

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 07, 2026

CASE NO(S).:

OLT-24-000503

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

Appellant:	Yonge and Bloomington Ltd.
Appellant:	Streamgrove Developments Inc.
Appellant:	Worthington Ridge Development Inc.
Subject:	Proposed Official Plan Amendment No. 18.8 (Oak Ridges Local Centre)
Municipality:	City of Richmond Hill
OLT Case No.:	OLT-24-000503
OLT Lead Case No.:	OLT-24-000503
OLT Case Name:	Streamgrove Developments Inc. v. York (Regional Municipality)

Heard: October 22-23, 2025 by Video Hearing
Closing Submissions, November 14, 2025, in
writing

APPEARANCES:

Parties

City of Richmond Hill ("City")

Streamgrove Developments Inc.
("Appellant")

Worthington Ridge Development Inc.
("Appellant")

Counsel

Raj Kehar
Carlton Thorne

Paul DeMelo
Douglas Pateman

Paul DeMelo
Douglas Pateman

DECISION DELIVERED BY W. DANIEL BEST AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] This Decision and Order relates to an appeal brought pursuant to s. 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (“Act”), for two properties located in the City municipally known as 13321 and 13337 Yonge Street (“Steamgrove Lands”) and 5 and 15 Worthington Avenue (“Worthington Lands”) (collectively the “Subject Lands”).

[2] The Steamgrove Lands are approximately 3.7 acres with a frontage along Yonge Street of approximately 80 metres (“m”). The Steamgrove Lands are occupied with a commercial strip plaza. The surrounding lands consist of vacant land and an auto repair shop to the north; a commercial strip plaza to the south; a secondary school to the west; and low-density residential housing to the east.

[3] The Worthington Lands are 1.6 acres with a frontage of approximately 90 m along Yonge Street. The Worthington Lands are currently occupied by a commercial strip plaza. The lands to the north are vacant; lands to the south consist of vacant land and an auto repair shop; to the west is a commercial strip plaza; and low-density residential housing; and to the east is low-density residential housing.

[4] The Subject Lands characteristics are very similar: located in the Oak Ridges Local Centre (“ORLC”); front on onto Yonge Street, which is identified as a regional corridor/rapid transit corridor in the York Region Official Plan (“YROP”); and are within proximity to the VIVA Blue transit stop at Yonge Street and Regatta Avenue.

[5] The ORLC is not located in either a Protected Major Transit Station Area (“PMTSA”) or Major Transit Station Area (“MTSA”) or a future MTSA.

[6] The Regional Municipality of York (“Region”) approved Official Plan Amendment 18.8 (“OPA”) to the City’s Official Plan (“RHOP”). The OPA is one of the amendments undertaken as part of the City’s update to RHOP. The OPA provides an update to the ORLC policies that represents a comprehensive secondary plan for the ORLC area.

[7] The OPA was prepared in the context of the York Region Official Plan (“YROP”) which was in effect at the time of its approval. Subsequent to the approval of the OPA, the YROP has since become part of the RHOP.

[8] The purpose of the OPA is to provide more detailed planning policy and schedules related to the ORLC as part of the RHOP update process. The OPA aims to address long-term planning vision for the area, permitted land use, design elements, public realm, mix of land use, density of development, and adjustments to boundaries. The OPA applies to lands along Yonge Street from approximately Old Colony Road to Bloomington Road.

[9] The OPA provides for a Floor Space Index (“FSI”) of 2.0 and a maximum height limit of eight-storeys.

[10] The appeals are site specific to the respective Subject Lands and the Tribunal notes that the OPA is in force and effect as had been approved by the Region save and except for the site-specific appeals.

DECISION

[11] For the reasons that follow, the Tribunal dismisses the appeals of the Appellants and finds that the maximum density and heights for the Subject Lands under the OPA are appropriate and the OPA meets the required legislative tests.

EVIDENCE

[12] The Tribunal heard detailed evidence from two witnesses who were qualified to provide opinion evidence in their field of expertise, as outlined below:

Called By	Name	Field of Expertise
Appellants	Lincoln Lo	Land-use Planning
City	Megan Cobbold	Land-use Planning

[13] The marked Exhibits included legislation, policies, guidelines, witness statements, studies, reports, photographs, and maps. The witnesses and counsel directed the Tribunal to specific pages of relevance to the issue.

