

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2022

Item 1, Report No. 9, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on March 22, 2022, as follows:

By receiving the following Communications:

- C12. Mark Yarranton, KLM Planning Partners Inc., Jardin Drive, Concord, dated February 28, 2022;***
- C13. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated February 28, 2022;***
- C14. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated February 28, 2022;***
- C15. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated February 28, 2022;***
- C16. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated February 28, 2022;***
- C17. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated February 28, 2022;***
- C18. Quinto M. Annibale, Loopstra Nixon LLP, Queens Plate Drive, Toronto, dated February 28, 2022;***
- C79. Matthew Helfand, Aird & Berlis LLP, Bay Street, Toronto, dated March 1, 2022;***
- C80. Matthew Helfand, Aird & Berlis LLP, Bay Street, Toronto, dated March 1, 2022;***
- C284. Russell D. Cheeseman, MLC, Bay Street, Toronto, dated March 15, 2022; and***
- C292. Russell D. Cheeseman, MLC, Bay Street, Toronto, dated March 21, 2022.***

1. CITY-WIDE COMPREHENSIVE ZONING BY-LAW 001-2021: ZONING BY-LAW AMENDMENT FILE Z.21.052 - REPEAL AND REPLACE TRANSITION PROVISIONS

The Committee of the Whole recommends:

- 1) That the recommendations contained in the report of the Deputy City Manager, Planning and Growth Management dated March 1, 2022, be approved; and**
- 2) That the following Communications be received:**
 - C1. Mr. John M. Alati, Davies Howe LLP, Adelaide Street West, Toronto dated February 22, 2022;**
 - C4. Mr. Mark R. Flowers, Davies Howe LLP, Adelaide Street West, Toronto dated February 28, 2022;**
 - C5. Mr. Christopher J. Tanzola, Partner, Overland LLP, Yonge Street, Toronto dated February 28, 2022; and**
 - C6. Mr. Mark R. Flowers, Davies Howe LLP, Adelaide Street West, Toronto dated February 28, 2022.**

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2022

Item 1, CW Report 9 – Page 2

Recommendations

1. That Council repeal and replace the transition provisions (Section 1.6) of Zoning By-law 001-2021, in its entirety, in the manner set out in Attachment 1 to this Report;
2. That Council authorize the Deputy City Manager, Legal and Administrative Services & City Solicitor to make any stylistic and technical changes to the provisions set out in Attachment 1, as may be required, before introducing the necessary by-law for enactment; and
3. That all necessary by-law(s) be enacted.



Committee of the Whole (1) Report

DATE: Tuesday, March 1, 2022

WARD(S): ALL

**TITLE: CITY-WIDE COMPREHENSIVE ZONING BY-LAW 001-2021
ZONING BY-LAW AMENDMENT FILE Z.21.052
REPEAL AND REPLACE TRANSITION PROVISIONS**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management
Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor

ACTION: DECISION

Purpose

To seek Council approval to repeal and replace the transition provisions (Section 1.6) (the “**Transition Provisions**”) of the City-Wide Comprehensive Zoning By-law 001-2021 (“**CZBL**”) in the manner set out in Attachment 1 to this Report.

Report Highlights

- The CZBL was enacted by Council on October 20, 2021.
- The CZBL has been appealed to the Ontario Land Tribunal (“**OLT**”) and some of the appeals relate to the Transition Provisions.
- Since the enactment of the CZBL, specific matters have been raised with respect to the application of the Transition Provisions to previously approved zoning by-law amendments, planning applications in process, planning approvals, and future planning and building permit applications.
- The proposed new Transition Provisions of the CZBL are intended to resolve some of these matters.
- It is recommended that Council repeal and replace the Transition Provisions of the CZBL, in its entirety, in the manner set out in Attachment 1 to this Report.

Recommendations

1. That Council repeal and replace the transition provisions (Section 1.6) of Zoning By-law 001-2021, in its entirety, in the manner set out in Attachment 1 to this Report;
2. That Council authorize the Deputy City Manager, Legal and Administrative Services & City Solicitor to make any stylistic and technical changes to the provisions set out in Attachment 1, as may be required, before introducing the necessary by-law for enactment; and
3. That all necessary by-law(s) be enacted.

