

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 209-2022**

**A By-law to designate by Number an amendment to City of Vaughan By-law 1-88, as amended, as effected by the Ontario Land Tribunal.**

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the Amendment to City of Vaughan By-law 1-88, as amended, as effected by the Ontario Land Tribunal Order Issue, dated the 24th day of June 2022 (OLT Case No. PL171236, File No. PL171237), attached hereto as Attachment 1 is hereby designated as By-Law Number 209-2022.

Enacted by City of Vaughan Council this 28<sup>th</sup> day of September 2022.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** June 24, 2022 **CASE NO.:** PL171236

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Islamic Shia Ithna-Asheri Jamaat Of Toronto  
Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment

Existing Designation: Low-Rise Residential and Natural Area  
Proposed Designated: Mid-Rise Mixed Use and Natural Area  
Purpose: To permit mixed use development on the land which will consist of a mix of residential, commercial, institutional and open space uses.

Property Address/Description: 9000 Bathurst Street  
Municipality: City of Vaughan  
Approval Authority File No.: OP.13.013  
OMB Case No.: PL171236  
OMB File No.: PL171236  
OMB Case Name: Islamic Shia Ithna-Asheri Jamaat Of Toronto v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Islamic Shia Ithna-Asheri Jamaat Of Toronto  
Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of the City of Vaughan to make a decision

Existing Zoning: "A - Agricultural Zone" and "OS1 - Open Space Conservation Zone"

Proposed Zoning: "RVM1(A) Residential Urban Village Multiple Zone One (Street Townhouse)"; "RVM2 Residential Urban Village Multiple Family Zone Two"; "RA3 Apartment Residential Zone"; "A Agricultural Zone"; and "OS1 Open Space Zone"

Purpose: To permit mixed use development on the land which will consist of a mix of residential,

Property Address/Description:	commercial, institutional and open space uses.
Municipality:	9000 Bathurst Street
Municipality File No.:	City of Vaughan
OMB Case No.:	Z.13.036
OMB File No.:	PL171236
	PL171237

BEFORE:

STEVEN COOKE	)	Friday, the 24 <sup>th</sup>
	)	
VICE-CHAIR	)	day of June, 2022

**THIS MATTER** having come on for a public hearing before the Local Planning Appeal Tribunal (continued as the Ontario Land Tribunal, the “**Tribunal**”);

**AND WHEREAS** the Tribunal, by way of a decision issued on October 17, 2019 (the “**Decision**”), determined that the appeal under subsection 22(7) and 34(11) of the *Planning Act* (the “**Appeals**”) should be allowed, in part, and approved in principle with its final order withheld pending confirmation from the City Solicitor that the conditions identified in paragraph 51 of the October 17, 2019 Decision be fulfilled;

**AND THE TRIBUNAL HAVING BEEN ADVISED** that all of the conditions set out in in paragraph 51 of the October 17, 2019 Decision be fulfilled;

**AND THE TRIBUNAL** being satisfied that its direction as set out in the Decision has been met;

**THE TRIBUNAL ORDERS** that the Appeals of Islamic Shia Ithna-Asheri Jamaat of Toronto are allowed, and the Official Plan Amendment and Zoning By-law Amendments are approved and are attached to this Order as “Attachment 1”.

*“Euken Lui”*

EUKEN LUI  
ACTING REGISTRAR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

**ATTACHMENT 1**

**THE CITY OF VAUGHAN**  
**ZONING BY-LAW**  
**BY-LAW NUMBER 209-2022**

**A By-law to amend City of Vaughan Zoning By-law 1-88, as amended.**

**WHEREAS** the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

**AND WHEREAS** there has been no amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are not in conformity;

**NOW THEREFORE** the Ontario Land Tribunal **ORDERS AS FOLLOWS:**

1. That City of Vaughan By-law Number 1-88, as amended, be hereby further amended as follows:
  - A. Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto from A Agricultural Zone and OS1 Open Space Conservation Zone to RVM1(A)(H) Residential Urban Village Multiple Zone One (Street Townhouse) with Holding Symbol (“H”); RT1(H) Residential Townhouse Zone One with Holding Symbol (“H”); RA3(H) Apartment Residential Zone with Holding Symbol (“H”); A Agricultural Zone; and, OS1 Open Space Conservation Zone, as shown on Schedule “1”.
  - B. Adding the following Paragraph to Section 9.0 “EXCEPTIONS”:

(1550) A. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E-1681A”, until the Holding Symbol “(H)” is removed by amendment to the by-law from all or any portion of such lands:

