



IBI GROUP
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C24
COMMUNICATION
CW (2) – June 21, 2022
Item 2

June 17, 2022

City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear City Clerk:

2022 CITY-WIDE AND AREA SPECIFIC DEVELOPMENT CHARGES BACKGROUND STUDY AND BY-LAWS UPDATE

IBI Group represents 2748355 Canada Inc. and their affiliates for their landholdings within the Vaughan Metropolitan Centre (VMC). 2748355 Canada Inc. and affiliates own approximately 84 acres within the southwest quadrant of the VMC, which are being impacted by the proposed Area Specific Development Charge (ASDC) for the “VMC Interchange SWM Pond Retrofit Works”, the proposed ASDC for the “VMC Jane Street Sanitary Sewer Improvements” and of course, the “City-wide Development Charge By-law”.

2748355 Canada Inc. maintains an active appeal on existing ASDC By-law 090-2018, associated with the “VMC Interchange SWM Pond Retrofit Works”. The appeal is summarized in Appendix 1 attached hereto, and is ultimately related to concerns regarding the feasibility and ultimate design of the Pond. 2748355 Canada Inc. is currently engaged in detailed engineering design for the entire quadrant, working with City Staff and their consultants as part of the ongoing update to the 2012 Master Environmental Servicing Plan (MESP), by which existing By-law 090-2018 is based. Through the active appeal, and the continued efforts to finalize design of the stormwater pond, the introduction of a new by-law is premature.

2738355 Canada Inc. contends that any new by-law should be based on the results of the ongoing engineering work and be resolved through the active appeal process. This would be similar to the approach taken with appealed By-law 094-2018 (i.e. Interchange Sanitary works), which was repealed and replaced by By-law 107-2021.

In addition, while 2748355 Canada Inc. is aware of the need for downstream upgrades associated with Sanitary infrastructure because of ongoing development in the VMC and the broader Jane Street corridor. However, the introduction of a new ASDC which is to be assessed through unit-rates in advance of the final engineering design is premature. 2748355 Canada Inc. front-ended, and constructed sanitary infrastructure serving most of the southwest quadrant and parts of the northwest quadrant of the VMC. Through this work, downstream improvements were highlighted as a need. Notwithstanding this required infrastructure, there is ambiguity associated with how the costs in the ASDC were derived as the update to the 2012 MESP remains ongoing.

In light of the foregoing, 2748355 Canada Inc. opines that the introduction of these by-laws is premature, and requests that Committee defers the approval of these items until such time that the work to update the 2012 MESP is finalized, and costs for these infrastructure improvements are further understood.

Thank you for your consideration on these matters.

Sincerely,

IBI Group Professional Services Inc.

City Clerk – Item 6.2 – Committee of the Whole, June 21, 2022

A handwritten signature in dark ink, appearing to read "Stephen Albanese". The signature is fluid and cursive, with the first name "Stephen" written in a larger, more prominent script than the last name "Albanese".

Stephen Albanese MCIP RPP
Associate Director – Planning

cc: Jay Claggett, 2748355 Canada Inc.
Randy Grimes, RGI Enterprises Ltd.
Patrick Duffy, Stikeman Elliott LLP

City Clerk – Item 6.2 – Committee of the Whole, June 21, 2022

APPENDIX 1: APPEAL LETTER 090-2018

Patrick Duffy
Direct: (416) 869-5257
E-mail: pduffy@stikeman.com

June 29, 2018

Delivered by Courier
File No. 142455 1008

Vaughan City Hall, Level 100
2141 Major Mackenzie Dr.
Vaughan, ON L6A 1T

Attention: City Clerk

Re: Notice of Appeal of a By-Law to Impose Area Specific Development Charges – VMC – Interchange SWM Pond Retrofit Works (By-Law 090-2018) Pursuant to Section 14 of the *Development Charges Act, 1997*, S.O. 1997, c. 27

Appellant: 2748355 Canada Inc.

