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**C79
COMMUNICATION
COUNCIL – MARCH 22, 2022
CW (1) - Report No. 9, Item 1**

March 1, 2022

By E-Mail: clerks@vaughan.ca

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

Attention: Todd Coles, City Clerk

Dear Mayor Bevilacqua and Members of Council:

**Re: Committee of the Whole, March 1, 2022
City-Wide Comprehensive Zoning By-law 001-2021
Amendments to Transition Provisions**

Aird & Berlis LLP are lawyers for 1042710 Ontario Limited, owners of the property municipally known as 3300 Highway 7, City of Vaughan. 1042710 Ontario Limited is an appellant in the Ontario Land Tribunal proceeding in respect of the new City Wide Comprehensive Zoning By-law (“**New By-law**”), assigned Appeal No. 2679.

Our client’s appeal of the New By-law relates to the transition provisions, as approved by Council, which do not adequately ensure that approved Zoning By-law Amendment Applications under Zoning By-law 1-88 will be processed to approval and recognized under the New By-law.

We have become aware of the Staff Report dated March 1, 2022 which recommends that Council repeal and replace the transition provisions of the New ZBL which is before the Tribunal at this time. On behalf of our client, we remain concerned with the effect of the proposed replacement provisions. Our client has an application for a zoning amendment filed before the adoption of the New ZBL by Council. The effect of the new transition provisions being proposed is that if our client’s development proposal receives final approval, they will immediately become legal non-conforming by operation of proposed subsections 1.6.3.3.4. and 1.6.4.1. That result is inconsistent with having received final approval for a development proposal. We would expect that the City would instead reflect these approvals through a full exception under the New ZBL or recognizing the approval under the New ZBL.

Moreover, it is not clear to us that the process recommended – adoption of a new by-law to repeal and replace provisions under appeal - is the most efficient or appropriate process to follow in order to address the transition appeals.

We would welcome the opportunity to consult with City Staff on the proposed changes contained in the above-noted Staff report to ensure that they fully address our client’s interests.

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Moving forward, we would also request that we be notified in writing of any future reports and public meetings in respect of proposed amendments to the transition provisions of the New By-law.

Yours truly,

AIRD & BERLIS LLP



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