

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



**ISSUE DATE:** June 3, 2015

**CASE NO(S):** PL140860

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	10 QEW Inc. et. al.
Subject:	Proposed Official Plan Amendment No. 231
Municipality:	City of Toronto
OMB Case No.:	PL140860
OMB File No.:	PL140860
OMB Case Name:	A. Mantella & Sons Limited v. Toronto (City)

**Heard:** March 12 and 13, 2015 in Toronto, Ontario

**APPEARANCES:**

**Parties**

See Attachment 1

**Counsel\*/Representative**

**Participants**

See Attachment 3

**DECISION DELIVERED BY R.G.M. MAKUCH AND ORDER OF THE BOARD**

[1] This is the first Prehearing Conference respecting appeals against Official Plan Amendment No. 231 ("OPA 231") "Employment Areas Lands" adopted by City of Toronto ("City") Council.

**ADDED PARTIES**

[2] There were a number of requests made on consent for individuals to be added as parties. The individuals/organizations set out in Attachment 2 have satisfied the Board that there are reasonable grounds established to add these individuals as parties to this matter in addition to those who have filed valid appeals.

**PARTICIPANTS**

[3] Active 18 Association is added as a participant with respect to Appeal No. 162 by Siteline 390 Dufferin Street Inc.

[4] Patricia Sinclair is added as a participant to Appeals Nos. 8, 9, 16, 36, 54, 109, 123, 142, 158 and 166 relating to what is known as the "Milliken Employment Lands".

[5] The Toronto Region Conservation Authority is added as a participant with respect to certain site specific appeals, which need to be identified.

[6] Woodbine Entertainment Group is granted participant status.

**MOTIONS ADJOURNED**

[7] The hearing of the motions brought by the following parties are adjourned to the next Prehearing Conference:

- 434925 Ontario Limited
- 3773001 Ontario Limited
- Smart Centres/Morguard

[8] There were a number of contested motions.

## **S. A. ARMSTRONG LIMITED MOTION FOR PARTY STATUS**

[9] The motion for party status brought by S. A. Armstrong Limited (“S.A. Armstrong”) is opposed by Intercell Machinery Limited (“Intercell”). The materials before the Board on this motion consist of the following:

- 1) Motion Record of S.A. Armstrong including the affidavits of:
  - a) Jane McFarlane, sworn March 11, 2015; and
  - b) Patrick MacDonald, sworn March 9, 2015.
  
- 2) Intercell Notice of Response to Motion Record of S. A. Armstrong.

[10] The Intercell Notice of Response to Motion (Christou Group) was not accompanied by an affidavit in support thereof. It opposes the motion on the grounds that S.A. Armstrong is in direct opposition to Intercell’s appeal against OPA 231, is frivolous and vexatious and will seriously prejudice the hearing of the appeal if it is allowed to be a party to this matter. Furthermore, it is argued that the City is the proper party to deal with OPA 231 appeals.

[11] The City is not taking a position on this motion.

[12] It is noted that S.A. Armstrong had previously attempted to obtain party status with the simple filing of a request letter. This approach was rejected by A. Christou, the agent for Intercell.

[13] It is clear from the evidence proffered by counsel for S.A. Armstrong that S.A. Armstrong is the owner of 23 Bertrand Avenue located across the street from the Intercell property at 30 Bertrand Avenue and had previously appeared before the Board in opposition to appeals by Intercell pursuant to s. 45(1) of the *Planning Act* (“Act”) for the authorization of variances to permit certain retail uses on the property at 23 Bertrand Avenue owned by Intercell. S. A. Armstrong did not appeal any portions of OPA 231 as it was satisfied with the introduction of policies with significant core area protections in

the subject area after following the process leading up to its adoption. The Board is satisfied under the circumstances that it is reasonable to add S.A. Armstrong as a party to this proceeding as it will be able to bring a distinct perspective to the hearing of this matter as an interested landowner in the subject area.

[14] Intercell did not provide the Board with any cogent reasons in support of refusing S.A. Armstrong's request for party status.

[15] Accordingly, S.A. Armstrong is hereby granted party status to the Intercell Appeal. Furthermore, the Board hereby abridges the time for bringing this motion.

#### **D. CRUPI & SONS LIMITED ("CRUPI") REQUEST FOR PARTY STATUS**

[16] Crupi owns the properties known municipally as 70 and 83-85 Passmore Avenue and 3920 Midland Avenue. It is also the lessee for 3800 Midland Avenue. It is also the owner of D. C. M. Holdings Limited, the registered owner of 0 (86) Passmore Avenue, all together referred to as the Crupi properties.

[17] Crupi has requested by way of correspondence, dated March 3, 2015, to be added as a party to these proceedings in respect to the policies in OPA 231 which relate to the compatibility of residential and sensitive land uses in proximity to "Employment Areas" on the grounds that the policies do not include sufficient measures to ensure the compatibility of adjacent conflicting land uses.

[18] There are two aspects to the request for party status and the City only objects to, that part of the request for party status dealing with "Site and Specific Area Policy No. 395 ("SASP 395"), which relates to the compatibility of residential and sensitive land use in proximity to "Employment Areas" and permits the conversion of "Employment Areas" lands in the area to "Regeneration Areas". The City is opposed to this request because Crupi did not make oral or written submissions during the public process leading up to the adoption of OPA 231. There are no other appeals under which Crupi can shelter. The Crupi request for party status is denied as it relates to SASP 395.