Background

On October 20, 2021, Council enacted the CZBL which affects all properties within the City of Vaughan, with the exception of lands in the vicinity of Yonge Street and Steeles Avenue. The CZBL, when in force, will replace Zoning By-law 1-88, as amended, with the exception of matters subject to transition pursuant to the Transition Provisions of the CZBL and the Yonge-Steeles Corridor Secondary Plan Area.

The CZBL has been appealed to the OLT and some of the appeals relate to the Transition Provisions. The CZBL does not come into force until all appeals have been withdrawn or finally disposed of, or an order of the OLT is issued bringing into effect sections of the CZBL that have not been appealed or have been resolved.

Since the enactment of the CZBL, specific matters have been raised with respect to the application of the Transition Provisions to previously approved zoning by-law amendments, planning applications in process, planning approvals, and future planning and building permit applications. This Report details new Transition Provisions, as identified in Attachment 1, intended to resolve some of these matters and ensure ongoing efficient processing of planning and building permit applications.

The Transition Provisions of the CZBL, as adopted, are provided in Attachment 2 to this Report. Attachment 3 to this Report is a comparison version of the Transition Provisions proposed for adoption and the draft amendments proposed through the January 18, 2022, Committee of the Whole (Public Meeting) Report.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol.

Newspaper ads were published in the December 23, 2021 editions of the Vaughan Citizen and the Thornhill Liberal newspapers. A copy of the Notice was also posted on the City's website at www.vaughan.ca.

A Committee of the Whole (Public Meeting) was held on January 18, 2022 to receive comments from the public and the Committee of the Whole on draft amendments to the Transition Provisions of the CZBL as shown on Attachment 3 to this Report. Council, on January 25, 2022, ratified the recommendations of the Committee of the Whole to receive the Public Meeting report of January 18, 2022, and to forward a comprehensive report to the March 1, 2022 Committee of the Whole (1) meeting.

The following is a summary of the comments provided in-person and in writing at the Public Meeting regarding the amendments to the Transition Provisions of the CZBL, as proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report:

Site Specific Exemptions

- The proposed changes in section 1.6.2.6 fail to account for situations where an exception has been incorrectly transposed into the CZBL.
- The proposed changes in section 1.6.2.6 fail to ensure that Zoning By-law 1-88, as amended, will prevail in the case of any conflicts that exist with section 14 of the CZBL and the site-specific provisions of Zoning By-law 1-88, as amended.

Zoning By-law Amendments and Concurrent Applications

- The proposed changes in section 1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88, as amended, the CZBL, or both.
- The proposed changes in section 1.6.3.3.2 are intended to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under Zoning By-law 1-88, as amended. However, that flexibility is negated by the requirement to comply with Zoning By-law 1-88, as amended, "as it read on October 20, 2021".
- The proposed changes do not go far enough to address subdivision applications filed prior to the adoption of the CZBL and the various *Planning Act* applications that may be required to fully implement or develop all lots and blocks in the subdivision.

Related and Future Applications

- The proposed changes in section 1.6.2.8.1 do not function as intended because building permit applications arising from applications transitioned under section 1.6.2.8.1 will be subject to Zoning By-law 1-88, as amended, “as it read on October 20, 2021”.
- The limiting language above is also found in the preamble to the proposed amendments to the Transition Provisions, as well as sections 1.6.3.3.1 and 1.6.3.3.2.

Other Approvals

- The proposed amendments to the Transition Provisions do not go far enough in the transitioning of approved OLT zoning by-law amendments.
- The proposed amendments to the Transition Provisions do not include official plan amendments in the “Other Approvals” section and do not account for possible future amendments.
- The proposed changes in section 1.6.2 do not account for minor variance and consent applications that pre-date January 1, 2010.

