

SPECIAL COMMITTEE OF THE WHOLE – JULY 8, 2020

COMMUNICATIONS

Distributed June 30, 2020

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Please note there may be further Communications.

**COMMUNICATION – C1
ITEM 1
Special Committee of the Whole
July 8, 2020**

Rose and Frank Troina
[REDACTED] Kilmuir Gate
Woodbridge, ON
[REDACTED]
[REDACTED]

June 5, 2020

To Whom It May Concern,

As concerned citizens of Vaughan, we are quite disheartened to hear that our provincial government has been issuing Ministerial Zoning Orders to bypass normal planning processes and therefore silencing our democratic right to ask for an appeal. Back in early March of this year, an extraordinarily large group of concerned citizens descended on Vaughan City Hall and demanded that an Interim Control By-law be granted to allow further and more complete impact studies of the proposed development of the Board of Trade lands. By bypassing the normal planning processes, saying that these development projects are needed to help the economy recover from the COVID-19 pandemic is ingenuous. City Council needs to step up and flatly reject the possibility of an MZO for the BOTGC.

We continue to demand openness and transparency from our members of City Council. Do not use the current circumstances of Covid-19 to trample our democratic right to appeal decisions that will greatly affect our community in the years to come. Do not allow the province's short-sightedness and its propensity to bend down to the whims of high-heeled developers drag you down this environmentally toxic path. If City Council allows the rezoning of the BOTGC under the umbrella of a MZO, it would be yet another example of backroom dealings and political underhandedness. Our rights to be part of the planning process and to play a key role in assessing how the proposed Board of Trade Development application will impact our community must be protected. Once again, we need transparency, openness, accountability, and integrity in our elected officials. The residents of Vaughan have the right to be heard.

Sincerely,

Rose and Frank Troina

**COMMUNICATION – C2
ITEM 1
Special Committee of the Whole
July 8, 2020**

From: Monica Guido [REDACTED]
Sent: Wednesday, June 10, 2020 11:18 AM
To: Bevilacqua, Maurizio <Maurizio.Bevilacqua@vaughan.ca>; Ferri, Mario <Mario.Ferri@vaughan.ca>; Rosati, Gino <Gino.Rosati@vaughan.ca>; Jackson, Linda <Linda.Jackson@vaughan.ca>; lafrate, Marilyn <Marilyn.lafrate@vaughan.ca>; Carella, Tony <Tony.Carella@vaughan.ca>; DeFrancesca, Rosanna <Rosanna.DeFrancesca@vaughan.ca>; Racco, Sandra <Sandra.Racco@vaughan.ca>; Shefman, Alan <Alan.Shefman@vaughan.ca>; Clerks@vaughan.ca; Messere, Clement <Clement.Messere@vaughan.ca>
Subject: [External] Re: Files OP .19.014, Z.19.038 and 19T-19V007

I would like to formally express my concern around the potential that the Ontario government may be issuing Ministerial Zoning Orders (MZO) without notice or hearings bypassing the normal planning processes.

This is an injustice and should not be allowed as it pertains to the Board of Trade Golf Course Development. I am strongly against this and I would like to request that the Vaughan Council NOT ALLOW THIS TO HAPPEN!

An MZO is not acceptable and it is un-democratic!

We have the right to voice our concerns of the development and have done so noted below in my formal complaint.

We would like to continue to express our concerns at the upcoming meeting and not be silenced by an MZO!

Kind regards,

Monica Antonelli Guido

On Thu, Feb 27, 2020 at 8:49 AM monica.guido [REDACTED] > wrote:

Re: Clubhouse Developments Inc., 20 Lloyd Street (Board of Trade Golf Course), 241 Wycliffe Avenue, 737 and 757 Clarence Street

Files OP .19.014, Z.19.038 and 19T-19V007

By this letter I am formally submitting my objection to the above highlighted complete application and request that you provide a copy of this letter to the Mayor and all Vaughan Councillors as well as to the city planners.

We are specifically affected by the proposed road and are greatly against this aspect of the plan. I am a Vaughan resident living at [REDACTED] Gate House Court and my parents Nancy and Antonio Antonelli living at [REDACTED] Wycliffe Avenue the home right next door to the proposed road. We have been Vaughan residents for over 30 years. The community as well as my entire family is against the construction of a road where a road lay ([REDACTED] Wycliffe Avenue). We feel violated and this has greatly affected the health and marriage of my senior parents.

The proposed road which will damage the architecture of Wycliffe Avenue in Woodbridge is a disgrace to planning policies across the country. The demolition of [REDACTED] Wycliffe and the proposed road will make my parents home an island with zero property value and virtually unmarketable. It is unfair my parents at [REDACTED] Wycliffe have been paying their taxes for the past 30 years and upheld their property beautifully only to have their home worthless by this application. The traffic will be greatly affected by over 3000 vehicles going in and out of Wycliffe Avenue with the proposed road. It is unethical to force my parents home to become a corner lot after 35 years standing as a part of a community. It is architecturally and physically unpleasing and ultimately, valueless.

The infill jeopardizes the natural balance of nature in the area by eliminating the rich natural landscape that is home to a multitude of animals. The inherent biodiversity of the area is a gift that very few communities enjoy.

Green Spaces Reduce Stress, Encourage Exercise. Green spaces in primarily urban areas improve health by lowering stress and encouraging exercise. The health benefits of having access to “green space”—from dense forests, fields, and lush parks to simple garden spaces, tree-lined streets, or a humble backyard—are well documented in scientific literature.

Green Space Strengthens the Immune System, Boosts peoples’ mood, helps people live longer. “Research conducted in the United States, United Kingdom, and China have found that people who live in the greenest areas have a reduced risk of mortality from all causes, as well as a reduced risk of mortality due to kidney disease, respiratory disease, cancer, and stroke.” (excerpt from an article from Chris Kresser <https://chriskresser.com/the-top-health-benefits-of-green-space/>)

The proposed infill development will add a minimum of an additional 3000 vehicles, this will further tax the already congested roadways and turn our neighbourhoods into a nightmare.

I believe that a detailed study supported by a Cultural Heritage Impact Assessment, an Environmental Impact Study and a comprehensive Traffic Study (taking into consideration applications already approved within the parameters of the affected community) and other studies are critical to properly assess the subject lands’ proposed intent for development. The detailed studies are only possible with the implementation of an Interim Control By-law, this will facilitate the completion of a comprehensive report that will scientifically document conservation priorities and facilitate science based environment review as well as other necessary studies, in addition to which we request the City Council to provide the current landowners a Notice of Intervention to Designate to preserve the potential Cultural character of the Board of Trade Golf-Course.

I would like to reiterate and stress the fact that we are specifically affected by the proposed road and are greatly against this aspect of the plan.

The community as well as my entire family is against the construction of a road where a non lay (█ Wycliffe Avenue).

We feel violated and this has greatly affected the health and marriage of my senior parents.

We ask that this matter be a priority concern in the discussion on March 3rd and thank you for your care and attention.

