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**Communication : C 5**  
**Committee of the Whole (1)**  
**March 1, 2022**  
**Agenda Item # 1**

February 28, 2022

**VIA EMAIL**

Mayor Maurizio Bevilacqua and Members of City Council  
Vaughan City Hall, Level 100  
2141 Major Mackenzie Dr.  
Vaughan, ON L6A 1T1

**Attention: Todd Coles, City Clerk**

Your Worship and Members of Council:

**RE: City-Wide Comprehensive Zoning By-law 001-2021**  
**Z.21.052 - Repeal and Replace Transition Provisions**  
**Committee of the Whole Meeting – March 1, 2022**  
**OLT File No. 01-26-22-1019**

We are the lawyers for the parties set out in Schedule “A” attached to this letter, who have filed appeals of the City of Vaughan (the “**City**”) City-Wide Comprehensive Zoning By-law 001-2021 (the “**Comprehensive ZBL**”) (the “**Appellants**”).

We have had a chance to review the report dated March 1, 2022 that seeks Council approval to repeal and replace the transition provisions (Section 1.6) (the “**Transition Provisions**”) in the Comprehensive ZBL (the “**Staff Report**”). We understand this item will be considered by the Committee of the Whole at its March 1, 2022 meeting.

We are writing to provide the Appellants’ concerns with the proposed approach of repealing and replacing the Transition Provisions of the Comprehensive ZBL while there are numerous active appeals filed that have yet to be dealt with at the Ontario Land Tribunal (the “**OLT**”).

The appeals filed on behalf of our clients set out in Schedule “A” specifically identify issues with the transition provisions of the Comprehensive ZBL. Having reviewed the replacement “Transition Provisions Proposed for Adoption” in Attachment 1 to the Staff Report, we observe that the amendments do not address the concerns raised in our clients’ appeals before the OLT, in particular as they continue to provide for a 10-year time limit on the applicability of the Transition Provisions without any companion requirement to ensure that the Comprehensive ZBL is updated to reflect appropriate zoning for a property prior to the expiry of the transition period. This leaves the very likely possibility that existing zoning permissions under By-law 1-88 or zoning amendments or variances obtained during the transition period, will disappear or be

overridden by inappropriate or incomplete zoning under the Comprehensive ZBL, or potentially relegated to legal-nonconforming status.

In addition to the ongoing concern identified above, we also have significant concerns with the proposed repeal and replacement from a procedural perspective. The process for making modifications to the Comprehensive ZBL should be done through the OLT appeals process, rather than through the proposed repeal and replacement of the Transition Provisions in a new By-law. Repealing and replacing the Transition Provisions of the Comprehensive ZBL will very likely lead to the need for the Appellants to file separate appeals on the newly-enacted By-law containing the revised Transition Provisions. We submit that this will lead to a multiplicity of proceedings. Further, it will delay the current appeals before the OLT, as potential appeals of a Transition Provisions By-law will need to be consolidated into one hearing dealing with the Comprehensive ZBL appeals. In our view, this represents a drain on the City's, our clients' and the OLT's resources, and is not the most expeditious means of resolving this matter.

The Committee of the Whole and City Council should ask legal counsel for the City to provide an alternative to the repeal and replacement of the Transition Provisions in order to avoid a new round of numerous, costly appeals by existing appellants. This alternative ought to take into account the existing appeals that are already in front of the OLT.

We continue to rely on the reasons set out in the appeals filed for the Appellants listed in Schedule "A" with respect to our concerns with the Transition Provisions proposed in Attachment 1 to the Staff Report.

We ask that you please receive this correspondence as part of the communications for the March 1, 2022 Committee of the Whole Meeting. We request notice of any decision or passing of any by-law in respect of this matter. Our contact information is contained herein.

Yours truly,

**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.

c. P. Patterson  
C. Tashos

### Schedule "A"

	<b>Appellant</b>	<b>Municipal Address</b>
1	1150 Centre Street GP Inc.	1150 Centre Street
2	2735447 Ontario Inc	177, 185 and 197 Woodbridge Avenue
3	8940 Bathurst Street Limited	8940 Bathurst Street and 0 Knightshade Drive
4	9773 Keele Development Inc	9773 Keele Street
5	Blue Water Ranch Developments Inc.	784 Centre Street
6	Centra (BT1) Inc.	17 Millwood Parkway
7	D'Aversani Holdings Inc.	7960 Kipling Avenue
8	Di Poce Real Estate Holdings Limited	245 Nashville Road
9	D'Or Developments Inc.	10-20 Gatineau Drive
10	Doughton Residences Corp	216 and 220 Doughton Road
11	Highview Building Corp. Inc.	89 & 99 Nashville Road
12	Liberata D'Aversa	5317 Highway 7
13	Lionston Developments Inc.	Block 59, Registered Plan 65M3885
14	Lorwood Holdings Inc. , Fleur de Cap Development Inc., Cuenca Development Inc.	3180 Teston Road, 10980 and 10804 Jane Street
15	Marina Shcolyar	8 Campbell Avenue
16	VMC Condos Limited Partnership and Graywood Acquisitions Limited	3201 Highway 7
17	Wedgewood Columbus Limited	7887 Weston Road
18	Yonge and Steeles Developments Inc.	7028 Yonge Street and 2 Steeles Avenue West