PARTY POSITIONS

Position of the City

[14] The City requested that the modifications on the Subject Lands proposed by the Appellants to increase the maximum FSI from 2.0 to 4.0 and delete the maximum height limit of eight-storeys and instead have the angular plane and FSI govern the permissible height be rejected and that the OPA be applied to the Subject Lands in the form originally approved by the Region.

[15] The City advised the proposed modifications to the OPA are greater than those planned for in other Local Centres in the City that are higher up in the City's urban hierarchy. The City further advised approving the proposed modifications would undermine the planned urban hierarchy in the RHOP which is not subject to amendment through the OPA.

[16] The City stated that the OPA optimizes the lands in ORLC by planning for height and densities that can accommodate up to 290 jobs/hectare. The City further stated that

any increase in height and/or density needs to be done through site-specific proposals with supporting studies.

[17] The City identified that optimizing lands requires no unacceptable adverse impacts linked to matters including but not limited to servicing, transportation, urban design and shadowing.

[18] The City advised they have conducted studies that justify the height and density proposed in the OPA. It is the opinion of the City that the reports conducted in preparation of the OPA do not justify the modifications proposed by the Appellants.

[19] The City identified that the vision for the ORLC is to accommodate a low-rise to mid-rise, pedestrian-oriented, human-scaled, mixed-use centre servicing the Oak Ridges Community.

[20] The City stated that the Appellants have provided no reports and/or studies beyond an angular plane model to justify their proposed modification to the OPA. The City further stated that the built form is not known to determine compatibility with the surrounding lands. Development is to complement the Oak Ridges character. High-rise buildings with a FSI of 4.0 and a height between 18-30 storeys (especially when its built form is not known) would not complement the character of the ORLC.

[21] The City advised that the Appellants' remedy is to apply for an amendment to the OPA that is supported by site specific development applications that appropriately study, assess and justify any proposed increase in height and/or density.

Position of the Appellants

[22] The Appellants requested that the OPA be amended for the Subject Lands and the Subject Lands be subject to site-specific policies pertaining to height and density.

[23] The Appellants seek an FSI increase to a maximum of 4.0 and a maximum of 15 storeys on the Subject Lands. The maximum height of for the Subject Lands would be determined by the following language:

Permit a maximum height of 15 storeys. Additional height may be granted without the need for an amendment if it does not exceed the allocated density of development as described in policy XX (4.0 FSI) and if it conforms to the 45-degree angular plane as per Policy 3.4.1(55) of this Plan, among other placemaking policies

[24] The Appellants identified that their request has always been to address the issue of height within the framework of the tools that already exist within the RHOP Plan and which the planners all acknowledged continue to apply to the Subject Lands. They further identified that with the application of the 45 degree angular plane, there is potential to allow for heights above 20-storeys on the Subject Lands, but their goal is not to maximize that height but rather to provide for a level of development that would fall within that range established through the use of the RHOP and provide for what is a more appropriate level of optimization for the lands.

[25] The Appellants advised that the OPA in its current form does not achieve key planning objectives such as ensuring the optimization of land; providing for the timely and cost-effective delivery of housing that is required in the Province; and, fails to ensure that the investment in transit infrastructure that is being made by all levels of government in the planned Bus Rapid Transit system (the “BRT”) along Yonge Street in front of the Subject Lands is supported by planned future housing.

[26] The Appellants stated that the arbitrary selection of heights and densities that were modelled to achieve a desired outcome of a certain overall density does not provide the justification for limiting development where it has been demonstrated by the Appellants that the proposed modifications to height and density can be achieved on the Subject Lands.

[27] The Appellants identified that the OPA provides for height and densities that can accommodate up to 290 residents and jobs/hectare, which is above the target density for a major MTSA but not a cap.

[28] The Appellants submitted that the City's proposed increase in the OPA over the previously approved FSI of 1.0 is an increase in density but does not represent an optimization for the Subject Lands. The Appellants further argued that the City only conducted an exercise to determine what was needed to achieve that overall target density.

[29] The Appellants attest that the Subject Lands are within walking distance to three planned transit infrastructure investments along a regional corridor and that limiting the maximum height to eight-storeys is not an optimization of the Subject Lands or good planning.

[30] The Appellants argued that through the conceptual massing exercise and City's own 45-degree angular plane tool it was demonstrated that the additional height proposed would not give rise to unacceptable negative impacts on the neighbouring community.