Sincerely yours,

Monica Guido

Copy to Mayor and all Councillors and planners

From: Nancy Santarsieri-Antonelli [REDACTED]
Sent: Wednesday, June 10, 2020 11:25 AM
To: Bevilacqua, Maurizio <Maurizio.Bevilacqua@vaughan.ca>; Ferri, Mario <Mario.Ferri@vaughan.ca>; Rosati, Gino <Gino.Rosati@vaughan.ca>; Jackson, Linda <Linda.Jackson@vaughan.ca>; lafrate, Marilyn <Marilyn.lafrate@vaughan.ca>; Carella, Tony <Tony.Carella@vaughan.ca>; DeFrancesca, Rosanna <Rosanna.DeFrancesca@vaughan.ca>; Racco, Sandra <Sandra.Racco@vaughan.ca>; Shefman, Alan <Alan.Shefman@vaughan.ca>; Clerks@vaughan.ca; Messere, Clement <Clement.Messere@vaughan.ca>
Subject: [External] Files OP .19.014, Z.19.038 and 19T-19V007---- REQUESTING A REJECTION OF A MZO!

I would like to formally express my concern around the potential that the Ontario government may be issuing Ministerial Zoning Orders (MZO) without notice or hearings bypassing the normal planning processes.

This is an injustice and should not be allowed as it pertains to the Board of Trade Golf Course Development. I am strongly against this and I would like to request that the Vaughan Council NOT ALLOW THIS TO HAPPEN!

An MZO is not acceptable and it is un-democratic!

We have the right to voice our concerns of the development and have done so in our previous formal complaint.

We would like to continue to express our concerns at the upcoming meeting and not be silenced by an MZO!

Kind regards,
Nancy and Antonio Antonelli
[REDACTED] Wycliffe Avenue Woodbridge ON [REDACTED]

**COMMUNICATION – C4
ITEM 1
Special Committee of the Whole
July 8, 2020**

From: Coles, Todd <Todd.Coles@vaughan.ca>
Sent: Monday, June 15, 2020 1:50 PM
To: Clerks@vaughan.ca
Subject: FW: [External] A Application 19T-19V0007, 20 Lloyd Street, Woodbridge, Ontario

@vaughan.ca> **On Behalf Of** Bevilacqua, Maurizio
Sent: June 15, 2020 1:49 PM
To: 'MAURIZIO BEVILACQUA' <mbevilacqua@rogers.com>
Cc: Tullo, Julia <Julia.Tullo@vaughan.ca>; Coles, Todd <Todd.Coles@vaughan.ca>
Subject: FW: [External] A Application 19T-19V0007, 20 Lloyd Street, Woodbridge, Ontario

For your information.

From: Paola Apollinaro <[REDACTED]>
Sent: Monday, June 15, 2020 1:46 PM
To: Council@vaughan.ca
Cc: Mark Pulciani <keepvaughangreen@gmail.com>; Bob Moroz <bobm@rfidcanada.com>; Richard Lorello <rlorello@rogers.com>; Daniela Villani <[REDACTED]>; Laura Federico <[REDACTED]>
Subject: [External] A Application 19T-19V0007, 20 Lloyd Street, Woodbridge, Ontario

Honorable Mayor and Members of Council:

We would like to formally express our concern over the potential that the Ontario government may be approached to issue a Ministerial Zoning Order (MZO) over the Board of Trade Course Development without notice or hearings by-passing the normal planning process.

We understand that this cannot happen without Council approval.

As this is a blatant injustice, we feel that it should not be allowed. We as resident taxpayers request that the Vaughan Council, as representatives of our community, support the community fully by not allowing this to happen.

An MZO is not acceptable and it is undemocratic.

We request that the Vaughan Council reject any request of support by the applicants(s) for a Ministerial Zoning Order or proposed Ministerial Zoning Order that may be forthcoming on the Board of Trade lands.

We also recommend, in addition to the above, that the Vaughan Council support the implementation of an Interim Control Bylaw to facilitate the completion of pertinent studies so that an informed decision can be made with respect to the proposed amendment to the official plan and the proposed development application.

Sincerely

Joe Apollinaro and Paola (Apollinaro) Crocetti

COMMUNICATION – C5
ITEM 1
Special Committee of the Whole
July 8, 2020

June 15, 2020

Re: Board of Trade Development Application

Dear Mayor and Members of Council

Regarding the June 16, 2020, Committee of the Whole meeting:

I am hopeful that the City of Vaughan and all governing officials as it relates to municipal approvals are being mindful of the current circumstances that we are being faced with specific to the Covid-19 "shut-down", in that many of the public are not even aware that public meetings are taking place and approvals are being granted for major development applications.

If this is the case with the Board of Trade development, as a matter that will be discussed at the Committee of the Whole tomorrow, I respectfully oppose the application and request that an Interim Control By Law on the Board of Trade application for rezoning be considered to allow for proper facilitation of any investigative work that is necessary for a re-development of this magnitude.

I am confident that the City of Vaughan will be cognizant and sensitive of that fact that the public has the right to know and provide full disclosure on what is happening now more than ever under the circumstances during the Covid-19 "shut down".

Sincerely,



R. Bello

██████████ Firglen Ridge, Woodbridge Ontario, ██████████



David R. Donnelly, MES LLB
david@donnellylaw.ca

June 15, 2020

Sent via email to: clerks@vaughan.ca

Mayor Bevilacqua and Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Mayor Bevilacqua and Council,

**Re: Board of Trade Golf Course
OP.19.014, Z.19.038 and 19T-19V00Z**

Donnelly Law (“we” or “the Firm”) represents Keep Vaughan Green (“KVG”) regarding the development applications concerning the Board of Trade Golf Course located at 20 Lloyd Street, Vaughan (“Subject Lands”).

We write to put Council on notice that KVG strongly opposes Council’s consideration of a request to send a Resolution of Council to the Minister of Municipal Affairs and Housing seeking a Minister’s Zoning Order (“MZO”) under section 47 of the *Planning Act*, R.S.O. 1990, c. P.13.

Specifically, having invested thousands of hours and hundreds of thousands of dollars in pursuing their legitimate opposition to the development under the *Planning Act*, it would be an act of extreme bad faith to turn around and destroy this record of participation by writing to the Minister seeking a special favour for a developer, without any input from the local residents.

Residents have a reasonable expectation that Council will act in a transparent, inclusive and respectful way towards residents, per the Vaughan Accord. This letter will put Council on notice that circumventing the normal planning processes would be a blatant violation of the Accord, and raises serious questions concerning why some but not all developers in Vaughan receive this special treatment.

Board of Trade Golf Course Proposal

KVG invested substantial time and resources into preparing to address Mayor and Council concerning the original development application for approximately 660 units at the Board of Trade Golf Course site. That original development proposal for the Subject Lands was withdrawn by the proponent without notice on May 8, 2018. That same day, our firm wrote the City seeking an Interim Control By-law to ensure that future revisions of the development would be studied carefully, and that residents would not be rushed to complete its own technical reviews.

The revised application and technical studies was deemed complete by the City of Vaughan on February 4, 2020. The application is for an Official Plan Amendment, Zoning By-law Amendment and a Draft Plan of subdivision for the lands located at 20 Lloyd Street, Vaughan. The applications seek to facilitate the development of 475 single detached residential units, 124 townhouse residential units, and 2 mixed use blocks for apartment buildings with a unit count of approximately 616 units, totalling 1,215 units.