- a) Lands zoned with the Holding Symbol “(H)” shall be used only for a use legally existing as of the date of the enactment of the By-law, a use permitted under the A Agricultural Zone, or a surface parking lot;
- b) A By-law to remove the Holding Symbol “(H)” from the lands or any portion thereof shall not be enacted until the following conditions are satisfied in relation to such lands:
  - i) Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Protocol assigning capacity for the portion of the subject lands proposed for removal of the “H”;
  - ii) The Owner obtains approval of a Draft Plan of Subdivision application for the Subject Lands from Vaughan Council, pursuant to Section 51 of the *Planning Act*, to the satisfaction of the City, including the appropriate conditions of Draft Plan of Subdivision approval from the City, the Toronto and Region Conservation Authority and other agencies;
  - iii) The conditions of Draft Plan of Subdivision approval include a condition requiring that the Owner and the City execute a shared use agreement for the private playing field in Block 1 located in the A Agricultural Zone, and for the proposed trail along the valley top of bank should this trail be located on private lands;

- iv) The Owner obtains approval of a Site Development Application from Vaughan Council for that portion of the subject lands proposed for removal of the Holding Symbol “(H)”; and
- v) The implementing Site Plan Agreement(s) is approved and includes the final approved plans and conditions of the City of Vaughan and external public agencies.
- vi) The Owner executes a Density Bonusing Agreement, which shall include a provision that the Owner pay to the City a contribution in the amount of \$378,000.00, to the satisfaction of the City, in accordance with Section 37.1 of the *Planning Act*.

B. Notwithstanding the provisions of:

- a) Subsection 2.0 respecting Definition of “Lot”, Subsection 3.8 a) regarding parking requirements, Subsection 4.12 respecting Uses Permitted in the RA3 Apartment Residential Zone, and the zone standards in Schedule ‘A’;
- b) Subsection 2.0 respecting Definition of “Lot” and “Street Line”, “Street Townhouse Dwelling”, Section 3.21 respecting Frontage on a Public Street, Subsection 3.8 a) regarding parking requirements, Subsection 4.29 respecting Uses Permitted in the RT1 Residential Townhouse Zone and the zone standards in Schedule “A3”;

- c) Subsection 7.2.1 respecting Structures Permitted within the OS1 Open Space Conservation Zone and zone standards in Schedule 'A';
- d) Subsection 8.2 respecting Uses Permitted in the A Agricultural Zone, 3.17 respecting Portions of Buildings Below Grade;
- e) Schedule "A1" respecting zone standards in the RVM1(A) Residential Urban Village Multiple Zone One; and
- f) Subsection 3.8 a) regarding parking requirements.

ai) The following provisions shall apply to the lands zoned RA3 Apartment Residential Zone on Schedule E-1681A upon the removal of the Holding Symbol "(H)":

- a) The following additional uses shall be permitted:
  - i. Independent Living Facility;
  - ii. Long Term Care Facility; and
  - iii. Supportive Living Facility;
- b) The following additional uses shall be permitted on the ground floor of Building B, as show on Schedule 5, to a combined maximum Gross Floor Area of 265 m<sup>2</sup>:
  - i. Bank or Financial Institution;
  - ii. Business or Professional Office;
  - iii. Health Centre;
  - iv. Personal Service Shop;
  - v. Pharmacy; and
  - vi. Retail Store;
- c) The minimum lot area shall be 48 m<sup>2</sup> per dwelling unit;



- d) The minimum rear yard setback shall be 4.5 m;
- e) The maximum building height shall be 8 storeys (31.0 m) for Building 'B' and 6 storeys (25.0 m) for Building 'A', as shown on Schedule 5;
- f) The maximum total number of dwelling units and sleeping units shall be 283; and
- g) All lands zoned RA3 shall be treated as one Lot.
- h) Parking spaces for any building or structure erected may be provided on another lot other than the lot on which the building or structure is erected, provided that lot is located within the Subject Lands identified on Schedule "E-1681A.

bi) The following provisions shall apply to the lands zoned as RT1 Residential Townhouse Zone One on Schedule "E-1681A" upon the removal of the Holding Symbol "(H)":

- a) The definition of "Lot" shall mean a parcel of land fronting on a public or private street separate from any abutting land to the extent that a consent contemplated by Section 53 of the *Planning Act*, R.S.O. 1983 would not be required for its conveyance. For the purpose of this paragraph, land defined in an application for a building permit shall be deemed to be a parcel of land and a reserve shall not form part of the lot;
- b) The definition of "Street Line" shall mean the dividing line between a lot and a public or private street;
- c) The definition of "Street Townhouse Dwelling" shall mean a townhouse dwelling in which each dwelling unit is situated on its own lot, which lot abuts a public or private street;
- d) A building or structure shall front on a public or private street;