[19] With respect to the other aspect of the request dealing with party status respecting Appeals 8 and 9 by 1182929 Ontario Inc. and Appeal No. 123 by May Flower Landscaping Ltd., regarding requests for conversion (identified in yellow on map in Exhibit 7), the Board hereby grants party status to Crupi.

### **MOTIONS BY THE CITY TO DISMISS APPEALS**

[20] The City brings a motion to dismiss the appeals by Dunpar Development Holdings Inc. (“Dunpar”), 1289777 Ontario Limited (“1289777”) and 2401 Eglinton Avenue West Ltd (“2401 Eglinton”) on the grounds that these parties did not meet the requirements of s. 17(36) of the Act in that none of the parties against whom the City is moving made submissions to City Council during the public process leading up to the adoption of OPA 231.

[21] It is noted that City Council adopted OPA 231 on December 16 – 18, 2013 as part of its five-year Official Plan review and municipal planning review of its employment lands pursuant to s. 26 of the Act. OPA 231 was subsequently sent to the Minister of Municipal Affairs and Housing (“MMAH”) for approval. MMAH approved a majority of OPA 231 with some modifications and issued its Notice of Decision on July 9, 2014.

[22] The materials before the Board respecting this Motion consist of the following:

- 1) City Motion Record, including the Affidavit of Philip Baker, sworn March 3, 2015;
- 2) Dunpar Response to Motion, including the Affidavit of Alexander Luppi, sworn March 11, 2015;
- 3) 1289777 Response to Motion, including the Affidavit of Fred Dominelli, sworn March 11, 2015; and

- 4) 2401 Eglinton Response to Motion, including the affidavit of Paul Johnston, sworn March 11, 2015.

[23] The responding parties, Dunpar, and 2401 Eglinton, both acknowledge that they did not make written or oral submissions to City Council prior to the adoption of OPA 231. 1289777 argues that it in fact made submissions through its President, Fred Dominelli at public meetings prior to the adoption of OPA 231 and has a valid appeal. All three responding parties argue that pursuant to s. 17 (44.1) and (44.2) of the Act, the Board may add a person as a party to an appeal of an Official Plan Amendment under s. 17(36) of the Act, where the Board is of the opinion that there are reasonable grounds to add such a person as a party.

## **DUNPAR**

[24] Dunpar owns the lands municipally known as 2 Wickham Road, which is currently used as a warehouse to store heavy equipment. The subject lands are designated “Employment Area” under the current City’s Official Plan. This designation permits a variety of uses including offices, manufacturing, warehousing, distribution and retail outlets ancillary to the preceding uses.

[25] The new designation under OPA 231 is “Core Employment Area”. This designation introduces restrictions to the permitted uses on the property with respect to retail and automotive uses, which negatively impact the property and inappropriately restricts the potential for future development of the lands, according to Dunpar. It argues that a “Mixed Use Areas” or “Regeneration Areas” designation would be more appropriate for the property as it would permit a broader range of uses.

[26] Counsel for Dunpar argues that adding her client as a party will not impact on the ability to have a fair and efficient hearing as it will not expand the scope of the existing appeals and issues already before the Board given that there are already a significant number of appeals, which will consider conversions from “Core Employment” to “Mixed Use Areas” or “Regeneration Areas” and a number of appeals identified as relating to

“policy” under OPA 231. The hearing time would only be moderately increased according to counsel.

[27] It is argued that there are reasonable grounds to add Dunpar as a party since it has a direct interest in the appeal proceeding and is negatively impacted by OPA 231. It has a genuine concern regarding such impacts and failure to grant it party status will result in prejudice to it by preventing the consideration of the appropriate land use designation under the Official Plan. There is no prejudice to the City if it is added as a party.

[28] Furthermore, the conversion of lands within employment areas requires a “Comprehensive Municipal Review” pursuant Policy No. 1.3.2.2 of the Provincial Policy Statement 2014, (PPS) meaning that if Dunpar is not granted party status, it will be prohibited from seeking any amendment to the permitted uses of the property until the next “Comprehensive Municipal Review” by the City not anticipated for at least another five years and possibly 10 under proposed Bill 73 referred to earlier in this decision.

[29] Dunpar argues that the City has already acknowledged through its counsel that in carrying out its review, it looked at every property within the “Employment” designation, meaning that much of the work has already been carried out by the City in respect of the Dunpar lands.

### **1289777**

[30] 1289777 takes the position that through its President, Mr. Dominelli, it has been an active participant in the evolving planning and policy regime for “Liberty Village” and OPA 231, including as a board member of the “Liberty Village Business Improvement Area” (LVBIA) and as part of a landowner group developing a Master Plan for the village. Mr. Dominelli maintains that he made oral submissions concerning OPA 231 at various public meetings and that his interest and that of 1289777 should be well known to the City. He also filed a fulsome appeal of the MMAH decision to approve OPA 231

following the above referred to oral submissions to council and therefore has a valid appeal to OPA 231.

[31] Furthermore, OPA 231 is subject to many appeals involving the same policies and lands, therefore, there is no prejudice to the City or any other party if 1289777 is allowed to pursue its appeal, or, in the alternative it is made a party to this proceeding.

