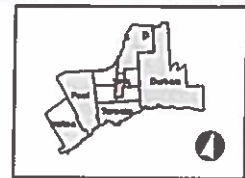
SCHEDULE 3

Legend

- Downtown Districts
- Exception Area (Policy 4.3.1.19)
- Small-scale office, commercial and retail sites

- Watercourses
- C.N.R.
- Streets

NOTES: The information presented in this Schedule is for informational purposes only and does not constitute a guarantee, warranty or representation of any kind. The information is provided as a guide only and should not be relied upon for any specific purpose. The information is provided as a guide only and should not be relied upon for any specific purpose. The information is provided as a guide only and should not be relied upon for any specific purpose.



Richmond Hill

PLANNING & REGULATORY SERVICES
DEPARTMENT

RICHMOND HILL
OFFICIAL PLAN
 Downtown Local Centre
 Districts
SCHEDULE A9

Scale 1 : 100