Ten Year Time Limit

- Repealing the Transition Provisions of the CZBL after 10 years does not address the fundamental problem of indeterminate liability for property owners and developments in which the build-out horizon is potentially greater than 10 years.
- Circumstances impacting the rate of development and potential associated delays are unique to all properties and owners and one date to repeal the Transition Provisions may not address all circumstances.

To the extent possible, and where appropriate, the above comments have been addressed in the new Transition Provisions proposed for adoption, as identified in Attachment 3, showing changes to the proposed Transition Provisions since the Public Meeting.

Previous Reports/Authority

[Item 9, Report No. 46, of the Committee of the Whole](#), which was adopted, as amended, by the Council of the City of Vaughan on October 20, 2021.

[Addendum 1 of the Council meeting of November 16, 2021](#), which was adopted by the Council of the City of Vaughan on November 16, 2021 and the confidential recommendations made public in part upon Council ratification (refer to page 2).

[Item 3, Report No. 3, of the committee of the Whole \(Public Meeting\)](#), which was adopted, as amended, by the Council of the City of Vaughan on January 25, 2022.

Analysis and Options

In response to the comments received from the public, revisions have been made to the amendments to the Transition Provisions of the CZBL as proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report.

The new Transition Provisions of the CZBL proposed for adoption are set out in Attachment 1 to this Report, entirely replacing the Transition Provisions as adopted on October 20, 2021. What follows is a description of the substantive revisions that have been made to the new Transitions Provisions from the draft initially proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report.

Attachment 3 to this Report is a comparison version of the Transition Provisions proposed for adoption and the draft amendments proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report.

The Preamble and Sections 1.6.1, 1.6.2.8.2 and 1.6.3.3.1 to 1.6.3.3.3 in Attachment 1 to this Report identify amendments proposed to clarify the applicability of the Transition Provisions.

The Transition Provisions of the CZBL in Attachment 1 are intended to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under Zoning By-law 1-88, as amended. To ensure this flexibility, the requirement to comply with Zoning By-law 1-88, as amended, “as it read on October 20, 2021” is proposed to be removed from the Preamble and Section 1.6.2.8.2 and 1.6.3.3.3.

Wording is proposed to be added to Section 1.6.1 in Attachment 1 to clarify that nothing in the CZBL will prevent the issuance of a building permit where an application for a building permit has been filed after October 20, 2021 if *Planning Act* approvals have been obtained or *Planning Act* applications are in process.

Wording is proposed to be added to Section 1.6.3.3.1 in Attachment 1 to clarify that a zoning by-law amendment deemed complete on or before October 20, 2021 would “amend Zoning By-law 1-88, as amended”. Again, this would confirm that those applications that were complete on or before the passing of the CZBL would be assessed under Zoning By-law 1-88, as amended.

To ensure that applications filed concurrently with a zoning by-law amendment application prior to October 20, 2021 would be assessed under Zoning By-law 1-88, as amended, an amendment is proposed to remove reference to “filed after October 20, 2021” from Section 1.6.3.3.2 in Attachment 1.

Section 1.6.4 in Attachment 1 to this Report has not been amended and maintains that the exemptions under the Transition Provisions of the CZBL are proposed to expire 10 years after October 20, 2021.

Section 1.6.4 in Attachment 1 is intended to provide development applications in process, and future development applications, approvals and building permits, the opportunity to be completed under Zoning By-law 1-88, as amended, until the earlier of: (1) the issuance of the building permit(s) upon which the exemptions are founded; or (2) 10 years after October 20, 2021.

Staff have considered the comments received from the public that the termination of the Transition Provisions of the CZBL after 10 years is too short a time to enable active applications to make their way through the approval process. It is the position of staff that the 10-year transition period is generous and consistent with Council’s intent to provide ample opportunity to applicants to complete their applications under Zoning By-law 1-88, as amended. Staff cannot recommend an extension to the 10-year transition period and note that this timeline is more generous than is provided in other large municipalities, such as the City of Toronto and the Town of Oakville.

Financial Impact

There are no financial implications associated with this Report.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

The replacement Transition Provisions of the CZBL proposed for adoption as set out in Attachment 1 are intended to resolve matters that have been raised with respect to the application of the Transition Provisions, as adopted, to previously approved zoning by-law amendments, planning applications in process, certain planning approvals, and future planning and building permit applications.