### **2401 Eglinton**

[32] The 2401 Eglinton lands are designated “General Employment Areas” pursuant to OPA 231 and are designated as “Employment” under the currently in force City’s Official Plan. The abutting lands to the south are designated “Neighbourhood” in the City’s Official Plan.

[33] 2401 Eglinton argues that the OPA 231 designation does not recognize the best, most compatible uses for the property in light of planning policies that have emerged regarding the Eglinton Crosstown Light Rail Transit (“LRT”). The “General Employment Areas” designation under OPA 231 highlights a disconnect between it and Official Plan Amendment No. 253 (“OPA 253”) in respect of the Eglinton Crosstown LRT passed by City Council on July 11, 2014.

[34] 2401 Eglinton argues that it made written submissions prior to the modification and approval of OPA 231 by the MMAH, stating its objection to the amendment that it did not conform with the Eglinton Connects Plan and that it did not recognize the City’s goal for mixed-use intensification in this geographic area.

[35] The subject lands are currently used for low scale industrial uses, including plumbing supplies and auto painting and repair. The lands are small and orphaned industrially in close proximity to residential uses and as such have a very limited potential for employment uses. Given these characteristics and a prime location across from the planned Eglinton Crosstown LRT, these lands are better suited for a “Mixed



Use Area” designation consistent with a number of other Eglinton Avenue fronting lands and lands in close proximity to proposed LRT stations.

[36] It is argued that OPA 231 has the effect of frustrating the timely implementation of the policy framework being pursued and adopted by the City under OPA 253 to provide supportive built form and appropriate uses. These lands were not considered for a “Mixed Use” designation under the process leading up to the adoption of OPA 253 because these lands were within a “General Employment” designation under OPA 231.

[37] 2401 Eglinton alleges that it was not aware of and did not understand the serious impact that OPA 231 would have on the use and development potential of the subject lands until Spring 2014, when the heightened activity around the Eglinton Crosstown LRT and the policy directives being promoted by City Planning brought into focus the prejudicial effect of OPA 231 on the subject lands. It also alleges that it will suffer serious prejudice if the subject property remains designated “General Employment” under OPA 231 as it will seriously hinder its ability to develop the lands in accordance with the Eglinton Crosstown policy framework and will have the effect of perpetuating an incompatible land use within this geographic area.

[38] Furthermore, there are already six appeals, which refer to the importance of recognizing the Eglinton Crosstown LRT policy framework (OPA 253) in association with OPA 231.

### **FINDINGS ON CITY’S MOTION**

[39] Firstly, the Board finds that the City’s Motion should be allowed as against Dunpar and 2401 Eglinton given their acknowledgement that they did not comply with the requirements of s. 17(36)1 of the Act, which states that an Appellant must make oral submissions at a public meeting or written submissions to the Council prior to the adoption of the amendment in order to have a valid appeal.

[40] Secondly, with respect to 1289777, the Board will dismiss the City's Motion as against 1289777. The Board rejects the City's argument that this Appellant did not make the required submissions under s. 17(36)1. of the Act. The City's best evidence on this point is the affidavit of Philip Parker, who states that City records indicate that 1289777 did not make any written or oral submissions respecting OPA 231 before it was adopted by Council. Mr. Dominelli, in his affidavit, states that he personally made oral submissions at various public meetings respecting proposed OPA 231. That evidence stands as un-contradicted and must be accepted by the Board as he was not cross-examined on his affidavit. Those representations satisfy the requirements of s. 17(36)1. of the Act and 1289777 should therefore not be precluded from fully participating as an Appellant in the hearing of this matter as it has a direct and immediate interest in the proceedings.

[41] With respect to the City's Motion as against 1289777, the Board rejects the City's argument that this Appellant did not make the required submissions under s. 17(36)1. of the Act. The City's best evidence on this point is the affidavit of Mr. Parker, who makes a general statement that City records indicate that 1289777 did not make any written or oral submissions respecting OPA 231 before it was adopted by Council. The Mr. Dominelli affidavit on the other hand, states that Mr. Dominelli personally made oral submissions at various public meetings respecting proposed OPA 231 prior to its adoption by Council. He was not cross-examined on his affidavit and it is therefore un-contradicted that he made oral submissions at public meetings, a fact that must be accepted by the Board. The Board is therefore satisfied that the requirements of s. 17(36)1. of the Act have been satisfied by 1289777, which should not be precluded from fully participating as an Appellant in the hearing of this matter given its direct and immediate interest in the proceedings.

[42] The Board must now turn to the determination of whether there are reasonable grounds under s. 17(44.2)2. of the Act to add Dunpar and 2401 Eglinton as parties to this proceeding.

[43] This Board has always taken a liberal approach as to who should be a party and/or participant in its proceedings by allowing individuals who have a real and immediate interest in a matter to participate in a proceeding even if those individuals have not strictly complied with the requirements of the Act.

[44] In the case of Dunpar and 2401 Eglinton, the Board must strike a balance between City Council's legislative authority to make an informed decision on a particular matter against the rights of the landowners who are directly affected by that decision. City Council, in exercising this authority, must act in the public interest when completing its mandated review of employment lands pursuant to s. 26. Counsel for the City has suggested that the City has performed a complete review of all of the lands affected by OPA 231 in arriving at its decision but did not have input from these landowners as they did not participate in the OPA 231 process.