[31] The Appellants stated that the use of the phrase "predominately low-rise and mid-rise" in the OPA in relation to the ORLC was not meant to exclude high-rise development which is defined by the RHOP as greater than eight-storeys.

LEGAL FRAMEWORK AND CONTEXT

[32] When considering an appeal of applications to amend an Official Plan filed pursuant to s. 17 of the Act, the Tribunal must have regard to matters of provincial interest as set out in s. 2 of the Act and have regard for the decision of the City Council and the information considered by it pursuant to s. 2.1(1) of the Act.

[33] Further, s. 3(5) of the Act requires that decisions of the Tribunal affecting planning matters be consistent with the Provincial Planning Statement (“PPS”) and in this matter conforms or does not conflict with the Oak Ridges Moraine Conservation Plan (“ORMCP”) that is in effect.

[34] Overall, the Tribunal must be satisfied that OPA represents good planning and is in the public interest.

ISSUES

[35] The issues before the Tribunal were set out in the Issues List of the Procedural Order for this Hearing, issued by the Tribunal on December 23, 2024 and with a correction notice issued on January 6, 2025.

[36] After considering the submissions and expert evidence of the Parties, the Tribunal determined the key issue for this Hearing respecting the OPA was:

- Does the OPA meet the required legislative tests?

ANALYSIS AND FINDINGS

[37] On August 14, 2025, the planning experts had a virtual meeting resulting in the following Agreed Statement of Facts (“ASOF”):

- The planning witnesses agree that the Subject Lands are within a designated Local Centre and located along Yonge Street which is identified as a Regional Corridor in the City’s Official Plan.
- The planning witnesses agree that the Subject Lands are an appropriate location for intensification.
- The planning witnesses agree that the Subject Lands are within walking distance (less than 500 m) from the VIVA station at Yonge and Regatta. They also agree that Regatta station is identified as a future rapid transit station within the York Regional Transit VIVA transit network.

- The planning witnesses agree that the Subject Lands are not within a delineated PMTSA, MTSA, or a future MTSA as identified by the Region.
- The planning witnesses agree that the OPA issues in dispute are limited to the issues set out in the Procedural Order.

The OPA Meets the Required Legislative Tests

Matters of Provincial Interest

[38] Ms. Cobbold opined that the OPA has regard for s. 2 (e) (f) (h) (j) (p) (q) (r.i, r.ii, r.ii) and (s) of the Act. Ms. Cobbold provided an extensive analysis regarding these matters as identified in the Issues List for this proceeding in paragraphs 74-99 of her witness statement.

[39] Ms. Cobbold advised that the OPA has appropriate regard for the matters of provincial interest that deal with housing, sustainability, growth, servicing, transit, design, and climate change as it provides direction for the ORLC to create a compact complete community through development over the long term. She further advised that the OPA policies allow for a range of housing types and a mix of uses and supports a pedestrian-friendly and transit-oriented environment and sustainable planning practices.

[40] Mr. Lo opined that the proposed vision for the Subject Lands has regard for s. 2 (e) (f) (h) (j) (p) (q) (r.i, r.ii, r.ii) and (s) of the Act. Mr. Lo provided an extensive analysis of these matters as they pertain to the Appellants' vision for the Subject Lands in paragraphs 26-35.

[41] Mr. Lo's evidence outlined how the Appellants' vision of the Subject Lands has regard to matters of Provincial interest as set out in s. 2 of the Act. The Tribunal appreciates the evidence of Mr. Lo in advancing the position for a modification to the OPA. This appeared to be the focus of Mr. Lo's opinion as opposed to demonstrating where the OPA was deficient in matters of Provincial interest under s. 2 of the Act.

[42] In this matter, there are two recurring themes regarding the requisite legislative tests. First, the onus is on the Appellants to demonstrate that the City has created an OPA that it conflicts with those legislative tests. Second, the City must persuade the Tribunal that the legislative tests have been met.

[43] The Tribunal finds that the City has provided sufficient evidence to demonstrate that the OPA in its current form has regard to matters of Provincial interest. Specifically, that the OPA will promote sustainable design, support public transit, be pedestrian friendly, incorporate low impact development, mitigate pollution and runoff, provide a full range of housing types, directs development to an area where intensification is to occur, encourages a sense of place, promotes safety and accessibility, and mitigates greenhouse gas emissions and adapts to a changing climate.