For more information, please contact Candace Tashos, Legal Counsel, ext. 3618.

Attachments

1. Transition Provisions Proposed for Adoption.
2. Transition Provisions (Section 1.6) of Zoning By-law 001-2021 (as adopted).
3. Comparison version of the Transition Provisions for adoption and the draft amendments proposed through the January 18, 2022 Committee of the Whole (Public Meeting) Report.

Prepared by

Candace Tashos, Legal Counsel, extension 3618.

Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate, extension 8662.

Brandon Correia, Manager of Special Projects, Planning and Growth Management, extension 8227.

Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator, extension 8374.

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Approved by



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

Reviewed by



Nick Spensieri, City Manager

Transition

For the purposes of determining zoning compliance for matters covered by Section 1.6 of this By-law, the provisions of Zoning By-law 1-88, as amended, shall apply.

1.6.1 Building Permit Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit has been filed on or prior to October 20, 2021.
2. Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit has been filed after October 20, 2021, where:
 - (a) Planning Act approvals have been obtained in accordance with Subsection 1.6.2; or
 - (b) Planning Act applications are in process in accordance with Subsection 1.6.3.

1.6.2 Planning Act Approvals

1. The requirements of this By-law do not apply to a lot where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Ontario Municipal Board, the Local Planning Appeal Tribunal or the Ontario Land Tribunal (collectively, the "Tribunal") and finally approved on or after January 1, 2010 and on or before October 20, 2021 and a building permit for the applicable project has not yet been issued.
2. The requirements of this By-law do not apply to a lot where a provisional consent has been given by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before October 20, 2021 and a building permit for the applicable project has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title.
3. The requirements of this By-law do not apply to a lot where a conditional or final site plan approval has been granted by the City or the Tribunal on or after January 1, 2010 and on or before October 20, 2021 and a building permit for the applicable project has not yet been issued.
4. Where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before October 20, 2021 as a requisite condition for a site plan approval, Section 1.6.2.3 shall apply to give effect to the applicable site plan approval.
5. Where this By-law is amended after the date of final approval of a site plan or minor variance, the regulations in effect on the date of final approval of the site plan or minor variance shall apply to building permit applications for the applicable project for which such final approvals were granted.
6. The requirements of this By-law do not apply to a lot where an amendment to Zoning By-law 1-88 was finally approved and in effect on or after January 1, 2010, and such amendment has not been included in Section 14 herein.

7. The requirements of this By-law do not apply to prevent the removal of a holding symbol (“H”) from an amendment to Zoning By-law 1-88 that was finally approved and in effect on or after January 1, 2010.
8.
 1. The requirements of this By-law do not apply to prevent the approval of the following applications filed after October 20, 2021 if such application(s) are complete and, save under (f), comply with an amendment to Zoning By-law 1-88 that was finally approved and in effect on or after January 1, 2010 and on or before October 20, 2021, or that has been approved in principle by the Tribunal after January 1, 2010 where the final order has been withheld, and comply with all requirements of the Planning Act:
 - (a) site plan drawings and conditions;
 - (b) a consent to sever;
 - (c) an approval of draft plan of subdivision;
 - (d) a plan of condominium approval;
 - (e) a part-lot control exemption approval pursuant to Section 50 of the Planning Act; or
 - (f) a minor variance required as a condition or consequence of one of (a) to (e) above, or identified as required upon review of a building permit application.
 2. Nothing in this By-law shall prevent the erection or use of a building or structure on a lot where the applicable applications under Section 1.6.2.8.1 have been finally approved and the building permit application complies with the provisions of Zoning By-law 1-88, as amended and all final approved minor variances.
 3. Upon completion of the project for which approvals and permits have been obtained pursuant to Sections 1.6.2.8.1 and 1.6.2.8.2, this exemption under Section 1.6.2.8 shall cease to apply.