Property: 7540 Jane Street, 101 Exchange Avenue, and 30, 50, 55, 60, 70, 80, 90 and 120 Interchange Way in the City of Vaughan

We are counsel to 2748355 Canada Inc. (the “**Appellant**”).

The Appellant

The Appellant is the registered owner of lands that include the lands municipally known as 7540 Jane Street, 101 Exchange Avenue, and 30, 50, 55, 60, 70, 80, 90, and 120 Interchange Way in the City of Vaughan (legally described and shown on Appendix “A” and referred to as the “**Appellant’s Lands**”). The Appellant’s Lands contains multiple retail and industrial businesses, among other uses.

Grounds for Appeal

By-Law 090-2018 approved development charges regarding a retrofit of the Vaughn Metropolitan Centre Interchange Storm Water Management Pond (the “**Service**”), which are to be imposed upon the service area in Schedule B of the By-Law. The Appellant is the largest landowner within the service area.

The Appellant has concerns regarding the feasibility and ultimate design of the Service. Among other concerns, the Appellant has identified significant design issues with the currently proposed retrofit that will materially and unnecessarily increase the cost of the retrofit; for example, it requires the removal of a currently operating hotel and an office building.

For this reason and any others that we reserve the right to bring forward, we hereby appeal By-Law 090-2018. In support of this Notice of Appeal, please find enclosed:

- a) Legal description and map of Appellant’s Lands;
- b) Completed Appellant Form A1; and
- c) Cheque for the LPAT appeal filing fee in the amount of \$300.00.

Stikeman Elliott

If you have any questions or require any addition information, please contact me. Thank you for your attention to this matter.

Yours truly,

for: Patrick Duffy 

encl.

cc: Patrick Corney, *Stikeman Elliott LLP*
Jay Claggett, *IBI*
Michael Reel, *QuadReal Property Group*

Appendix "A"

PIN 03228-0278 (LT)

PT LTS 4 & 5, CON 5, PTS 5, 15, 17, 26 TO 34, 36, 42, 43, 53 TO 64, 65R20291, SAVE & EXCEPT PT LT 4 CON 5, PTS 1 TO 10, 65R23408 & SAVE & EXCEPT PT LT 4 CON 5, PTS 2, 3, 4, 5, 6, 7, 8, 31, 32, 40, 41, 42, 43 & 44, 65R24974; EXCEPT PT LT 4, CON 5, PTS 2,3,4,5 & 7, 65R28054, EXCEPT PT LT 4 CON 5, PTS 7,9,10,11,15,18,20,22,23 & 28 ON EXPRO. PLN YR1590046; S/T EASE OVER PTS 17, 26, 27, 43 & 60, 65R20291 & PTS 17 & 18, 65R24974, AS IN LT1357479 . S/T EASE OVER PT 34 65R20291, AS IN LT1357483 . S/T EASE OVER PTS 27 & 28, 65R20291 & PTS 17 & 18, 65R24974, AS IN LT1357485 . S/T EASE OVER PTS 27, 28, 29, 54, 55, 56, 58 & 64, 65R20291 & PTS 17 & 18, 65R24974, AS IN LT1357486 . S/T EASE OVER PTS 27, 28 & 29, 65R20291 IN FAVOUR OF PT LT 4 CON 5, PTS 1 TO 10 65R23408, AS IN LT1601211 . T/W EASE OVER PT LT 4 CON 5, PTS 4 TO 10, 65R23408, AS IN LT1601211. S/T EASE OVER PTS 19 & 20, 65R24974, AS IN YR163356 . S/T EASE OVER PTS 19 & 20, 65R24974, AS IN YR163358 . S/T EASE OVER PT 19 65R24974, AS IN YR163362 . T/W EASE OVER PT LT 4 CON 5, PTS 6, 31, 43 & 44, 65R24974, AS IN YR163400 . T/W EASE OVER PT LT 4 CON 5, PTS 6, 7, 8, 40 & 44, 65R24974, AS IN YR163400 . T/W EASE OVER PT LT 4 CON 5, PTS 6, 40 & 44, 65R24974, AS IN YR163400 . S/T EASE OVER PT LT 4 CON 5, PTS 10, 11, 12, 13, 14, 15 & 16, 65R24974, PTS 15, 16, 17 & 18, 65R24974, PTS 19, 20, 21, 22, 23, 24, 33, 35, & 36, 65R24974 & PTS 19 & 20, 65R24974, IN FAVOUR OF PT LT 4 CON 5, VAUGHAN, PTS 2 TO 8 INCL. PTS 31, 32, 40, 41, 42, 43 & 44, 65R24974 , AS IN YR163445 . S/T EASE OVER PTS 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26 & 27, 65R24974, IN FAVOUR OF PT LT 4 CON 5, VAUGHAN, PTS 2 TO 8 INCL., & PTS 31, 32, 40, 41, 42, 43 & 44, 65R24974, AS IN YR163461 ; S/T EASE OVER PTS 8 & 9, 65R28054 IN FAVOUR OF PT LT 4, CON 5, PTS 2,3,4,5 & 7, 65R28054 AS IN YR698001; S/T EASE OVER PT 18, 65R24974 IN FAVOUR OF PT LT 4, CON 5, PTS 2,3,4,5 & 7, 65R28054, AS IN YR698001; S/T EASE OVER PTS 17,18,19 & 20, 65R24974 IN FAVOUR OF PT LT 4, CON 5, PTS 2,3,4,5 & 7, 65R28054 AS IN YR698001; S/T EASE OVER PTS 1,3,6,14,17,19,21 & 25 ON EXPRO. PLN YR1590046; S/T EASE OVER PTS 8,13,24 & 27 ON EXPRO. PLN. YR1590046; S/T TEMP. EASE OVER PTS 5,6,12,14,16,25 & 26 ON EXPRO. PLN. YR1590046; CITY OF VAUGHAN.