Provincial Planning Statement

[44] Ms. Cobbold stated that the OPA is consistent with Policy 2.1 as the land use and density permissions are intended to contribute to meeting the growth projections provided by the Region based on a planning horizon to 2051 and beyond. She further stated that the OPA provides policies that accommodate a range and mix of land uses, housing options, transportation options, employment, parks, and other uses to create a complete community in the ORLC.

[45] Mr. Lo asserted that the Appellants' proposed vision for the Subject Lands can be consistent with Policy 2.1 through compatibility with the surrounding existing and planned context and will diversify the housing options in the community by providing high density and rental alternative form and tenure of housing.

[46] Ms. Cobbold advised that the OPA is consistent with Policy 2.2 as it provides for a range of housing types and densities in the ORLC by permitting high density residential development exceeding four storeys. Ms. Cobbold identified that the current

RHOP has a minimum affordable housing target of 25% of new housing overall.

[47] Mr. Lo indicated that consistent with the Policy 2.2, the proposed vision for the Subject Lands can efficiently use land, infrastructure, and public service facilities, while supporting the use of existing and planned active transportation and public transit infrastructure. He continued that the proposed vision for the Subject Lands can provide a range of unit types and sizes to meet the needs of current and future residents.

[48] Ms. Cobbold identified that the OPA is consistent with Policy 2.3.1 as the ORLC is one of the centres in the City where there is a higher focus of growth and development compared to other land use designations and reflects an expansion of the ORLC Boundary along Yonge Street. She further identified OPA consistency with Policy 2.3.1 as it allows for a mix of uses and allocates densities to allow for intensification of the area to align with future transit and other infrastructure to efficiently and optimize services.

[49] Mr. Lo commented that the proposed vision for the Subject Lands is consistent with Policy 2.3.1 as it will exceed the minimum 50 residents and jobs per hectare target for designated growth areas contributing to a compact, transit-supportive, and walkable community.

[50] Ms. Cobbold noted that the OPA is consistent with Policies 2.4.1 (1) (2) and (3) as the ORLC is located within a strategic growth area with a higher level of intensification planned that allows for a mix of housing options and a mix of uses to achieve the creation of a complete community.

[51] Ms. Cobbold indicated that Policy 2.4.2 was not applicable as no MTSA's were identified by the Region within the ORLC boundary. She continued that the OPA is consistent with the minimum density target of 160 residents and jobs per hectare for BRTs under Policy 2.4.2 2(b) and that this target was used as a reference point in the

preparation of the OPA to understand the minimum density required that would support a BRT as the ORLC is located along a future BRT route.

[52] Ms. Cobbold referenced Policy 2.4.3(1), advising that the Subject Lands are in proximity to a frequent transit corridor. She continued that the OPA is consistent with this policy as the higher levels of intensification are planned along the future BRT route along Yonge Street.

[53] Ms. Cobbold confirmed the consistency of the OPA with Policy 2.9 as it provides policies that consider climate change mitigation by supporting the creation of a mixed-use complete community to help reduce greenhouse gas emissions through improvements through new public streets and cycling connections.

[54] Mr. Lo stated the proposed vision for the Subject Lands supports Policy 2.9 by redeveloping an underutilized site into a compact, high-density, mixed-use community located along a Regional Corridor with immediate access to existing and planned higher order transit, resulting in less reliance on automobile use, lower per-capita greenhouse gas emissions, and optimizing opportunities for active transportation. He further stated that the development will promote energy efficiency in building design and LID practices.

[55] Ms. Cobbold commented that the OPA is consistent with this Policy 3.1 as it allows for public service facilities in the ORLC and the growth projections for the ORLC were considered in the TMP and the MESP.

[56] Mr. Lo stated that the Subject Lands are located in a fully serviced settlement area where municipal water, wastewater, and other public service facilities already exist.

[57] Ms. Cobbold advised that the OPA 18.8 is consistent with Policy 3.2 as the allocated densities are intended to meet the density target of 160 people and jobs per

hectare to support a bus rapid transit service with a focus of the intensification on the planned route and the inclusion of public realm policies regarding the street network for the creation of new streets, trails, sidewalks, and cycling facilities for greater connectivity and transportation options.

[58] Mr. Lo indicated the proposed vision for the Subject Lands will contribute to the efficient use of existing and planned transit infrastructure by introducing a higher density residential population and complementary non-residential uses within a walkable and pedestrian-oriented environment in keeping with Policy 3.2.