[45] Council's decision has serious consequences given the inability of one to seek a re-designation outside the mandated review of employment lands every five years. The Board finds that it would be in the public interest to allow these landowners to participate in these proceedings given their direct and immediate interests and who can shelter under other related appeals to the policies of OPA 231 notwithstanding their lack of participation in the process leading up to the adoption of OPA 231. The Board notes that 2401 Eglinton had participated in good faith in the process leading up to the adoption of OPA 253. It should not be prejudiced for acting in good faith.

[46] The Board is satisfied that with respect to Dunpar and 2401 Eglinton, it would be reasonable and in the public interest to allow these entities to actively participate in these proceedings given their direct and immediate interest as landowners affected by OPA 231.

[47] The prejudice to the City in having to conduct future site assessments and consultations with the community and then reporting is minimal in relation to the prejudice to be suffered by Dunpar and 2401 Eglinton if prevented from participating in

this proceeding given Mr. Biggart's assertion that the City has studied every property affected by OPA 231. Furthermore, the additional hearing time should be negligible.

[48] The Board finds that adding Dunpar and 2401 Eglinton as parties is reasonable under the circumstances as these will assist it in the consideration of the appropriate land use designations under OPA 231.

[49] Accordingly, the Board is prepared to exercise its discretion and add Dunpar and 2401 Eglinton as parties to the hearing of these matters provided they indicate to the Board at the next Pre-Hearing Conference under which specific appeals they are sheltering and which policies they are challenging.

[50] Any scoping of the appeals under which these parties are sheltering may impact on their continuation as parties to this hearing in the future.

#### **BERRY PLASTICS CORPORATION (“BERRY”) REQUEST FOR PARTY STATUS**

[51] Berry is the owner of a 5.02 acres property at 225 Birmingham Street (south side) in the City of Toronto and had initially filed a Notice of Appeal with the MMAH against the adoption of OPA 231 on July 29, 2014. Counsel for the City had advised counsel for Berry that the City would take the position that Berry had failed to strictly meet the statutory requirement to commence an appeal under s. 17(36) of the Act. The appeal was subsequently withdrawn by Berry but replaced with a request for party status before the Board on the grounds that there were reasonable grounds to be added as a party under s. 17(44.2.2) of the Act. Berry is seeking to convert the subject property to a “Mixed Use Areas” and “Neighbourhoods” designation to allow the development of residential land uses.

[52] Berry argues that the City's process for identifying “Employment Areas” designated parcels was fundamentally flawed and it does not appear that City Staff or Council identified or considered any “Employment Areas” parcels for potential conversion that were not triggered by the submission of a request for conversion. It

maintains that it is directly affected by and has a legitimate interest in the OPA 231 proceedings and that the City would not be prejudiced by the Board including it as a party. Berry on the other hand would be significantly prejudiced if it is not allowed to take part in the OPA 231 proceedings as it would be prevented from challenging the current designation until another comprehensive review of the policies takes place in five years.

[53] Berry maintains that the subject lands are surrounded by and adjacent to residentially zoned, designated and developed lands to the east, south and west. There is more residential development to the northwest of the property across Birmingham Street and to the north and northeast there is an "Employment Area". This creates an issue of compatibility of the industrial use with these surrounding residential uses and whether industrial uses can continue on this property.

[54] The City is opposed to Berry's request for party status since Berry did not participate in any way in the planning process leading up to the adoption of OPA 231. The subject lands were previously designated "Employment" and OPA 231 changed the designation to "Core Employment", a designation which adds further limitations on retail use on lands designated as such. Counsel for the City maintains that that City Council has not had the opportunity to consider the planning merits of such a conversion since it never had an application before it from Berry. Mr. Biggart argues that it would be inconsistent to reject an appeal that should not have been there in the first place but then allow the same individual to be a party to the same matter as a *de facto* Appellant. Granting party status to such an individual would have the effect of denying City Council its decision making authority according to Mr. Biggart.

[55] The Board finds that it would be reasonable under the circumstances to add Berry Plastics Corporation as a party to this hearing for the same reasons that Dunpar Development Holdings Inc., 1289777 Ontario Limited and 2401 Eglinton Avenue West Ltd. are being granted party status as owners of land affected by the adoption of OPA

231. The Board will therefore exercise its discretion to add Berry as soon as it can indicate under which appeals it is sheltering at the next Pre-Hearing Conference.

### **SCOPING OF “WHOLE PLAN/ENTIRE CITY” APPEALS**

[56] The City and a number of parties are anxious to have parts of OPA 231 come into force and have expressed concerns with what was referred to as a number of Whole Plan/Entire City appeals and a desire to have Appellants scope these appeals so that those parts of the plan that are not in issue can come into force. The Board hereby directs that Appellants who have filed these Whole Plan/Entire City appeals scope their appeals to specifically identify which parts of the plan are under appeal not later than April 13, 2015.

### **DUPONT SPECIFIC APPEALS**

[57] The Board was also advised that counsel for some of the parties will be bringing a motion for a consolidation of the Dupont-specific appeals of OPA 231 (OMB Case No. PL140860) with appeals of Official Plan Amendment No. 271 (“OPA 271”) (OMB Case No. PL141134) and appeals of Zoning By-law No. 1011-2014 (OMB Case No. PL141135). The lands in question are generally located on the north side of Dupont Street between Spadina Road and Ossington Avenue.