Keep Vaughan Green previously retained Mr. Gordon Miller, B.Sc. Hon. M.Sc, former Environmental Commissioner of Ontario, to review the original development proposal associated with the Board of Trade Golf Course. Mr. Miller opined that the river valley located on the subject lands provides linkage and connectivity to the upland features, and importantly the river ultimately knits the natural area and core feature into one high value natural heritage system. The east branch of the Humber River links up with Boyd Park and the Kortright Centre. This natural heritage system is at the heart of Vaughan's riverine ecology. It is Mr. Millers opinion that the development has the potential to disrupt the entire Natural Heritage System of Vaughan.

Keep Vaughan Green also retained a hydrogeologist, Dr. Ken Howard, to review the hydrogeological studies conducted in support of the previous proposal. Dr. Howard found the documents to be "seriously deficient," in that they fail to address the proposed development's potential impact upon the natural environment and local hydrogeological conditions.

Specifically, in the 2017 Geohydrology and Geotechnical Reports by McClymont & Rak Engineers Inc. ("MCR"), MCR utilized only 13 boreholes, and ignored well data for the site available from the Ministry of the Environment and Climate Change. As a result, MCR failed to identify key aquifers beneath the site.

MCR also failed to identify groundwater flow directions, potential Groundwater Dependant Ecosystems, and did not calculate a water balance for current or post-development conditions.

Further, no surface water samples were collected, and the water quality of both surface water and groundwater was essentially ignored in the MCR reports. All leading Dr. Howard to conclude that a substantial amount of work needs to be performed that is essential to a complete evaluation of the actual impacts from the development.

The loss of this golf course will cause an enormous, unplanned loss of open space, which was never contemplated or planned. For the past number of months, KVG has been working diligently to address these new technical studies, all of which will be wasted if Council takes the unprecedented and unprincipled step of requesting an MZO i.e. a favour, for this developer.

The Law

In our respectful submission, any attempt to undermine the ability of residents to continue their opposition to these development applications under their rights afforded to them under the *Planning Act* e.g. MZO request, is an act of bad faith by Mayor, Council and Staff that supports them. Damages will be easy to quantify, given the substantial investment of KVG in the process to date.

In the Court of Appeal case of *Equity Waste Management of Canada Corp. v Halton Hills (Town)*, 1997 CarswellOnt 3270, [1997] O.J. No. 3921, the Town of Halton Hills passed an ICBL covering 1,000 acres of land, 60 acres of which Equity Waste Management of Canada Corp ("Equity") had obtained approval from the planning department to build a waste composting facility on. Equity argued that the council had acted in bad faith by passing the ICBL to appease a group of residents.

The Court of Appeal noted that:

Interim control by-laws reflect "the Legislature's belief that a balancing of interests between the municipality and individual land owners should be built into the planning process in order to protect against over-development contrary to the public interest": Pepino and Watt, "Interim Control By-Laws and the Ontario Municipal Board" (1988), *Insight* at p. 3. Before the enactment of s. 37 [now s.38], the balancing of interests between the existing rights of a land owner to build and the intention of a municipality to change its zoning was assessed within the principle of *Ottawa (City) v. Boyd Builders Ltd.*, [1965] S.C.R. 408 (S.C.C.). But interim

control by-laws differ from zoning by-laws in important ways. An interim control by-law permits a municipality to temporarily freeze development. Municipalities no longer have to show a previous intention to rezone to defeat the rights of landowners to use their land.¹

The Court of Appeal in *Equity* found that the Council had not acted in bad faith by adopting the ICBL:

Bad faith by a municipality connotes a lack of candour, frankness and impartiality. It includes arbitrary or unfair conduct and the exercise of power to serve private purposes at the expense of the public interest.²

In other words, the Court looked to see if Council had acted fairly, without bias in favour of one private interest over the public interest.

In *Pedwell v Pelham (Town)*, 2003 CarswellOnt 1701, [2003] O.J. No. 1774, Mr. Pedwell used a testamentary devise to avoid requirements of the *Planning Act* in order to sub-divide land. Upon discovery of this loophole, the Town passed an ICBL prohibiting non-farm development in agricultural areas, and later passed a Zoning By-law Amendment increasing the minimum lot size in the area to frustrate Mr. Pedwell's development plans.

The trial judge accepted as fact that:

1. Mr. Judge [Chief Building Official] took direction from other town officials to delay the granting of the building permits, and, but for the intervention of these persons the building permits would have been granted in the normal course before the interim control by-law was passed on February 5, 1990, subject to health unit approval.
2. At the direction of town officials, Mr. Judge wrote a misleading letter to Tim Pedwell on January 24, 1990 giving the impression that the delay in issuing the building permits was for evaluation of the impact on planning policies and legislation by the town solicitors and planners. In fact, by that time the decision had been made to use the interim control by-law to block the development.
3. The interim control by-law itself was targeting only the Pedwell development even though on its face it appeared to have broad application.

[...]

¹ *Equity Waste Management of Canada Corp. v Halton Hills (Town)*, 1997 CarswellOnt 3270, [1997] O.J. No. 3921 ["*Equity*"] at para 49.

² *Ibid* at para 61.

6. The Town did not give notice to Mr. Breitkreuz or the Pedwells of the intent to renew the interim control by-law or the intent to pass Zoning Amendment By-law 1455 even though they knew of their direct interest in those by-laws.

[...]

9. The Town deliberately avoided the prospect of a public hearing where the Pedwells would have had the opportunity to present their side of the issue.

10. The Zoning Amendment By-law that was eventually passed itself violates the Regional Official Plan, which states that the maximum lot size is one acre. The real purpose behind the by-law was to frustrate the Pedwell plan.³

Based on the above findings, the trial judge found that the Town acted in bad faith by passing the ICBL. On appeal, the Court of Appeal reviewed the trial judge's reasoning and held:

[The trial judge] was concerned about the process adopted and the evidence that convinced him that the Town's purpose was to target a development that its officials knew to be legal. There was evidence to support his findings in that respect. As in this court's decision in *Hall v. Toronto (City)* (1979), 23 O.R. (2d) 86 (Ont. C.A.), at 92 it was open to the trial judge to find that there was "a singular absence of frankness and impartiality, which are the usual indicia of good faith" and a "deplorable lack of frankness and a calculated disregard of the appellant's right to make the best use of his property in accordance with the existing by-laws".⁴ [emphasis added]

The Court of Appeal cases of *Equity* and *Pelham* confirm findings of bad faith in cases of obvious wrongdoing on the part of the municipality or its staff, such as deliberately misleading an applicant that was subject to an ICBL. Specifically, courts are sensitive to the rights of landowners who are forced to deal with municipalities not acting impartially, frankly or in good faith.

Finally, in a recent case involving the Government of Ontario, in *Nation Rise Wind Farm Limited Partnership v. Minister of the Environment*, 2020 ONSC 2984, the Ontario Superior Court held:

³ *Pedwell v Pelham (Town)*, 2003 CarswellOnt 1701, [2003] O.J. No. 1774 ["Pelham"] at para 53.

⁴ *Ibid* at para 73.