[59] Mr. Lo opined that the OPA in its present form is not consistent with the relevant policies of the PPS including but not limited to Policies 2.1, 2.2, 2.3.1, 2.4, 2.9, 3.1, and 3.2.

[60] The focus of Mr. Lo's evidence was to demonstrate that the Appellants' proposed vision was consistent with the PPS. Unfortunately for the Appellants, the exercise was to demonstrate that the OPA is not consistent with the policies of the PPS. Although stated, the Tribunal finds the analysis presented in this regard lacking and the evidence presented was more to persuade the Tribunal that the proposed vision should be preferred.

[61] The Tribunal agrees with Ms. Cobbold that the OPA is consistent with the PPS as it allows for a range of housing options, a mix of uses, meets density targets that are appropriately allocated and aligns with future transit infrastructure with higher levels of intensification along a future BRT route.

Oak Ridges Moraine Conservation Plan

[62] Ms. Cobbold identified that the ORLC is located within the settlement area on the Oak Ridges Moraine in accordance with the ORMCP. She continued that the ORLC is

located within an area of High Aquifer Vulnerability and a Category 1 Oak Ridges Moraine Landform Conservation Area.

[63] Ms. Cobbold advised that lands in a High Aquifer Vulnerability area are susceptible to contamination and impacts to water quality. She further advised that a Landform Conservation Area serves an important role in the ecological functions of the Oak Ridges Moraine and that disturbance within a Landform Conservation Area should be kept to a minimum for development within the settlement area.

[64] Ms. Cobbold opined that the OPA conforms to the ORMCP as it directs higher density development to occur within the Local Centre, located in a settlement area, requiring a mix of uses with higher densities aligning with the future BRT route to support transit.

[65] Ms. Cobbold stated that density allocations are at a lower level of scale and intensity for height and density compared to other centres in the City located outside of the ORMCP where higher densities would be more suitable.

[66] Mr. Lo indicated that the ORMCP directs growth to Settlement Areas and defers to the upper- and lower-tier official plans to determine the appropriate form and scale of development, provided ecological and hydrological objectives are maintained.

[67] Mr. Lo opined that allowing higher-density development in the ORLC is consistent with this framework as it focuses growth in an established settlement area along a higher-order transit corridor, supports compact urban form, and reduces pressure for expansion into less suitable or sensitive areas of the Moraine. He continued that the OPA relies on an interpretation of the ORMCP not supported by its policies and disagrees on Ms. Cobbold's conclusions regarding intensification.

[68] The Tribunal finds that the City has provided sufficient evidence to demonstrate

that the OPA in its current form conforms and does not conflict with the ORMCP.

[69] The Tribunal agrees the City has identified that the current ORLC allocations ensure the level of intensification is at an appropriate scale within the City structure and also considers its location on the Oak Ridges Moraine.

[70] The Tribunal acknowledges the City's need for LID techniques to advance the policies set out in the ORMCP and as part of stormwater management.

[71] The Tribunal does not accept Mr. Lo's assertions that the City's position to restrict the ORLC to lower density and height permissions are not supported by the policies of the ORMCP.

[72] The Tribunal's finds that in the absence of greater details to support higher densities and increased height permissions demonstrating conformance or no conflict with the ORMCP, the position of the Appellants cannot be supported.

York Region Official Plan

[73] The Tribunal was advised by Ms. Cobbold that the OPA was prepared within the framework of the YROP which was in effect at the time of the passing of the OPA. Post-approval of the OPA, the YROP has been incorporated into the RHOP and is no longer subject to a conformity test.

[74] Ms. Cobbold identified that when the YROP was approved by the Province in 2022, it provided direction on the intensification of regional corridors and local centres. She further identified that the northern stretch of Yonge Street in the City was a regional corridor.

[75] Ms. Cobbold stated that the ORLC is not located in a PMTSA, MTSA or a future

MTSA, but a regional corridor runs through the majority of the ORLC. Based on this premise, Ms. Cobbold advised the regional corridor policies outside of a MTSA and local centre policies apply.

[76] The intent of regional corridors were explained by Ms. Cobbold as functioning as urban main streets, with mixed uses, pedestrian friendly, transit supportive and allow for active transportation. She further describes that local centres are to provide connections for civic pride, employment and use urban design for character and streetscapes.