[58] Cases PL141134 and PL141135 are scheduled for a Prehearing Conference on March 24, 2015. It is noted that the City consents to an order releasing those portions of OPA 231 that will be dealt with in the OPA 271 matter. The Board hereby releases those parts of the plan so that these may be heard with cases PL141134 and PL141135.

### **CITY AS CO-ORDINATOR**

[59] The City and parties will work together to group the appeals by categories in order to have an orderly and efficient hearing of these appeals.

[60] The City is directed to co-ordinate with all parties/participants and maintain an updated contact/e-mail list for ongoing communications relating to these appeals. The City will also be the central contact for communications purposes with respect to all matters related to the case management of this matter.

#### **NEXT PREHEARING CONFERENCE**

[61] The next Prehearing Conference will **commencing at 10 a.m. on Monday, June 22, 2015 at:**

**Ontario Municipal Board  
655 Bay Street, 16<sup>th</sup> floor  
Toronto, Ontario M5G 1E5**

*“R.G.M. Makuch”*

**R. G. M. MAKUCH  
MEMBER**

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ATTACHMENT 1



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Prehearing Conference March 12-13, 2015 Re City of Toronto Official Plan Amendment No. 231 | PL140860




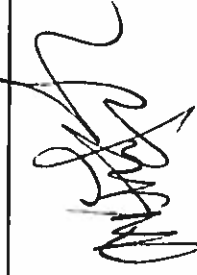

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Counsel / Agent	Appellant	Signature
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<p><b>Brown, Adam J.</b> Sherman Brown 900 - 5075 Yonge Street Toronto, ON M2N 6C6 Tel: 416.222.0344 Fax: 416.222.3091 Email: adam@shermanbrown.com</p>	<p>#14 Various #15 #17 #22 #37 #41 #43 #45 #46 #48 900 Caledonia Road Limited, Deacon Investments Limited, 460 Richmond St. West Limited and Melrose Park Investments Limited #50 939GP Inc. (also see #14) #51 #55 #60 #83 #86 #89 #116 #117 #124 #126 #131 Novi Corporation #137 #153 #164 #165</p>	
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**Prehearing Conference March 12-13, 2015 Re City of Toronto Official Plan Amendment No. 231 | PL140860**

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<p><b>Flynn-Guglietti, Mary</b>                  McMillan LLP                  Brookfield Place                  4400 - 181 Bay Street                  Toronto, ON M5J 2T3                  Tel: 416.865.7256                  Fax: 416.865.7048                  Email: mary.flynn@mcmillan.ca</p>	<p>#5 1109345 Ontario Ltd.                  #35 3000 Lawrence Property Inc.                  #56 Amexon Property Management Corp.                  #57 Amexon Realty Inc.                  #74 Crown Realty Partners                  #78 Down 2 Earth                  #100 The Humberview Group                  #125 Metro Zen (Canada) Inc.</p>	<p><i>Annik Fornistal</i>  <i>Mary Flynn-Guglietti</i></p>

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<p><b>Foran, Patricia</b> Aird &amp; Berlis LLP 1800 - 181 Bay Street Toronto, ON M5J 2T9 Tel: 416.865.3425 Fax: 416.863.1515 Email: pforan@airdberlis.com</p>	<p>#115 Leslie-Lakeshore Developments Inc.</p>	
<p><b>Harbell, James W.</b> Stikeman Elliott LLP 199 Bay Street Toronto, ON M5L 1B9 Tel: 416.869.5690 Fax: 416.947.0866 Email: jharbell@stikeman.com</p>	<p>#10-1 1204362 Ontario Inc. and Celestica International Inc. #10-2 1204362 Ontario Inc. and Celestica International Inc. #31 2224484 Ontario Inc. #38 39 Wynford Inc. and Brookfield Real Property Solutions Inc.</p>	
<p><b>Harrington, Patrick</b> Aird &amp; Berlis LLP 1800 - 181 Bay Street Toronto, ON M5J 2T9 Tel: 416.865.3424 Fax: 416.863.1515 Email: pharrington@airdberlis.com</p>	<p>#30 2219103 Ontario Inc. #73 CR Islington Inc. #121 M &amp; S Investments #157 Satin Finish Hardwood Flooring Limited</p>	
<p><b>Horosko, Barry</b> Horosko Planning Law 101 - 300 North Queen Street Toronto, ON M9C 5K4 Tel: 416.551.8534 Fax: 416.551.1278 Email: bhorosko@horoskoplanninglaw.com</p>	<p>#1 10 QEW Inc. #19 1742875 Ontario Inc. and 1720194 Ontario Inc. #21 2000 Images Inc. #28 2141805 Ontario Inc. #53 A. Mantella &amp; Sons Limited #58 Antorisa Investments Ltd. #66 Candykerr Limited #75 David H. Green Investments #82 Dunpar Development Holdings Inc. Wickman Street #85 Fima Developments #93 Gennaro Investments Limited and Lanzarotta Investments Limited #120 Lucmar Holdings Inc. #130 Neamsby Investments Inc. #145 Remington Group Inc. #151 Ronsen Corporation #175 Ukrainian National Federation of Canada</p>	<p>Brendan Smith (Student - int - law) Barry Horosko</p>