Both the past practice of the Minister and the proposed procedure outlined by the Minister in this case gave rise to a legitimate expectation on the part of all parties that they would have the right to notice of the issues that were of concern and the opportunity to meaningfully address those issues.⁵

It seems the courts appreciate that residents or corporations do have rights arising from legitimate expectations that their cases will be dealt with fairly.

City of Vaughan Website & Accord

What is being proposed by a MZO, for a favoured developer, is unprecedented in Vaughan history. In our opinion, if Council advocates for one MZO, it must advocate for every Vaughan developer (many of whom are residents too) with a *Planning Act* application. To do otherwise is to betray the legitimate interests of other business interests, exposing the City to greater legal liability.

The Vaughan website guarantees to residents:

Before shovels hit the ground or any concrete is poured for new buildings, the City of Vaughan undertakes a detailed review which includes a public step-by-step process in advance of any projects being approved. This allows members of the community to share their concerns or comments about proposed developments. [emphasis added]

These promises would be rendered meaningless in the context of a Council request for an MZO.

In addition, a hastily arranged request to the Minister for an MZO, without public consultation, would be inconsistent with these additional provisions of the Vaughan Accord:

- Provide stable, transparent and effective governance, focused on achieving excellence, and to set this standard for all City goals and objectives;
- Act constructively, with mutual respect, and with respect for all persons who come before us;

⁵ *Nation Rise Wind Farm Limited Partnership v. Minister of the Environment*, 2020 ONSC 2984, para 133.

- Provide and promote, through effective communication, meaningful and inclusive citizen engagement.⁶

To reiterate, neither Council nor Staff has ever raised the prospect of an MZO that would destroy their right to a fair hearing.

Analysis

The case law and Accord raise four primary issues that should stop Council from acting against residents by requesting an MZO.

First, Ontario courts have held that bad faith will arise when Council exercises its power to serve private purposes at the expense of the public interest. Destroying residents appeal rights and jumping a favoured developer to the front of the development application queue for the purpose of building yet another sub-division in Vaughan cannot, even in the wildest of circumstances, be spun as being in the “public interest”.

Second, it is a well established legal principle that residents have procedural rights under the *Planning Act*, e.g. notice, public meetings, an open vote of Council, right of appeal, etc. Some or all of these rights will be violated in the Minister grants a request of Council for an MZO – making Vaughan morally, politically and legally liable.

Third, courts in Ontario don't favour governments that change the rules in mid-stream. KVG is already heavily invested in the *Planning Act* process, who will compensate them if their appeal rights are wiped out by an MZO?

Finally, both the City's website and Accord guarantee residents a measure of engagement and respect concerning planning decisions that strongly encourage residents to participate. An MZO would of course render all this consultation with Council meaningless.

Conclusion

The critical matter for Keep Vaughan Green is the betrayal of trust. KVG has mobilized, hired experts and legal counsel, made submissions to Council, conducted numerous meetings, written thousands of letters and generally participated in the statutory and non-statutory public participation processes established in the *Planning Act* and by practice. Not once, ever, has Staff,

⁶ https://www.vaughan.ca/council/vaughan_accord/Pages/default.aspx, accessed June 2, 2020

Mayor or Council advised the public that it would be seeking an MZO for the Subject Lands.

By encouraging the public for several years to participate in planning decisions that affect their community via various *Planning Act* processes e.g. open house, public meeting, writing letters, hiring experts, etc., Council raised a legitimate expectation in the minds of residents that the process would “play out” fairly.

The singular question that needs to be asked is this: would these citizens, investing pre-tax dollars, waste a minute of their time or a nickel of their hard-earned money, if Council had informed them at the outset that all of their efforts could be washed away by Council's endorsement of a Minister's Zoning Order? The answer, of course, is “no”.

As a result, it is the expectation of KVG that Council will communicate directly with residents: there will be no MZO in this case.

Please do not hesitate to contact me at 416-572-0464, or by email to david@donnellylaw.ca, cc'ing alexandra@donnellylaw.ca should you have any questions or concerns.

Yours Truly,

A handwritten signature in blue ink, appearing to read 'D. R. Donnelly', is enclosed in a thin blue rectangular border. The signature is stylized and written over a horizontal line.

David R. Donnelly

cc. Keep Vaughan Green
Hon. Steve Clark, Minister of Municipal Affairs and Housing

From: Tony <[REDACTED]>
Sent: June-15-20 3:53 PM
To: Council@vaughan.ca
Cc: Cardile, Lucy <Lucy.Cardile@vaughan.ca>; Laura <[REDACTED]>
Subject: [External] Board of Trade Development Application

Dear Mayor and Members of Council

Regarding the June 16, 2020, Committee of the Whole meeting:

I am hopeful that the City of Vaughan and all governing officials as it relates to municipal approvals are being mindful of the current circumstances that we are being faced with specific to the Covid-19 “shut-down”, in that many of the public are not even aware that public meetings are taking place and approvals are being granted for major development applications.

If this is the case with the Board of Trade development, as a matter that will be discussed at the Committee of the Whole tomorrow, I respectfully oppose the application and request that an Interim Control By Law on the Board of Trade application for rezoning be considered to allow for proper facilitation of any investigative work that is necessary for a re-development of this magnitude.

I am confident that the City of Vaughan will be cognizant and sensitive of that fact that the public has the right to know and provide full disclosure on what is happening now more than ever under the circumstances during the Covid-19 “shut down”.

Sincerely,

Tony Di Giuseppe



From: Daniela Costantini <daniela.villani@medportal.ca>
Sent: Tuesday, June 16, 2020 1:42 AM
To: Clerks@vaughan.ca; Council@vaughan.ca
Cc: Keep Vaughan Green <keepvaughangreen@gmail.com>
Subject: [External] BOT development application 20 Lloyd Street, Vaughan and potential for MZO

Dear Mayor and Members of Council:

We would like to formally express our concern over the potential that the Ontario government may be approached to issue a Ministerial Zoning Order (MZO) with council's approval over the Board of Trade Golf Course Development (20 Lloyd Street, Vaughan).

We, local residents part of the Keep Vaughan Green community group, ask that should such a MZO come forth with regards to the BOT golf course that council support a democratic process and oppose such a MZO. We as community members have invested many hours of our time and money to bring forth our concerns regarding the impacts of this proposed development on our community.

We formally request that Vaughan Council:

1. Will reject any request of support by the applicant(s) for a Ministerial Zoning Order or proposed Ministerial Zoning Order that may be forthcoming on the former Board of Trade Golf Course.
2. Will support the normal planning process legislated by the Ontario Planning Act and conferred upon Municipal Governments under the Ontario Planning Act.
3. Will not support any planning directive that does not include all stakeholders, specifically the citizens of the City of Vaughan.
4. Will support our residents to retain their right to be part of the planning process and to play a key role in assessing how the proposed Toronto Board of Trade development application will impact their community

Issuing such a MZO would be unjust to the taxpayers of this community.

We further recommend, in addition to the above, that Vaughan Council support the implementation of an Interim Control Bylaw to facilitate the completion of pertinent independent studies so that an informed decision can be made with respect to the proposed OPA, plan of subdivision and zoning amendment for this site.