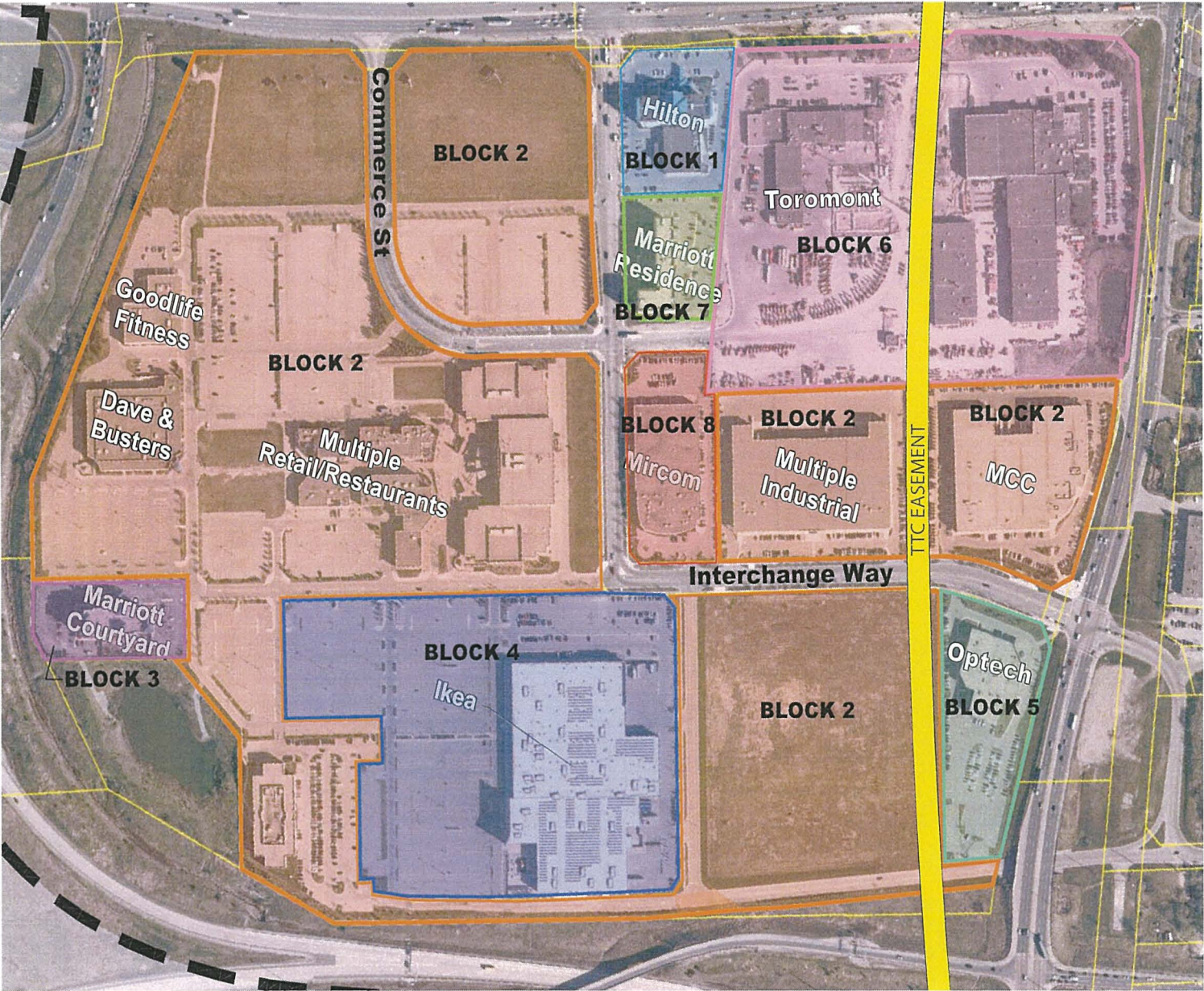
PIN 03228-0286 (LT)