1.6.3 Planning Applications in Process

1.6.3.1 Minor Variance Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure, in the circumstances set out in Section 1.6.3.1.1(a) and (b), for which:
 - (a) a complete application for a minor variance under Section 45 of the Planning Act was filed on or before October 20, 2021; or
 - (b) a complete application for minor variance under Section 45 of the Planning Act was filed after October 20, 2021 based on a building permit application referred to in Section 1.6.1.1.
2. Where a project qualifies under Section 1.6.3.1.1:
 - (a) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of Zoning By-law 1-88, as amended, as it read on October 20, 2021; and

- (b) a building permit for that project may be issued after final approval is received for the minor variance if the project in question and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, and all final approved minor variances.

1.6.3.2 Site Plan Approval Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure for a project for which a complete application for site plan approval was filed on or before October 20, 2021, if the project in question complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021.
2. Where a project qualifies under Section 1.6.3.2.1:
 - (a) The Conditions of final site plan approval may be granted if the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, and all requirements of the Planning Act; and
 - (b) after the conditions of site plan approval or final site plan approval is received for a project that qualifies under Section 1.6.3.2.1, a building permit for that project may be issued if the project in question and the building permit application for the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, the site plan approval, and all approved minor variances.

1.6.3.3 Other Approvals

1. The requirements of this By-law do not apply to prevent the approval of an application to amend Zoning By-law 1-88 as amended if the application was filed and deemed complete in accordance with the City of Vaughan Official Plan, 2010 on or before October 20, 2021, and complies with all requirements of the Planning Act.
2. The requirements of this By-law do not apply to prevent the approval of the following applications if such application(s), save under (f), are complete and comply with an amendment to Zoning By-law 1-88 that was finally approved and in effect in accordance with Section 1.6.3.3.1, and comply with all requirements of the Planning Act:
 - (a) site plan drawings and conditions;
 - (b) a consent to sever;
 - (c) an approval of draft plan of subdivision;
 - (d) a plan of condominium approval;
 - (e) a part-lot control exemption approval pursuant to Section 50 of the Planning Act; or
 - (f) a minor variance required as a condition or consequence of one of (a) to (e) above, or identified as required upon review of a building permit application.

Attachment 1
Transition Provisions Proposed for Adoption

3. Nothing in this By-law shall prevent the erection or use of a building or structure on a lot where the applicable applications under Sections 1.6.3.3.1 and 1.6.3.3.2 have been finally approved and are in effect and the building permit application complies with the provisions of Zoning By-law 1-88, as amended and all final approved minor variances.
4. Upon completion of the project for which approvals and permits have been obtained pursuant to Sections 1.6.3.3.1 to 1.6.3.3.3, this exemption shall cease to apply.
5. The requirements of this By-law do not apply to prevent the approval of the following applications where the application was filed and deemed complete in accordance with the City of Vaughan Official Plan, 2010 on or before October 20, 2021:
 - (a) a consent to sever;
 - (b) an approval of draft plan of subdivision;
 - (c) a plan of condominium approval; or
 - (d) a part-lot control exemption approval pursuant to Section 50 of the Planning Act.
6. Where a project qualifies under Section 1.6.3.3.5:
 - (a) the consent to sever, the approval of the draft plan of subdivision, the plan of condominium approval and the part-lot control exemption approval may be granted if the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021 and all requirements of the Planning Act; and
 - (b) a building permit for that project may be issued after final approval is received for the consent to sever, the approval of the draft plan of subdivision, the plan of condominium approval and the part-lot control exemption approval, based on an application for a building permit filed after October 20, 2021, if the project in question and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, and all final approved minor variances.
7. The requirements of this By-law do not apply to a lot where the Tribunal has, on or after January 1, 2010, granted approval in principle for a zoning by-law amendment or minor variance to Zoning By-law 1-88, as amended, a provisional consent, or conditional or final site plan approval, but has decided that the final order shall be withheld until such time as the performance of certain terms imposed by the Tribunal have been satisfied.