Sincerely,
Drs. Danny and Daniela Costantini
Woodbridge, ON

Sent from [Mail](#) for Windows 10

Sent from [Mail](#) for Windows 10

:

From: Anthony Vecchiarelli [REDACTED]
Sent: Tuesday, June 23, 2020 7:31 AM
To: Clerks@vaughan.ca; Coles, Todd <Todd.Coles@vaughan.ca>; Council@vaughan.ca
Cc: njaved@thestar.ca; amartinrobbins@yrmg.com; jgray@globeandmail.com; breakingnews@cp24.com; minister.mah@ontario.ca; keepvaughangreen@gmail.com; Messere, Clement <Clement.Messere@vaughan.ca>; Francesco.Sorbara@parl.gc.ca
Subject: [External] Vaughan Board of Trade Development - KEEP VAUGHAN GREEN

June 22, 2020

Dear Mayor and Members of Council:

My sadness for your collective disregard for the welfare, safety, well-being and security of this fine city knows no bounds. Your blatant disrespect and disregard for the people who built this community is beyond contempt. You have FAILED this community MISERABLY by Every measure.

Myself, my wife and 3 adult children would like to formally express our concern over the potential that the Ontario government may be approached to issue a Minister's Zoning Order (MZO) with council's approval over the Board of Trade Golf Course Development (20 Lloyd Street, Vaughan).

We, local residents part of the Keep Vaughan Green community group, ask that should such a MZO come forth with regards to the BOT golf course that council support a democratic process and oppose such a MZO. We as community members have invested many hours of our time and money to bring forth our concerns regarding the impacts of this proposed development on our community.

A draft motion has been submitted to our Ward 2 Councillor Tony Carella resolving that Vaughan Council:

1. Will reject any request of support by the applicant(s) for a Minister's Zoning Order or proposed Minister's Zoning Order that may be forthcoming on the former Board of Trade Golf Course.
2. Will support the normal planning process legislated by the Ontario Planning Act and conferred upon Municipal Governments under the Ontario Planning Act.

3. Will not support any planning directive that does not include all stakeholders, specifically the citizens of the City of Vaughan.
4. Will support our residents to retain their right to be part of the planning process and to play a key role in assessing how the proposed Toronto Board of Trade development application will impact their community

Issuing such a MZO would be unjust to the taxpayers of this community.

We further recommend, in addition to the above, that Vaughan Council support the implementation of an Interim Control Bylaw to facilitate the completion of pertinent independent studies so that an informed decision can be made with respect to the proposed OPA, plan of subdivision and zoning amendment for this site.

We have recently been informed that the Minister of Municipal Affairs and Housing, Steve Clark, has advised of the intention to end the temporary suspension of the Planning Act timelines as of June 22, 2020 and NOT when the province lifts the state of Emergency as originally intended. We ask that the city consider continuing this temporary hold on timelines given the extent to which York Region has been impacted by Covid19, and given that our region has not been able to 'open up' as early as other jurisdictions. We further request that the special COW that is recently scheduled for July 8, 2020 be rescheduled to a later date so as to allow maximal participation of residents (as has been granted to other rate payer groups for other development applications).

Sincerely,

Anthony Vecchiarelli

■ Pennycross Court
Woodbridge, Ontario, ■
Canada

From: Susan Sigrist [REDACTED]
Sent: Tuesday, June 23, 2020 10:24 AM
To: Clerks@vaughan.ca; Coles, Todd <Todd.Coles@vaughan.ca>; Council@vaughan.ca
Cc: minister.mah@ontario.ca; Keep Vaughan Green <keepvaughangreen@gmail.com>; Messere, Clement <Clement.Messere@vaughan.ca>
Subject: [External] Vaughan Voices Matter

June 23, 2020

Dear Mayor and Members of Council:

I would like to formally express my concern over the potential that the Ontario government may be approached to issue a Minister's Zoning Order (MZO) with council's approval over the Board of Trade Golf Course Development (20 Lloyd Street, Vaughan).

I, a local resident and part of the Keep Vaughan Green community group, ask that should such a MZO come forth with regards to the BOT golf course that council support a democratic process and oppose such a MZO. I as community members have invested many hours of our time and money to bring forth our concerns regarding the impacts of this proposed development on our community.

A draft motion has been submitted to our Ward 2 Councillor Tony Carella resolving that Vaughan Council:

1. Will reject any request of support by the applicant(s) for a Minister's Zoning Order or proposed Minister's Zoning Order that may be forthcoming on the former Board of Trade Golf Course.
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Issuing such a MZO would be unjust to the taxpayers of this community.

I further recommend, in addition to the above, that Vaughan Council support the implementation of an Interim Control Bylaw to facilitate the completion of pertinent independent studies so that an informed decision can be made with respect to the proposed OPA, plan of subdivision and zoning amendment for this site.

I have recently been informed that the Minister of Municipal Affairs and Housing, Steve Clark, has advised of the intention to end the temporary suspension of the Planning Act timelines as of June 22, 2020 and NOT when the province lifts the state of Emergency as originally intended. I ask that the city consider continuing this temporary hold on timelines given the extent to which York Region has been impacted by Covid19, and given that our region has not been able to 'open up' as early as other jurisdictions. I further request that the special COW that is recently scheduled for July 8, 2020 be rescheduled to a later date so as to allow maximal participation of residents (as has been granted to other rate payer groups for other development applications).

Sincerely,
Susan Sigrist
Vaughan Resident

**COMMUNICATION – C11
ITEM 1
Special Committee of the Whole
July 8, 2020**

June 22, 2020

Dear Mayor and Members of Council:

We would like to formally express our concern over the potential that the Ontario government may be approached to issue a Minister's Zoning Order (MZO) with council's approval over the Board of Trade Golf Course Development (20 Lloyd Street, Vaughan).

We, local residents part of the Keep Vaughan Green community group, ask that should such a MZO come forth with regards to the BOT golf course that council support a democratic process and oppose such a MZO. We as community members have invested many hours of our time and money to bring forth our concerns regarding the impacts of this proposed development on our community.

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Sincerely,

Claudio Saverino

■ Torran Rd.
Woodbridge, ON
■

From: Jessica Crupi [REDACTED]
Sent: Tuesday, June 23, 2020 7:34 AM
To: Clerks@vaughan.ca
Subject: [External] Keep Vaughan Green

1 / 1

June 22, 2020

Dear Mayor and Members of Council:

We would like to formally express our concern over the potential that the Ontario government may be approached to issue a Minister's Zoning Order (MZO) with council's approval over the Board of Trade Golf Course Development (20 Lloyd Street, Vaughan).

We, local residents part of the Keep Vaughan Green community group, ask that should such a MZO come forth with regards to the BOT golf course that council support a democratic process and oppose such a MZO. We as community members have invested many hours of our time and money to bring forth our concerns regarding the impacts of this proposed development on our community.

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Issuing such a MZO would be unjust to the taxpayers of this community.

We further recommend, in addition to the above, that Vaughan Council support the implementation of an Interim Control Bylaw to facilitate the completion of pertinent independent studies so that an informed decision can be made with respect to the proposed OPA, plan of subdivision and zoning amendment for this site.