PT LTS 4 & 5, CON 5 (VGN) PTS 24 & 35, 65R20291, EXCEPT PTS 1 & 2, 65R25360, EXCEPT PT 1, 65R28896, EXCEPT PTS 2 & 4 ON EXPRO. PLN YR1590046; S/T EASE OVER PT 24 65R20291 AS IN LT1357479; T/W EASE OVER PT LT 4 CON 5, PTS 4,8 & 9, 65R23408, AS IN LT1601211. T/W EASE OVER PT LT 4 CON 5, PTS 5,6,7 & 10, 65R23408, AS IN LT1601211; T/W EASE OVER PT LT 4 CON 5, PTS 6,31,43 & 44, 65R24974; PT LT 4 CON 5, PTS 6,7,8,40 & 44, 65R24974 & PT LT 4 CON 5, PTS 6, 40 & 44, 65R24974, AS IN YR163400; S/T EASE OVER PTS 1 & 3 ON EXPRO PLN YR1590046; CITY OF VAUGHAN.

PIN 03228-0289 (LT)

PT LT 5, CON 5, PTS 1, 3, 4, 9, 19, 20, 66-69 INCL. PL 65R20291 EXCEPT PT 6 ON EXPRO PLN YR1694787; S/T EASE OVER PT 66 65R20291 AS IN LT1357479. T/W EASE OVER PT LT 4 CON 5 PTS 4, 8 & 9 65R23408 AS IN LT1601211 ; T/W EASE OVER PT LT 4 CON 5 PTS 5, 6, 7 & 10 65R23408 AS IN LT1601211 . T/W EASEMENTS OVER :- PT LT 4 CON 5, PTS 6, 31, 43 & 44, 65R24974; PT LT 4 CON 5, PTS 6, 7, 8, 40 & 44, 65R24974 & PT LT 4 CON 5, PTS 6, 40 & 44, 65R24974, AS IN YR163400. S/T EASE OVER PTS 28, 29 & 30, 65R24974 IN FAVOUR OF PT LT 4 CON 5, PTS 2 TO 8 INCL., & PTS 31, 32, 40, 41, 42, 43 & 44, 65R24974, AS IN YR163461; S/T TEMPORARY EASE OVER PT 1 EXPRO PL YR2137850 UNTIL AUGUST 11, 2018; CITY OF VAUGHAN.