[77] Ms. Cobbold outlined that the OPA supported YROP policies as it permits low and midrise development to meet the minimum density target, enhances the natural features and ecological character of the Moraine through urban design and permits a mix of uses that requires development to provide non-residential space for properties that front Yonge Street and that the existing amount of non-residential gross leasable floor area be retained.

[78] Ms. Cobbold stated that the YROP provides direction on intensification in strategic growth areas and requires maximum density and height targets that are consistent with the Regional intensification hierarchy. She further stated that according to the intensification hierarchy, areas within MTSA's are intended to have higher levels of intensification than areas outside of MTSA's.

[79] Ms. Cobbold opined that the OPA supports the direction in [78] as it allocates the ORLC at a lower level of intensification compared to Local Centres in the City that do fall within an MTSA.

[80] Mr. Lo advised that in accordance with the YROP the proposed vision for the Subject Lands focuses growth along a Regional Corridor and adjacent to transit. Mr. Lo continued noting that the Subject Lands can provide higher density units which expands the range and mix of housing options representing a more attainable housing type.

[81] Mr. Lo identified that the proposed vision fits within the Region's intensification hierarchy given its location along a Regional Corridor between MTSA's. He continued that while the Subject Lands are not within a Regional Centre nor an MTSA, the scale of intensification proposed on the Subject Lands is less than the density permitted in the City's Regional Centre and within their two Key Development Areas ("KDA").

[82] Mr. Lo indicated that intensification is directed to the ORLC for many of the same factors that they are directed to the KDAs, including the existence of public rapid transit service, established commercial and retail uses, and opportunities to develop large, underutilized lands parcels for transit-oriented development.

[83] Mr. Lo stated that the OPA does not reflect the appropriate planning context for the ORLC as restricting the ORLC to lower density and height permissions is inconsistent with the City's intensification hierarchy and overly relies on the Regional framework.

[84] Mr. Lo specified that the Appellant's proposed density and height approach is more balanced with higher densities in the ORLC by focusing growth in a transit-supportive settlement area and fully leveraging significant public investment in the Yonge Street BRT corridor.

[85] Mr. Lo indicated that the Appellant's vision of the Subject Lands to have the maximum density of 4.0 FSI and maximum heights regulated by the 45-degree angular plane and other placemaking tools – would better realize the opportunity for optimization of the Subject Lands.

[86] Mr. Lo confirmed the 45-degree angular plane will be applied as a guiding tool to regulate maximum height and to demonstrate compatibility with surrounding residential areas, consistent with the approach taken in recent secondary plan approvals by the City within other KDAs.

[87] Mr. Lo stated that while agreeing with the density target assigned to the ORLC, the City proposed maximum height and density permissions are limiting factors in achieving this target.

[88] The Tribunal finds that the City's approach as outlined in the OPA plans for a community that is planned in a comprehensive and coordinated manner using land efficiently and optimizes infrastructure with a compact, mixed-use, pedestrian friendly and transit-supportive built form. The OPA prioritizes intensification in strategic growth areas and establishes a scale of development that complements the Regional intensification hierarchy and identifies minimum and maximum density and height targets for strategic growth areas in a manner that is consistent with the Regional intensification hierarchy.

Richmond Hill Official Plan

[89] It is Ms. Cobbold's view that the OPA builds upon the existing policy direction from the RHOP to consider relevant policies when amending the RHOP. She continued that the OPA supplements and amends existing policies related to the ORLC through modern approaches to city building and satisfies the secondary plan requirements of the RHOP for the ORLC.

[90] In accordance with the City Structure requirements of the OP, Ms. Cobbold indicated the ORLC will accommodate intensification at a scale and intensity that is less than the KDAs.

[91] Ms. Cobbold advised that unlike other centres in the City, the ORLC is outside an MTSA. Based on this premise, Ms. Cobbold further advised that the OPA has allocated heights and densities at an appropriate scale that is less intense than what has been projected for MTSA's in the City and at the same time meets and exceeds the density target in the City's Growth Plan 2020 to align with the transit planning for the future BRT

along Yonge Street.

[92] Ms. Cobbold stated that the OPA aligns with the RHOP as it supports the creation of a complete community by permitting a mix of land uses including residential, commercial, retail, office, community uses, parks and open spaces.

[93] By providing a variety of housing options through medium and high density uses, Ms. Cobbold commented that the OPA supports the goals of the City's affordable housing strategy.