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Sincerely,

Jessica Crupi

■ Royalpark Way

**COMMUNICATION – C13
ITEM 1
Special Committee of the Whole
July 8, 2020**

June 22, 2020

Dear Mayor and Members of Council:

We would like to formally express our concern over the potential that the Ontario government may be approached to issue a Minister's Zoning Order (MZO) with council's approval over the Board of Trade Golf Course Development (20 Lloyd Street, Vaughan).

We, local residents part of the Keep Vaughan Green community group, ask that should such a MZO come forth with regards to the BOT golf course that council support a democratic process and oppose such a MZO. We as community members have invested many hours of our time and money to bring forth our concerns regarding the impacts of this proposed development on our community.

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We further recommend, in addition to the above, that Vaughan Council support the implementation of an Interim Control Bylaw to facilitate the completion of pertinent independent studies so that an informed decision can be made with respect to the proposed OPA, plan of subdivision and zoning amendment for this site.

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Sincerely,

Mario DeCarolis
Kilmuir Gate
Woodbridge, ON

June 22, 2020

Dear Mayor and Members of Council:

We would like to formally express our concern over the potential that the Ontario government may be approached to issue a Minister's Zoning Order (MZO) with council's approval over the Board of Trade Golf Course Development (20 Lloyd Street, Vaughan).

We, local residents part of the Keep Vaughan Green community group, ask that should such a MZO come forth with regards to the BOT golf course that council support a democratic process and oppose such a MZO. We as community members have invested many hours of our time and money to bring forth our concerns regarding the impacts of this proposed development on our community.

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Respectfully,

Mr. Umberto Ippoliti

Mrs. Julia Ippoliti

Mr. Umberto B. Ippoliti

COMMUNICATION – C15
ITEM 1
Special Committee of the Whole
July 8, 2020

June 23, 2020

Dear Mayor and Members of Council:

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Sincerely,

Catherine Miljevic

Gate House Crt, Woodbridge ON

June 23, 2020

Dear Mayor and Members of Council:

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Sincerely,

Rose and Frank Troina

■ Kilmuir Gate



**COMMUNICATION : C17
SPECIAL COMMITTEE OF THE WHOLE
JULY 8, 2020
ITEM # : 1**

DATE: June 30, 2020

TO: Mayor and Members of Council

FROM: Nick Spensieri, Acting Deputy City Manager, Planning and Growth Management

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

RE: COMMUNICATION
ITEM NO. 4, COMMITTEE OF THE WHOLE (PUBLIC HEARING),
MARCH 3, 2020

**OFFICIAL PLAN AMENDMENT FILE OP.19.014
ZONING BY-LAW AMENDMENT FILE Z.19.038
DRAFT PLAN OF SUBDIVISION FILE 19T-19V007
CLUBHOUSE DEVELOPMENTS INC.
WARD 2 - VICINITY OF CLARENCE STREET, ISLINGTON AVENUE,
NORTH OF DAVIDSON DRIVE
20 LLOYD STREET, 241 WYCLIFFE AVENUE AND 737 AND 757
CLARENCE STREET
BOARD OF TRADE GOLF COURSE**

Purpose

The purpose of this Communication is to provide Council with a report in response to the direction provided to Staff at the statutory public meeting on March 3, 2020 for the Clubhouse Developments Inc. ("Clubhouse") development applications.

Background

On December 23, 2019, the City received development applications from Clubhouse, which include an Official Plan Amendment (File OP.19.014), Zoning By-law Amendment (File Z.19.038) and Draft Plan of Subdivision (File 19T-19V007) (collectively, the "Development Applications"). If approved as applied for, the Development Applications would permit: 475 single detached dwellings, 124 townhouses, 2 mixed-use blocks for apartment buildings (+/- 616 units up to 6-storeys in height), open space blocks, parks, roads, and infrastructure uses.

On March 3, 2020, the Committee of the Whole (Public Hearing) was held as required under the *Planning Act* to satisfy the statutory public meeting requirements for the

Development Applications. The Committee adopted the following motion (hereinafter referred to as the “Motion”):

- “1) That these applications be received;
- 2) That all comments received to date by way of verbal or written deputation, along with any additional comments received in respect of these applications prior to this matter coming before Committee of the Whole once again;
- 3) That the report of the Acting Deputy City Manager, Planning and Growth Management, dated March 3, 2020, be referred to a Committee of the Whole meeting to be scheduled for April 15, 2020 at 7:00 P.M., and a report regarding the following matter be provided at the meeting:
 - i. That the City of Vaughan, in good faith, enact for a period of one year an Interim Control By-law under Section 38 of the Planning Act, to be incorporated into the City-wide Zoning By-law Review and the City-wide Official Plan Review, restricting the subject lands – known municipally as 20 Lloyd Street, 241 Wycliffe Avenue, 737 and 757 Clarence Street – to existing uses, based on a legitimate planning rationale and in conformity with the Vaughan Official Plan (2010), York Region Official Plan and the Provincial Growth Plan, in order to ensure that the City of Vaughan and the local community have sufficient time to review key studies on the property, consider all available options, and pending the completion of, but not limited to, the following studies:
 - a. Comprehensive Land Use Analysis of the Subject Lands;
 - b. Community Area Specific Study;
 - c. Community Economic Impact Study;
 - d. Environmental Impact Study;
 - e. Mental Health Impact Assessment;
 - f. Cultural Heritage Landscapes Strategy and Implementation Study of the Subject Lands;
 - g. Archeological Impact Assessment;
 - h. First Nations consultation;
 - i. Any other studies as may be required, including City-wide study of open space and climate change impacts of development, consistent with Vaughan’s declaration of a climate emergency;
 - ii. That the proposed Interim Control By-law prohibit otherwise permitted site alterations to the subject lands, as well as the construction, site alteration, expansion or demolition of any building, structure, or landscapes on the land, including tree removal;

- iii. That Keep Vaughan Green and others be granted the right, after consultation with its legal team and the City of Vaughan, to select the qualified experts to conduct the aforesaid studies;
- iv. That the studies be funded by the City of Vaughan for later reimbursement by the developer, in order to ensure such studies are conducted without bias;
- v. That a conservation easement protecting at least 66% of the subject lands shall be executed immediately;
- vi. That appropriate staff meet with representatives of Keep Vaughan Green, to give effect to the matters set forth above.”

The Motion was ratified by Vaughan Council on March 11, 2020. Since then, the City has closed its facilities in response to the global COVID-19 pandemic. The Provincial ban on public gatherings and the practice of social distancing have impacted the City’s ability to hold meetings for the public to attend in person.

The City distributed notice of the July 8, 2020 Special Committee of the Whole meeting by e-mail and ordinary mail on June 19, 2020 as a courtesy to those who requested notice (approximately 500 plus persons and/or organizations).

This Communication is provided in response to section 3 of the Motion as noted above. At the statutory public meeting on March 3, 2020, members of Committee made comments and provided a direction to Staff to, in considering the Motion, incorporate information with respect to traffic into the review. Efforts to address the issue of traffic in the context of the request for an Interim Control By-law (“ICBL”) have been addressed within this communication.

Analysis

Item 3) i. – The Request for an Interim Control By-law and the Studies identified within the Motion.