1.6.4 Duration of Transition Provisions

1. Nothing in this By-law applies so as to continue the application of Sections 1.6.1 to 1.6.3 beyond the issuance of the building permit or permits upon which the exemptions are founded.
2. Notwithstanding Section 1.6.4.1 above, the provisions of Section 1.6 shall be repealed ten (10) years after October 20, 2021. This provision shall not require an amendment to this By-law to take effect.

Transition

Notwithstanding the requirements of this By-law, a building permit may be issued in accordance with Section 1.6 of this By-law for the following scenarios.

For the purposes of determining zoning compliance for matters covered by Section 1.6 of this By-law, the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law shall apply.

1.6.1 Building Permit Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit has been filed on or prior to the effective date of this By-law.

1.6.2 Planning Act Approvals

1. The requirements of this By-law do not apply on a lot where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Ontario Municipal Board, the Local Planning Appeal Tribunal or the Ontario Land Tribunal (collectively, the "Tribunal") on or after January 1, 2010 and on or before the effective date of this By-law and a building permit for the applicable project has not yet been issued.

2. The requirements of this By-law do not apply to a lot where a provisional consent has been given by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before the effective date of this By-law and a building permit for the applicable project has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title.

3. The requirements of this By-law do not apply to a lot where a conditional or final site plan approval has been granted by the City or the Tribunal on or after January 1, 2010 and on or before the effective date of this By-law and a building permit for the applicable project has not yet been issued.

4. For clarity, where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before the effective date of this By-law as a requisite condition for a site plan approval, Section 1.6.2.3 shall apply to give effect to the applicable site plan approval.

5. For approved site plans and minor variances where this By-law has subsequently been amended, the regulations in effect on the date of approval of the site plan or minor variance shall apply to any building permit applications.

1.6.3 Planning Applications in Process

1.6.3.1 Minor Variance Applications

1. Nothing in this By-law will prevent the erection or use of a building or structure, in the circumstances set out in Section 1.6.3.1.1(a) and (b), for which:

(a) a complete application for a minor variance under Section 45 of the Planning Act was filed on or before the effective date of this By-law; or

(b) a complete application for minor variance under Section 45 of the Planning Act was filed after the effective date of this By-law based on a building permit application referred to in Section 1.6.1.1.

2. Where a project qualifies under Section 1.6.3.1.1:

(a) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law; and

(b) a building permit for that project may be issued after final approval is received for the minor variance if the project in question and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law, and all final approved minor variances.

1.6.3.2 Site Plan Approval Applications

1. Nothing in this By-law will prevent the erection or use of a building or structure for a project for which a complete application for site plan approval was filed on or before the effective date of this By-law, if the project in question complies with the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law.

2. Where a project qualifies under Section 1.6.3.2.1:

(a) The Conditions of final site plan approval may be granted if the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law, and all requirements of the Planning Act; and

(b) after the conditions of site plan approval or final site plan approval is received for a project that qualifies under Section 1.6.3.2.1, a building permit for that project may be issued if the project in question and the building permit application for the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on the effective date of this By-law, the site plan approval, and all approved minor variances.

1.6.3.3 Other Approvals

1. The requirements of this By-law do not apply to prevent the approval of applications for zoning by-law amendment, minor variance, site plan, plan of subdivision, consent, part-lot control exemption or plan of condominium if the application was filed and deemed complete in accordance with the City of Vaughan Official Plan, 2010 on or before the effective date of this By-law.

2. The requirements of this By-law do not apply to a lot where the Tribunal has, on or after January 1, 2010 and on or before the effective date of this By-law, granted approval in principle for a zoning by-law amendment or minor variance to Zoning By-law 1-88, as amended, a provisional consent, or conditional or final site plan approval, but has decided that the final order shall be withheld until such time as the performance of certain terms imposed by the Tribunal have been satisfied.

1.6.4 Duration of Transition Provisions

1. Once a permit or approval has been granted in accordance with Section 1.6, the provisions of Zoning By-law 1-88, as amended, shall cease to be in effect.

2. Notwithstanding Section 1.6.4.1 above, the provisions of Section 1.6 shall be repealed ten (10) years from the effective date of this By-law. This provision shall not require an amendment to this By-law to take effect.