Block Ownership - Southwest Quadrant of the Vaughan Metropolitan Centre





Environment and Land Tribunals Ontario
Local Planning Appeal Tribunal
 655 Bay Street, Suite 1500
 Toronto ON M5G 1E5
 Telephone: 416-212-6349
 Toll Free: 1-866-448-2248
 Website: www.elto.gov.on.ca

Appellant Form (A1)

Receipt Number (LPAT Office Use Only)

LPAT Case Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority

To file an appeal, select one or more below *

- ☐ Appeal of *Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
- ☐ Second appeal of a *Planning Act* matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, *Building Better Communities and Conserving Watersheds Act*, 2017, allows appeals to the Tribunal of some *Planning Act* matters previously determined by LPAT.
- ☒ Appeals of other matters, including Development Charges, *Education Act*, *Aggregate Resources Act*, *Municipal Act* and Ontario Heritage, proceed to Section 1C

1 C. Other Appeal Types (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Reference (Section)
Development Charges Act Matters		
Development Charge By-law	<input checked="" type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
Aggregate Resources Act Matters		

Subject of Appeal	Type of Appeal	Reference (Section)
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
	<input type="checkbox"/> Revocation of licence	20(4)

Municipal Act Matters

Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	

Ontario Heritage Act Matters

Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

Other Act Matters

Subject of Appeal Development Charge By-Law	Act/Legislation Name Development Charges Act, 1997, S.O. 1997, c. 27	Section Number 14
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2. Location Information

Address and/or Legal Description of property subject to the appeal *

Lands municipally known as 7540 Jane Street, 101 Exchange Avenue, and 30, 50, 55, 60, 70, 80, 90 and 120 Interchange Way. A legal description is included at Appendix "A" of the notice of appeal.

Municipality *
City of Vaughan

Upper Tier (Example: county, district, region)
York Region

3. Appellant/Objector Information

Note: You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name Mike		First Name Reel
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) 2748355 Canada Inc. (QuadReal Property Group Limited Partnership)		
Email Address mike.reel@quadreal.com		
Daytime Telephone Number * 416-673-7405		ext. Alternate Telephone Number

Mailing Address			
Unit Number 2100	Street Number * 199	Street Name * Bay	PO Box
City/Town * Toronto	Province * Ontario	Country * Canada	Postal Code * M5L1G2

4. Representative Information

☒ I hereby authorize the named company and/or individual(s) to represent me

Last Name Duffy	First Name Patrick
Company Name Stikeman Elliott LLP	
Professional Title Lawyer	
Email Address pduffy@stikeman.com	
Daytime Telephone Number 419-869-5257	ext. Alternate Telephone Number

Mailing Address			
Unit Number 5300	Street Number 199	Street Name Bay	PO Box
City/Town Toronto	Province Ontario	Country Canada	Postal Code M5L 1B9

Note: If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

☐ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Subject Information

Municipal Reference Number(s) * By-Law 090-2018
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For all other appeal types

Outline the nature of the appeal and the reasons for the appeal

Oral/written submissions to council

If applicable, did you make your opinions regarding this matter known to council?

- ☐ Oral submissions at a public meeting of council
- ☐ Written submissions to council

6. Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes ☒ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

☐ Yes ☒ No

7. Case Information

For all other appeal types :

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.).


8. Required Fee

Total Fee Submitted * \$ 300

Payment Method * ► ☐ Certified cheque ☐ Money Order ☒ Lawyer's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Patrick Duffy		2018/06/29

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.