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<p><b>Kemerer, Marc</b>                  Devry Smith Frank LLP                  100 - 95 Barber Greene Road                  Toronto, ON M3C 3E9                  Tel: 416.446.3329                  Fax: 416.449.7071                  Email: marc.kemerer@devrylaw.ca</p>	<p>#6 1118661 Ontario Inc.                  #12 1226567 Ontario Inc.                  #81 Dundas Real Estate Investments                  #122 Mallpaks Developments Limited                  #129 Nashdene Court Ltd.</p>	
<p><b>Kovar, Kim M.</b>                  Aird &amp; Berlis LLP                  1800 - 181 Bay Street                  Toronto, ON M5J 2T9                  Tel: 416.865.7769                  Fax: 416.863.1515                  Email: kkovar@airdberlis.com</p>	<p>#29 2179508 Ontario Inc.                  #77 Designer's Walk Inc.                  #80 Dufferin (Billy Bishop Way) Portfolio Inc.                  #97 Great Gulf (Power) Limited                  #108 KingSett Capital Inc.                  #110 Lamb Development Corp.                  #111 Lanterra 234 Simcoe Realty Limited                  #132 One Eglinton East Inc.                  #162 Sitaline 390 Dufferin Street Inc.</p>	
<p><b>Kussner, Barnet H.</b>                  Weir Foulds LLP                  4100 - 66 Wellington Street West                  Toronto, ON M5K 1B7                  Tel: 416.947.5079                  Fax: 416.365.1876                  Email: bkussner@weirfoulds.com</p>	<p>#105 Islamic Community of Afghans in Canada</p>	
<p><b>Lantz, Calvin</b>                  Stikeman Elliott LLP                  199 Bay Street                  Toronto, ON M5L 1B9                  Tel: 416.869.5669                  Fax: 416.947.0866                  Email: ciantz@stikeman.com</p>	<p>#4 1107051 Ontario Ltd. and Cabo Three Investments Inc.                  #59 Atlantic Packaging Products Ltd.                  #61 Berry Plastics Corporation                  #64 Campbell Company of Canada                  #65 Canadian Propane Association                  #99 House of Praise                  #103 The International Group Inc.                  #104 Irving Tissue Corporation                  #144 Redpath Sugar Ltd.                  #161 Sisters of St. Joseph                  #172 Titan Sr. Plaza Nominee Inc.                  #178 Westmont Hospitality Group</p>	

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<p><b>Leibel, Allan</b>                  Goodmans LLP                  3400 - 333 Bay Street                  Toronto, ON M5H 2S7                  Tel: 416.597.4131                  Fax: 416.979.1234                  Email: aleibel@goodmans.ca</p>	<p>#174 Two Tecumseth Street Inc.</p>	
<p><b>Leisk, Signe</b>                  Cassels Brock                  2100 - 40 King Street West                  Toronto, ON M5H 3C2                  Tel: 416.869.5411                  Fax: 416.640.3218                  Email: sleisk@casselsbrock.com</p>	<p>#96 Governing Council of the University of Toronto                  #109 Kreader Nterprises Limited</p>	<p>R. Wukivi                  for S. Heisk</p>
<p><b>Longo, Leo</b>                  Aird &amp; Berlis                  1800 - 181 Bay Street                  Toronto, ON M5J 2T9                  Tel: 416.865.7778                  Fax: 416.863.1515                  Email: llongo@airdberlis.com</p>	<p>"Carlaw Industrial Centre Limited" - 388 Carlaw +                  45 Dickens                  and                  "802087 Ontario Limited" - 10 Dickens</p>	<p>leo longo</p>
<p><b>Lyons, Catherine</b>                  Goodmans LLP                  3400 - 333 Bay Street                  Toronto, ON M5H 2S7                  Tel: 416.597.4183                  Fax: 416.979.1234                  Email: clyons@goodmans.ca</p>	<p>#169 Symesbridge Inc.</p>	 FOR KT!
<p><b>MacDougall, Cynthia A.</b>                  McCarthy Tétrault LLP                  5300 - 66 Wellington Street West                  Toronto ON M5K 1E6                  Tel: 416.601.7634                  Fax: 416.362.1812                  Email: cmacdoug@mccarthy.ca</p>	<p>#138 Pier 27                  #139 Pier 27                  #140 Pier 27</p>	

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<p><b>Martin, Dale</b> 1289777 Ontario Limited c/o 153 Dufferin Street Toronto, ON M6K 1Y9 Tel: 416.453.8317</p>	<p>#13 1289777 Ontario Limited</p>	
<p><b>McDermid, Meaghan and Melling, Michael</b> Davies Howe Partners LLP The Fifth Floor 99 Spadina Avenue Toronto, ON M5V 3P8 Tel: 416.977.7088 Fax: 416.977.8931 Email: meaghanm@davieshowe.com / michaelm@davieshowe.com</p>	<p>#106 Kevric Real Estate Corporation Inc.</p>	
<p><b>Noskiewicz, Mark</b> Goodmans LLP 3400 - 333 Bay Street Toronto, ON M5H 2S7 Tel: 416.597.4136 Fax: 416.979.1234 Email: mnoskiewicz@goodmans.ca</p>	<p>#148 RioCan Holdings Inc.</p>	
<p><b>Nunziata, John</b> Barrister and Solicitor 18 Kings Lynn Road Toronto, ON M8X 2N1 Tel: 419.909.1476 Email: john@johnnunziata.com</p>	<p>#143 Red Eagle Enterprises Inc.</p>	
<p><b>O'Melia, Steve</b> Miller Thomson LLP 300 - 295 Hagey Blvd Waterloo, ON N2L 6R5 Tel: 519.579.3289 Fax: 519.743.2540 Email: somelia@millerthomson.com</p>	<p>#92 G. Gagliano Properties Ltd. and Benton Property Corp.</p>	