[94] Ms. Cobbold stated that the OPA supports not only the public realm by providing publicly accessible spaces, such as sidewalks, streets, parks, natural areas, trails and paths but other municipal initiatives such as the Transportation Master Plan and Parks Plan, Investment Attraction Strategy and Key Directions Report.

[95] Mr. Lo positioned that under the City's intensification hierarchy, at the top is the Richmond Hill Centre, which is a provincially designated Urban Growth Centre; the second tier of the hierarchy consists of KDAs and Regional Corridors, which are intended to accommodate significant intensification at a scale somewhat less than Richmond Hill Centre; the third tier of the hierarchy is made up of Local Centres, which are focal points for surrounding neighbourhoods and provide opportunities for mixed-use, transit supportive growth.

[96] Mr. Lo opined that the Subject Lands are situated along a Regional Corridor and are also designated within the ORLC which equates to the Subject Lands falling within the second and third tiers of the intensification hierarchy, reinforcing their role as an appropriate and strategic location for compact, pedestrian- and transit-oriented development.

[97] Mr. Lo stated that development in the centres and corridors shall accommodate

the highest densities and widest range of uses within the City and shall be provided at an appropriate scale and intensity, in accordance with the policies of the RHOP including a built form transitioning to the surrounding areas and ensuring the creation of a pedestrian-oriented public realm.

[98] Mr. Lo opined that the proposed vision for the Subject Lands will maintain the existing amount of non-residential space in accordance with the RHOP and introduce new at-grade retail uses fronting Yonge Street.

[99] Mr. Lo indicated that the introduction of a mix of medium- and higher-density residential uses will contribute to achieving the minimum target of 160 residents and jobs per hectare established for the ORLC. Mr. Lo cited that such a balanced approach ensures that the Subject Lands will deliver on the intended role of the ORLC to accommodate a mix of uses in a compact, transit-supportive form while retaining the commercial and service functions that serve the daily needs of the community.

[100] Mr. Lo opined that the proposed maximum height and density permissions of the OPA are limiting factors in achieving 160 residents and jobs per hectare. He further opined that the OPA is essentially asking this area to deliver the same result as the other Local Centres with half the tools, despite there being no mention in the RHOP that the Oak Ridges Local Centre should be any less significant of a growth area than the other Local Centres.

[101] Mr. Lo stated that based on the location, size, and consolidation of the Subject Lands, they are suitable for a more intense form of development that leverages their proximity to planned higher-order transit. He continued that increasing the permissions to a maximum density of 4.0 FSI would allow for a more compact and transit-supportive form of development, while still accommodating appropriate transition to the surrounding low-density neighbourhoods and these transitions can be achieved through the application of the City's 45-degree angular plane, which has been used in recent

secondary plan approvals to ensure compatibility.

[102] Mr. Lo confirmed the 45-degree angular plane will be applied as a guiding tool to regulate maximum height and to demonstrate compatibility with surrounding residential areas, consistent with the approach taken in recent secondary plan approvals by the City within other KDAs.

[103] Mr. Lo commented that limiting development on the Subject Lands to 8 storeys and 2.0 FSI will not facilitate the delivery of the much-needed housing supply envisioned by Provincial direction, particularly in a location identified for significant growth. He further commented that the Subject Lands are an appropriate location for high-density, mixed-use development that supports the City's intensification hierarchy, optimizes and leverages public investment in higher-order transit along Yonge Street, and provides for an appropriate transition to the surrounding community.

[104] For the Subject Lands, Mr. Lo supports a maximum height of 15 storeys, with additional height granted without the need for an amendment if it does not exceed the allocated density of development of 4.0 FSI and if it conforms to the 45-degree angular plane among other placemaking policies.

[105] Mr. Lo's submissions focused generally on the merits of the proposed vision instead of demonstrating how the OPA as drafted does not meet the legislative tests.

[106] The Tribunal finds that the OPA builds upon the existing policy direction and policies within the RHOP. The Tribunal agrees with Ms. Cobbold that the OPA supplements and amends existing policies related to the ORLC through modern approaches to city building and satisfies the secondary plan requirements of the RHOP for the ORLC.

SUMMARY

[107] The task before the Tribunal in this matter was to determine if the OPA in its current form meets the required legislative tests. To assist in this task, the Tribunal found *Goldfinger v Toronto (City)*, 2019 CanLII 86354 (ON LPAT) (“Goldfinger”) instructive.