Interim Control By-laws are an extraordinary remedy used to freeze land use permissions while a municipality studies or reviews its policies.

The use of an ICBL is authorized by section 38 of the *Planning Act*. For ease of reference, an excerpt of Section 38 of the *Planning Act* is attached to this communication as Attachment 1.

ICBLs place a temporary freeze on existing land use permissions while a municipality is studying or reviewing its policies. The freeze can be imposed for a year, with a maximum extension of another year. There is no ability to appeal an ICBL to the Local Planning Appeal Tribunal (“LPAT”) within the first year it is passed, except by the Minister of

Municipal Affairs and Housing. However, any extension to an ICBL beyond the first year is subject to appeal to the LPAT by any person or public body who received notice of its passing. Notwithstanding the lack of appeal to the LPAT on first instance, an ICBL can be challenged through various application to the Courts. There are many examples of where Courts have considered ICBLs on challenges such as bad faith, lack of jurisdiction and failure to meet the statutory prerequisites.

ICBLs have been recognized by the Courts and the LPAT as an extraordinary remedy which serves as an important planning instrument for a municipality. Because ICBLs allow a municipality to suspend development that may conflict with any new policy while in the process of reconsidering its land use policies, it is a tool which municipalities must employ with caution. ICBLs are most commonly enacted in a situation of urgency, when a municipality needs “breathing room” to study its policies. The following requirements have been established through case law as the requirements to be taken into consideration in determining the appropriateness of an ICBL:

1. Section 38 of the *Planning Act* must be interpreted strictly because it permits the municipality to negate development rights;
2. The municipality must substantiate the planning rationale behind the authorizing resolution and the ICBL;
3. The ICBL must conform with the Official Plan; and
4. The authorized review must be carried out fairly and expeditiously.

In addition, the foregoing principles have also been supplemented with the following two questions in the 1996 Ontario Municipal Board decision of *Carr v. Owen Sound (City)*, 1996 CarswellOnt 5579 at para. 18:

1. Is the situation sufficiently urgent to require the immediate negation of permitted uses and development rights?
2. Are there effective and less drastic instruments that might have been used by the municipality to achieve the desired end?

The Supreme Court of Canada has commented on the extraordinary nature of the power to enact an ICBL and its purpose in *London (City) v. RSJ Holdings Inc.*, [2007] 2 S.C.R. 588 at para. 27:

“Interim control by-laws are powerful zoning tools by which municipalities can broadly freeze the development of land, buildings and structures within a municipality. The power to enact an interim control by-law has been aptly described as an 'extraordinary one, typically exercised in a situation where an unforeseen issue arises with the terms of an existing zoning permission, as a means of providing breathing space during which time the municipality may study the problem and determine the appropriate planning policy and controls for dealing with the situation.’”

Prior to passage of an ICBL, Council must authorize that a land use planning study be undertaken. The scope of the planning study and the area to be subject to the ICBL must be clearly identified in the Council resolution. If an ICBL is to be enacted, Council must approve the required funding to undertake the study(ies) and the study(ies) must be carried out fairly and expeditiously.

A number of studies have been identified within the Motion; not all are land use planning studies, and most have been completed by the Applicant and are under review.

There is reference within the Motion to the ICBL being incorporated within the City-wide Zoning By-law Review and the City-wide Official Plan Review. Neither of those suggestions is practical, necessary nor recommended by Staff.

The purpose of the City-wide Zoning By-law Review is to create a progressive By-law with updated, contemporary uses and standards that conform with the City of Vaughan Official Plan 2010 (“VOP 2010”). The new Zoning By-law (once passed) will implement VOP 2010 and accurately reflect the intent of policy direction under one consolidated, streamlined Zoning By-law. It should be noted that the City-wide Zoning By-law Review is nearing completion, and that a staff recommendation regarding its passage is expected to be brought forward before the end of this year.

In contrast, the City-wide Official Plan Review is in its early stages and its completion is tied to a number of matters outside of the City’s control, which include the timing for the proposed amendment to the Growth Plan and the Region’s Municipal Comprehensive Review. As such, it is unlikely that the timeframes of either initiative will be of assistance should Council choose to enact an ICBL, and any request for a land use study in response to the Development Applications should be separated from those two processes.

As set out above, before the passage of any ICBL, Council must authorize that a land use study be undertaken. Within the Motion, a number of studies have been identified. Staff interpret the request in the Motion to mean that the studies identified should be undertaken by the City in response to the Development Applications. Of note, a number of the identified studies have in fact been completed by the Applicant based on the requirements of the City in consultation with the TRCA, as identified within the Pre-Application Consultation (“PAC”) meeting that was held prior to the submission of the Development Applications.

The PAC meeting took place with representatives and consultants for Clubhouse on November 22, 2018. As is standard practice, the Toronto and Region Conservation Authority (“TRCA”), York Region, and relevant City of Vaughan departments were invited to and attended the meeting to determine the requirements for the submission of the Development Applications. As part of that process, requests were made to ensure that the studies provided are sufficient to allow for the consideration of the Development Applications. Specifically, the policies within VOP 2010 provide guidance as to the studies required. Of significance is Policy 9.2.2.17 c) which provides that: “Should the Private

open space cease to exist, appropriate alternate land uses shall be determined through the Official Plan amendment process and shall be subject to an area specific study.” In conformity with that policy, the pre-application process was engaged by City staff to establish study requirements to be completed by Clubhouse sufficient to constitute “an area specific study.”

The Development Applications were initially received on December 23, 2019, and additional materials were submitted on January 29, 2020, which were required to deem the applications complete. Clubhouse was formally advised that the Development Applications were deemed complete on February 5, 2020. The Development Applications were circulated for formal comment on January 14, 2020. The studies submitted by Clubhouse in support of the Development Applications were identified in the Staff Report considered at the statutory public meeting of March 3, 2020 and are available for public review online.

Comments from the various stakeholder groups and agencies are being received by the Development Planning Department and must be reviewed and finalized to the satisfaction of the City and review agencies prior to the preparation of any technical report regarding the Development Applications, and its impact on the surrounding area. VOP 2010 (Policy 10.1.3.5) provides that where a study has been submitted in support of a development application, and it is determined by the City that a peer review is required, the peer review shall be coordinated by the City and prepared at the expense of the applicant.

Further, not all of the studies identified within the Motion are “land use planning” studies, and accordingly, do not represent grounds for an ICBL. As an example, a “Mental Health Impact Assessment” and “Community Economic Impact Study” are not “land use planning” studies.

If Council directs that City commissioned studies are required, funding will need to be allocated for the required studies.

Should Council require that some or all of the studies referred to in the Motion be completed as justification for the ICBL, Council must direct a budget amendment to secure the necessary funding. Staff anticipate the procurement and study processes will take a minimum of 18-24 months to complete, thereby necessitating an extension of the ICBL should one be enacted. Council should be aware that enacting an ICBL and undertaking the studies does not prevent the applicant from exercising their appeal rights, nor does it necessarily stop any LPAT processes.