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<p><b>Park, Jason</b>                  Devine Park LLP                  2302 - 250 Yonge Street                  Toronto, Ontario, M5B 2L7                  Tel: 416.645.4572                  Fax: 416.645.4569                  Email: jason.park@devinepark.com</p>	<p>#94 Goldman Group, Zahavish Downtown Developments Ltd. and Zahavish Downtown Commercial Ltd.                  #95 The Goldman Group and Goldman Ellesmere 2 Developments Inc.                  #136 Parkway Place Holdings Ltd. and 2200191 Ontario Limited</p>	
<p><b>Pepino, N. Jane</b>                  Aird &amp; Berlis LLP                  1800 - 181 Bay Street                  Toronto, ON M5J 2T9                  Tel: 416.865.                  Fax: 416.863.1515                  Email: jpepino@airdberlis.com</p>	<p>#166 STC Investments Nominee Inc.</p>	
<p><b>Piel, Mark</b>                  Dentons Canada LLP                  400 - 77 King Street West                  Toronto, ON M5K 0A1                  Tel: 416.863.4744                  Fax: 416.863.4592                  Email: mark.piel@dentons.com</p>	<p>#154 The Salvation Army in Canada                  #155-1 Samuel Sarick Limited and Midland Corporate Centre Ltd.                  #155-2 Samuel Sarick Limited and Midland Corporate Centre Ltd.</p>	
<p><b>Smiley, Neil M.</b>                  Fasken Martineau                  2400 - 333 Bay Street                  Toronto, ON M5H 2T6                  Tel: 416.865.5122                  Fax: 416.364.7813                  Email: nsmiley@fasken.com</p>	<p>#33 2401 Eglinton Avenue West Ltd.                  #159 Seneca College of Applied Arts and Technology</p>	
<p><b>Stewart, Amber</b>                  Amber Stewart Law                  5600 - 100 King Street West                  Toronto, ON M5X 1C9                  Tel: 416.479.5452                  Fax: 416.644.8801                  Email: amber@amberstewartlaw.com</p>	<p>#44 855 Oxford Street Investments Ltd.</p>	


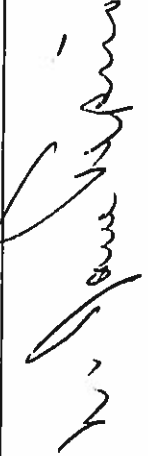




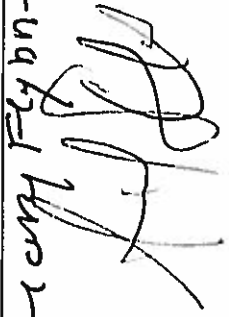

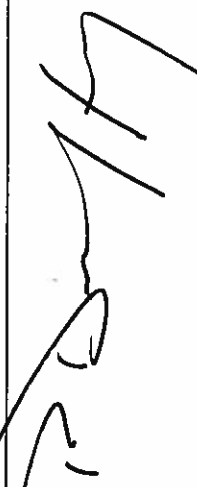

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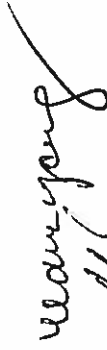


<p><b>Stewart, Michael</b> Goodmans LLP 3400 - 333 Bay Street Toronto, ON M5H 2S7 Tel: 416.597.6284 Fax: 416.979.1234 Email: mstewart@goodmans.ca</p>	<p>#68 Colville Developments #70 Costco Wholesale Canada Ltd. #88 First Gulf Ontario Street Corporation #118 Lissard Holdings Limited #177 Walmart Canada Corp.</p>	
<p><b>Stewart, Philip</b> Pound &amp; Stewart Associates 101 - 305 Renfrew Drive Markham, ON L3R 9S7 Tel: 905.305.9797 Fax: 416.482.9629 Email: pstewart@cityplan.com</p>	<p>#90 Format Group</p>	<p>BABAK SARSHAR </p>
<p><b>Tang, David C. K.</b> Gowlings 1600 - 100 King Street West Toronto, ON M5X 1G5 Tel: 416.862.3547 Fax: 416.863.3547 Email: david.tang@gowlings.com</p>	<p>#107 Kingdom Covenant International #173 Toronto Faith Coalition Inc.</p>	
<p><b>Tanzola, Christopher J.</b> Overland LLP 1101 - 5255 Yonge Street Toronto ON M2N 6P4 Tel: 416.730.0337 Fax: 416.730.9097 Email: ctanzola@overlandllp.ca</p>	<p>#101 Independent Order of Foresters</p>	
<p><b>Uukkivi, Raiwo</b> Cassels Brock 2100 - 40 King Street West Toronto, ON M5H 3C2 Tel: 416.860.6613 Fax: 416.640.3110 Email: ruukkivi@casselsbrock.com</p>	<p>#123 May Flower Landscaping Design Ltd.</p>	