[108] Goldfinger places the onus on the Appellants to make the case that the OPA in its current form failed to meet the legislative tests. In this aspect, the Appellants failed to persuade the Tribunal.

[109] It is the Tribunal’s view that the requested relief of the Appellants is too broad in scope and requires greater detail in the form of studies and reports to support the height and density being proposed. Ms. Cobbold in her Reply Witness Statement opened the door for further consideration respecting height and density:

“The modeling for both sites demonstrates that allowing a density of approximately 4.0 FSI and using the angular plane to determine heights results in a built form that, in my opinion, is too large to fit within the policy direction and vision for the Oak Ridges Local Centre, irrespective of whether it is within a MTSA. That said, additional height and density may be appropriate for the subject sites through consideration of a site-specific development application. However, this would require further assessment of the height and density and its implications including from an urban design, transportation and servicing perspective.”

“In terms of fitting in with the City Structure and intensification hierarchy, these potential building heights of 18 to 30 storeys for 5 and 15 Worthington Avenue and 19 to 26 storeys for 13321 and 13337 Yonge Street with densities of approximately 4.0 FSI are more suited for the City’s KDAs and in limited spots in certain MTSA’s depending on the structural element in which the MTSA is found. As noted in the table above, even the Local Centres that are within MTSA’s have lower maximum densities than what is proposed by the appellants. It would not make sense in terms of its position on the City Structure and intensification hierarchy to allow a higher level of intensification than what is in OPA 18.8 as it would result in a built form that does not align with the City’s OP policies or the level of intensification for an area outside of an MTSA as noted in York Region’s OP.”

[110] It is the Tribunal's view that the Appellants continue to have the opportunity to develop the Subject Lands through submissions of the appropriate applications to the City, supported by reports and studies seeking more height and density on the Subject Lands and also meets the vision for the ORLC.

[111] The Tribunal also considers the issue of public interest versus private interests. Once again Goldfinger provides assistance in this area:

"This really does represent for the Tribunal the dichotomy of public versus private interest. What is the public interest in reshaping OPA 367 using revisions as proffered by these groups of private Appellants? Shall the Tribunal move beyond its statutory responsibility to adjudicate the planning merits of OPA 367 to also determine the merits of permitting the Appellants to reshape the City's instrument in a form more suited to their needs? The key here is the notion of the public interest, of which the City is the steward at the municipal level, versus the private interest of a small group of landowners who argued that their Proposed Modifications represent that public interest. However, despite being couched at times in lofty planning language and with references to higher-order growth, transit, intensification, population forecasts and related elements to justify their requested amendments, the Appellants failed to provide any persuasive evidence that their Proposed Modifications to OPA 367 constitute a public interest that should supersede the only public interest established at the hearing: that of the City's authority and responsibility for municipal planning through responsible governance, analysis and concomitant public consultation. Once tested, OPA 367 is a product of public input as supported by the in-force, upper-tier and municipal planning instruments."

[112] It is the Tribunal's view that the City represents the public interest and the OPA in its current form is good planning and in the public interest. The Tribunal is not persuaded that the Appellants' private interests should take precedence over public interest as highlighted in Goldfinger.

[113] The Tribunal also found Goldfinger of assistance regarding the matter of the City's capacity to determine how development will occur in the City, within a framework of meeting legislative tests:

“In the end, it is the City’s right to set the parameters for future development as long as it has had regard for the important tests of “consistency” and “conformity” in the context of the upper-tier and municipal planning instruments. The Tribunal will not interfere with the City’s planned vision for SAW given that it has shown that it employed a viable planning methodology to draft this instrument; it undertook all of its statutory obligations to create the instrument and inform the public, in particular those most affected by the new instrument; it tested the instrument within the context of the planning regime; and through its witnesses showed how it is responsive to the existing and future planned context as it sees that context.”

[114] In conclusion, the Tribunal is satisfied that the OPA meets the applicable legislative tests and that the appeal be dismissed and the OPA be applied to the Subject Lands in the form originally approved by the Region.

ORDER

[115] **THE TRIBUNAL ORDERS THAT** the appeal is dismissed and Official Plan Amendment No. 18.8 is in full force and effect for the properties located at 13321 and 13337 Yonge Street and at 5 and 15 Worthington Avenue in the City of Richmond Hill.

“W. Daniel Best”

W. DANIEL BEST
MEMBER

Ontario Land Tribunal

Website: www.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.