Transition

For the purposes of determining zoning compliance for matters covered by Section 1.6 of this By-law, the provisions of Zoning By-law 1-88, as amended, ~~as it read on October 20, 2021~~ shall apply.

1.6.1 Building Permit Applications

1. ~~1.~~ Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit has been filed on or prior to October 20, 2021.
2. Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit has been filed after October 20, 2021, where:
 - (a) Planning Act approvals have been obtained in accordance with Subsection 1.6.2; or
 - (b) Planning Act applications are in process in accordance with Subsection 1.6.3.

1.6.2 Planning Act Approvals

1. The requirements of this By-law do not apply to a lot where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Ontario Municipal Board, the Local Planning Appeal Tribunal or the Ontario Land Tribunal (collectively, the "Tribunal") and finally approved on or after January 1, 2010 and on or before October 20, 2021 and a building permit for the applicable project has not yet been issued.
2. The requirements of this By-law do not apply to a lot where a provisional consent has been given by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before October 20, 2021 and a building permit for the applicable project has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title.
3. The requirements of this By-law do not apply to a lot where a conditional or final site plan approval has been granted by the City or the Tribunal on or after January 1, 2010 and on or before October 20, 2021 and a building permit for the applicable project has not yet been issued.
4. ~~For clarity, where~~ Where a minor variance to Zoning By-law 1-88, as amended, was authorized by the Committee of Adjustment of the City or the Tribunal on or after January 1, 2010 and on or before October 20, 2021 as a requisite condition for a site plan approval, Section 1.6.2.3 shall apply to give effect to the applicable site plan approval.
5. ~~For approved site plans and minor variances where~~ Where this By-law ~~has subsequently been~~ is amended after the date of final approval of a site plan or minor variance, the regulations in effect

on the date of final approval of the site plan or minor variance shall apply to ~~any~~ building permit applications for the applicable project for which such final approvals were granted.

6. The requirements of this By-law do not apply to a lot where an amendment to Zoning By-law 1-88 was finally approved and in effect on or after January 1, 2010, and such amendment has not been included in Section 14 herein.
7. The requirements of this By-law do not apply to prevent the removal of a holding symbol (“H”) from an amendment to Zoning By-law 1-88 that was finally approved and in effect on or after January 1, 2010.
8. 1. The requirements of this By-law do not apply to prevent the approval of the following applications filed after October 20, 2021 if such application(s) are complete and, save under (f), comply with an amendment to Zoning By-law 1-88 that was finally approved and in effect on or after January 1, 2010 and on or before October 20, 2021, or that has been approved in principle by the Tribunal after January 1, 2010 where the final order has been withheld, and comply with all requirements of the Planning Act:
 - (a) site plan drawings and conditions;
 - (b) a consent to sever;
 - (c) an approval of draft plan of subdivision;
 - (d) a plan of condominium approval;
 - (e) a part-lot control exemption approval pursuant to Section 50 of the Planning Act; or
 - (f) a minor variance required as a condition or consequence of one of (a) to (e) above, or identified as required upon review of a building permit application.

2. Nothing in this By-law shall prevent the erection or use of a building or structure on a lot where the applicable applications under Section 1.6.2.8.1 have been finally approved and the building permit application complies with the provisions of Zoning By-law 1-88, as amended ~~as it read on October 20, 2021~~ and all final approved minor variances.

3. Upon completion of the project for which approvals and permits have been obtained pursuant to Sections 1.6.2.8.1 and 1.6.2.8.2, this exemption under Section 1.6.2.8 shall cease to apply.

1.6.3 Planning Applications in Process

1.6.3.1 Minor Variance Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure, in the circumstances set out in Section 1.6.3.1.1(a) and (b), for which:
 - (a) a complete application for a minor variance under Section 45 of the Planning Act was filed on or before October 20, 2021; or
 - (b) a complete application for minor variance under Section 45 of the Planning Act was filed after October 20, 2021 based on a building permit application referred to in Section 1.6.1.1.