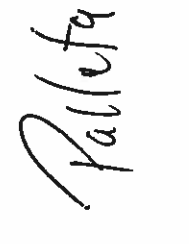
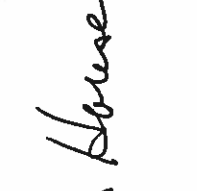
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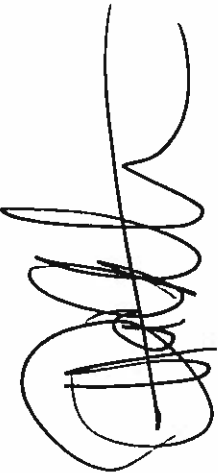
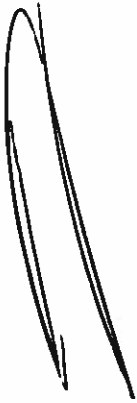

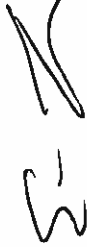
<p><b>Vaughan, Michael B.</b>          Barrister and Solicitor          328 - 100 Richmond Street West          Toronto, ON M5H 3K6          Tel: 416.363.9621          Fax: 416.363.9621          Email: michael@mbvaughan.com</p>	<p>#52 Inter Arch Inc.</p>	
<p><b>White, David</b>          Devry Smith Frank LLP          100 - 95 Barber Greene Road          Toronto, ON M3C 3E9          Tel: 416.446.3330          Fax: 416.449.7071          Email: david.white@devrylaw.ca</p>	<p>#8 1182929 Ontario Inc.          #9 1182929 Ontario Inc.          #11 1217861 Ontario Ltd.          #16 1585168 Ontario Inc.          #34 258 Athwell Drive Limited          #54 Al Reisman Ltd.          #142 Red Banner Developments Limited</p>	
<p><b>Winch, Mel</b>          Winch Planning &amp; Development          47 Joseph Duggan Road          Toronto ON M4L 3X5          Tel: 416.693.1655          Fax: 416.691.9931</p>	<p>#42 551879 Ontario Limited</p>	
<p><b>Wood, Dennis H.</b>          Wood Bull LLP          1400 - 65 Queen Street West          Toronto, ON M5H 2M5          Tel: 416.203.7718          Fax: 416.203.8324          Email: dwood@woodbull.ca</p>	<p>#26 2129152 Ontario Inc.          #146 Revenue Properties Company Limited and Morguard Investments Limited</p>	<p>Johanna Shapiro  </p>
<p><b>Zakem, Steven</b>          Aird &amp; Berlis LLP          1800 - 181 Bay Street          Toronto, ON M5J 2T9          Tel: 416.865.3440          Fax: 416.863.1515          Email: szakem@airdberlis.com</p>	<p>#152 Rose Water Management Group Limited          #163 Sobeys Capital Incorporated</p>	




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Jane Repino	Canadian Fuels Process	
BARNET KUSSNER for CHRISTEEKAS & PAUL CHOUVIS	1079794 ONTARIO LTD. 2006199 ONTARIO INC. pchronis@weirfox pls. com	 (4) 460-0038
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Patrice Duffy pduffy@stkenman.com	D. Grupi + Sons limited	
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Raiwo Uukivi Cassels, Brock LLP	S.A. Armstrong Ltd.	
Claire Young Janice Page MAH	MAH	 
Mark Flowers Davies Howe Partners	Metrogate Inc. & Toronto Research Chemicals Inc.	

Counsel/Agent	Client	Signature
P. JOHN DAWSON	Eldonview Investments Inc. Build Toronto Inc Build Toronto Holdings (Ordinance) Inc.	
Sharmini Mahadevan	SmartCentres Inc. (20 Lesmill Road)	
Derek Gillins	Palleta Corp.	
Roxlyn Houser	First Built Ontario Limited First Bay Don Valley	

Counsel/Agent	Client	Signature
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Andrew Teahie	Tarn Holdings Inc.	
STEVEN HEUCHERT	TORONTO AND REGION CONSERVATION AUTHORITY	
Effie Lidakis	South Etobicoke Industrial Employers Association (SE/EA)	

Counsel/Agent	Client	Signature
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Sue COFONE 4162592902	Queens Pasta 66 Newcarroll St	
Neil Smiley for Sarah Turney Taskon Martineau	Woodbine Entertainment Group 555 Lexdale	



## ATTACHMENT 2

Canadian Fuels Association

Kennedy Road Hospitality Operations Ltd.

299 Campbell Avenue Developments Inc.

Toronto Industry Network

Metrogate Inc.

First Gulf Don Valley Limited

Paletta International Corp.

Toronto Research Chemicals Inc.

2006199 Ontario Inc.

1079744 Ontario Ltd.

Eldonview Investments et al.

1234655 Ontario Inc.

Krugerand Corporation

### ATTACHMENT 3

#### **PARTICIPANTS**

Toronto Region Conservation  
Authority

Active 18 Association

Patricia Sinclair

#### **AGENT**

S. Heuchert

S. Wood