The estimated cost for the identified studies would range between \$750,000 to \$1,500,000 depending on the final terms reference and the scope of each study. The Traffic Impact Study (\$300,000 - \$500,000), Land Use Study (\$100,000) and Cultural Heritage Landscapes Strategy and Implementation Study (\$165,000) alone would have a total estimated cost of over \$500,000. The Motion also considers the completion of, but not limited to, Community Area Specific Study, Environmental Impact Study, Mental Health Impact Assessment, Archaeological Impact Assessment, and City-wide Open

Space/Climate Change Study. Furthermore, undertaking the studies to support an ICBL is not currently included in any workplan within the Planning and Growth Management portfolio, and may delay other studies that have commenced or are planned, or alternatively would require additional resource allocation, thereby increasing the estimated cost.

In some cases, the intent and scope of the requested study is unclear, particularly in terms of how it would differ from the studies already submitted by Clubhouse in accordance with the PAC requirements. As such, Staff should be provided with a clear understanding of what the Council expectations are so as to inform any future terms of reference required.

Comments regarding the request for a Mental Health Impact Assessment.

A Mental Health Impact Assessment is not a typical study that is sought in the planning context of a site-specific development proposal nor does it form part of the regulatory framework under the *Planning Act*. The City of Vaughan has never undertaken such a study, and VOP 2010 does not include a policy to identify the requirement for a Mental Health Impact Assessment. Such a study was not requested as part of the redevelopment of other Private Open Space lands within Vaughan, including the redevelopment of the former Kleinburg and Vaughan Valley Golf Clubs and the current development applications for the Copper Creek Golf Club. These applications represent the first time where a study related to mental health has been requested in response to an infill development.

First Nations engagement has been initiated.

The Development Applications have been circulated to the appropriate First Nations community representatives for review and comment. Comments received will be considered through further discussion and engagement during the review process prior to the preparation of the technical report for the Development Applications.

Item 3) ii. – The request that any ICBL prohibit otherwise permitted site alterations, among other things.

Staff appreciate the concern regarding tree removal and site alteration. These matters are regulated pursuant to existing City bylaw and TRCA requirements. An ICBL is directed to prohibiting specified uses of land, buildings or structure, and is not required to duplicate existing regulatory tools in respect of tree removal and site alteration.

Item 3) iii. – The request that Keep Vaughan Green be granted a right to select experts who would be retained by the City to prepare studies identified earlier within the Motion.

The request to have Keep Vaughan Green and others be granted the right, after consultation with its legal team and the City, to select qualified experts to conduct studies on behalf of the City is unprecedented and falls outside of the public sector procurement process. More importantly, it is imperative that the City retain its independence in any

review of City policy and the Development Applications, including the ability to retain independent peer review experts where necessary.

Item 3) iv. – The request that the studies be funded by the City and reimbursed by the developer.

The request proposes City-funded studies by external consultants, which are not currently budgeted for and would require a funding source. While the City may seek reimbursement from applicants for peer reviews and VOP 2010 includes a policy to this effect, it cannot require an applicant to pay for City-initiated studies.

Further, the statement contained within the request includes the following add on: “in order to ensure that such studies are conducted without bias”. This statement is not a sentiment that Staff shares as it suggests that studies commissioned by the developer are biased, and not prepared by professionals who are subject to various professional standards. A difference in opinion does not equate to bias. Moreover, in instances where Staff are not satisfied with elements of a study, comments are provided to the applicant, and additional information and/or analysis is requested as required.

Item 3) v. - The request that a conservation easement protecting at least 66% of the subject lands be executed immediately.

An easement is a right in land which would have to be purchased or expropriated and in either event, would be subject to legislated processes. Council would have to provide direction and allocate a budget for this, which at this time is undetermined.

Consideration of a conservation easement is premature at this time. It is possible that a portion of the lands subject to the Development Applications may be dedicated in public ownership, free of all costs, through the development review process (should redevelopment of the lands be approved). The Development Applications apply to lands comprising 118.232 hectares. The proposed Draft Plan of Subdivision includes several Blocks identified for “Park”, “Buffer”, “Open Space” and “Vista Uses”. These Blocks represent a total of 72.55 hectares and potentially could be conveyed into public ownership; some of which would be free of all costs. The Plan also includes 4.707 hectares for stormwater management facilities which are typically conveyed into public ownership.

Item 3) vi. – The request that staff meet with reps for KVG to give effect to the matters set forth in the Motion.

Staff are not supportive of the matters set forth in the Motion. However, if Council resolves that a land use planning study(ies) is(are) required and directs a meeting between staff and representatives of KVG, further clarity is required as to what the expectations are “to give effect to the matters set forth above”. There are a number of issues within the Motion as drafted for which Staff have provided comments herein. Also, as stated previously, it

is imperative that the City retain its independence in the review of its policies and the Development Applications.

Financial Impact

The financial impact is dependent on what Council chooses to do based on the information and opinion provided within this communication. Specifically, and as set out above in the “Analysis” section and below in the “Conclusion”, a budget amendment is necessary if Council chooses to enact an ICBL and will range between \$500,000 to \$1,500,000.

Conclusion

Staff are not of the opinion that a City commissioned land use study is needed to arrive at recommendations on the Development Applications. Accordingly, Staff are not of the opinion that there is a need for an ICBL. Staff are in the process of reviewing the Development Applications and the accompanying studies. Through that review, if it is determined that peer reviews are warranted, staff will exercise their authority to request same as part of the review process. Alternatively, if Council has concerns with the studies submitted to date, Council can direct that independent peer reviews be undertaken on behalf of the City with respect to the studies of concern.

If Council is of the opinion that the Development Applications warrant and justify the need for City initiated studies, then it may see fit to enact an ICBL to allow for a study of the land use policy (preceded by resolution of the necessary land use study(ies)) and it must direct a budget amendment. The scope of the planning study and the area to be subject to the ICBL must also be clearly identified in the Council resolution. However, this is not what Policy 9.2.2.17 of the VOP 2010 contemplates, nor was it required for other golf course conversions. The anticipated cost is estimated to be a minimum of \$750,000 and could be as high as \$1,500,000. The actual cost is dependent on the final scope of the studies.

Attachments

1. Planning Act excerpt – S. 38

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Attachment No. 1 – Excerpt from the Planning Act – Section 38

38(1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

Extension of period by-law in effect

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

Notice of passing of by-law

(3) No notice or hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof.

Appeal to Local Planning Appeal Tribunal (L.P.A.T.) re by-law passed under subs. (1)

(4) The Minister may, within 60 days after the date of the passing of a by-law under subsection (1), appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Appeal to L.P.A.T. re by-law passed under subs. (2)

(4.1) Any person or public body who was given notice of the passing of a by-law under subsection (2) may, within 60 days after the date of the passing of the by-law, appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Application

(5) If a notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26) apply with necessary modifications to the appeal.

When prior zoning by-law again has effect

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law.

Where by-law appealed

(6.1) If the period of time during which an interim control by-law is in effect has expired and the council has passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, but there is an appeal of the by-law under subsection 34(19), the interim control by-law continues in effect as if it had not expired until the date of the order of the Tribunal or until the date of a notice issued by the Tribunal under subsection 34 (23.1) unless the interim control by-law is repealed.

Prohibition

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

Application of s.34(9)

(8) Subsection 34(9) applies with necessary modifications to a by-law passed under subsection (1) or (2).