2. Where a project qualifies under Section 1.6.3.1.1:
 - (a) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of Zoning By-law 1-88, as amended, as it read on October 20, 2021; and
 - (b) a building permit for that project may be issued after final approval is received for the minor variance if the project in question and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, and all final approved minor variances.

1.6.3.2 Site Plan Approval Applications

1. Nothing in this By-law shall prevent the erection or use of a building or structure for a project for which a complete application for site plan approval was filed on or before October 20, 2021, if the project in question complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021.
2. Where a project qualifies under Section 1.6.3.2.1:
 - (a) The Conditions of final site plan approval may be granted if the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, and all requirements of the Planning Act; and
 - (b) after the conditions of site plan approval or final site plan approval is received for a project that qualifies under Section 1.6.3.2.1, a building permit for that project may be issued if the project in question and the building permit application for the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, the site plan approval, and all approved minor variances.

1.6.3.3 Other Approvals

1. The requirements of this By-law do not apply to prevent the approval of an application ~~for a zoning by-law to amend Zoning By-law 1-88 as amended~~ if the application was filed and deemed complete in accordance with the City of Vaughan Official Plan, 2010 on or before October 20, 2021, and complies with all requirements of the Planning Act.
2. The requirements of this By-law do not apply to prevent the approval of the following applications ~~filed after October 20, 2021~~ if such application(s), save under (f), are complete and comply with an amendment to Zoning By-law 1-88 that was finally approved and in effect in accordance with Section 1.6.3.3.1, and comply with all requirements of the Planning Act:
 - (a) site plan drawings and conditions;
 - (b) a consent to sever;
 - (c) an approval of draft plan of subdivision;
 - (d) a plan of condominium approval;
 - (e) a part-lot control exemption approval pursuant to Section 50 of the Planning Act; or

- (f) a minor variance required as a condition or consequence of one of (a) to (e) above, or identified as required upon review of a building permit application.
3. Nothing in this By-law shall prevent the erection or use of a building or structure on a lot where the applicable applications under Sections 1.6.3.3.1 and 1.6.3.3.2 have been finally approved and are in effect and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, ~~as it read on October 20, 2021~~ and all final approved minor variances.
 4. Upon completion of the project for which approvals and permits have been obtained pursuant to Sections 1.6.3.3.1 to 1.6.3.3.3, this exemption shall cease to apply.
 5. The requirements of this By-law do not apply to prevent the approval of the following applications where the application was filed and deemed complete in accordance with the City of Vaughan Official Plan, 2010 on or before October 20, 2021:
 - (a) a consent to sever;
 - (b) an approval of draft plan of subdivision;
 - (c) a plan of condominium approval; or
 - (d) a part-lot control exemption approval pursuant to Section 50 of the Planning Act.
 6. Where a project qualifies under Section 1.6.3.3.5:
 - (a) the consent to sever, the approval of the draft plan of subdivision, the plan of condominium approval and the part-lot control exemption approval may be granted if the project complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021 and all requirements of the Planning Act; and
 - (b) a building permit for that project may be issued after final approval is received for the consent to sever, the approval of the draft plan of subdivision, the plan of condominium approval and the part-lot control exemption approval, based on an application for a building permit filed after October 20, 2021, if the project in question and the building permit application complies with the provisions of Zoning By-law 1-88, as amended, as it read on October 20, 2021, and all final approved minor variances.
 7. The requirements of this By-law do not apply to a lot where the Tribunal has, on or after January 1, 2010, granted approval in principle for a zoning by-law amendment or minor variance to Zoning By-law 1-88, as amended, a provisional consent, or conditional or final site plan approval, but has decided that the final order shall be withheld until such time as the performance of certain terms imposed by the Tribunal have been satisfied.

1.6.4 Duration of Transition Provisions

1. Nothing in this By-law applies so as to continue the application of Sections 1.6.1 to 1.6.3 beyond the issuance of the building permit or permits upon which the exemptions are founded.

2. Notwithstanding Section 1.6.4.1 above, the provisions of Section 1.6 shall be repealed ten (10) years after October 20, 2021. This provision shall not require an amendment to this By-law to take effect.