- e) The minimum exterior side yard setback shall be 3.1 m;
  - f) The minimum lot depth shall be 22.0 m
  - g) The minimum lot area shall be 132 m<sup>2</sup> per dwelling unit;
  - h) The minimum rear yard setback shall be 4.0 m; and
  - i) A maximum of 18 dwelling units shall be permitted.
  - j) Parking spaces for any building or structure erected may be provided on another lot other than the lot on which the building or structure is erected, provided that lot is located within the Subject Lands identified on Schedule "E-1681A".
- ci) The following provisions shall apply to the lands zoned OS1 Open Space Conservation Zone on Schedule "E-1681A":
- a) A landscape strip shall be provided abutting lands zoned RVM1(A) Residential Urban Village Multiple Zone One and RT1 Residential Townhouse Zone One with a minimum width of 11.0 m.
- di) The following provisions shall apply to the lands zoned A Agricultural Zone on Schedule "E-1681A":
- a) An above or below ground Parking Garage is permitted, which may provide parking for uses on the Subject Lands identified on Schedule "E-1681A" zoned A Agricultural Zone, RA3 Apartment Residential Zone and RT1 Residential Townhouse Zone One;
  - b) A below grade stratified parking structure and associated above grade air shafts and stairways associated with Building A and Building B, as shown on Schedule 5, shall be permitted;

- c) Any below grade parking structure, including associated air shafts and stairways above grade may have a 0 m setback from any lot line;
  - d) The minimum required setback from the west property line shall be 5.0 m;
  - e) The minimum lot area shall be 5.3 ha; and
  - f) The minimum required setback from the north property line shall be 3.0 m.
  
- ei) The following provisions shall apply to the lands zoned as RVM1(A) Residential Urban Village Multiple Zone One (Street Townhouse) on Schedule "E-1681A" upon the removal of the Holding Symbol "(H)":
  - a) The minimum lot area shall be 132 m<sup>2</sup> per dwelling unit;
  - b) The minimum rear yard setback shall be 4.0 m;
  - c) The minimum lot depth shall be 22 m; and
  - d) A maximum of 42 Street Townhouse Dwellings shall be permitted.
  
- fi) The following provisions shall apply to the Subject Lands identified on Schedule "E-1681A":
  - a) The total parking required for the lands in the RA3 zone shall be provided in sub-surface, surface and/ or above grade parking areas in Zones A and RA3. A Stratified Agreement may be established for common, underground parking facilities as required;

- b) The minimum required number of parking spaces on the Subject Lands shall be provided and maintained based on as shown on Schedules “3” to “7” for the Phase of development depicted;
- c) The location of parking spaces and areas on the Subject Lands shall be provided in accordance with Schedules “3” to “7”;
- d) For the purposes of this Exception Paragraph, a Stratified Agreement means an agreement registered on title by two (2) or more parties for the determination or use of land divided in a vertical manner above and/ or below grade.

- C. Adding Schedule “E-1681A” attached hereto as Schedule “1”.
- D. Adding Schedule “E-1681B” attached hereto as Schedule “3”, Schedule “E-1681C” attached hereto as Schedule “4”, Schedule “E-1681D” attached hereto as Schedule “5”, Schedule “E-1681E” attached hereto as Schedule “6”, and Schedule “E-1681F” attached hereto as Schedule “7”.
- E. Deleting Key Map 2C and substituting therefor the Key Map 2C attached hereto as Schedule “2”.

## SUMMARY TO BY-LAW 209-2022

The lands subject to this By-law are located at 9000 Bathurst Street, being Part of Lot 14, Concession 2, City of Vaughan.

The purpose of this By-law is to rezone the Subject Lands from “A Agricultural Zone” and “OS1 Open Space Conservation Zone” to “RVM1(A)(H) Residential Urban Village Multiple Zone One” with Holding Symbol (“H”); “RT1(H) Residential Townhouse Zone One” with Holding Symbol (“H”); “RA3(H) Apartment Residential Zone” with Holding Symbol (“H”); “A Agricultural Zone”; and, “OS1 Open Space Conservation Zone”.

Parking shall be provided in Phases, in accordance with Schedules “3” to “7”.

The removal of the Holding Symbol is based upon the satisfaction of the following conditions:

- a) Vaughan Council adopts a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Protocol assigning capacity for the portion of the Subject Lands proposed for removal of the “H”;
- b) The Owner obtains approval of a Draft Plan of Subdivision application for the Subject Lands from Vaughan Council, pursuant to Section 51 of the *Planning Act*, to the satisfaction of the City, including the appropriate conditions of Draft Plan of Subdivision approval from the City, the Toronto and Region Conservation Authority and other agencies;
- c) The conditions of Draft Plan of Subdivision approval include a condition requiring that the Owner and the City execute a shared use agreement for the private playing field in Block 1, and for the proposed trail along the valley top of bank should this trail be located on private lands
- d) The Owner obtains approval of a Site Development Application from Vaughan Council for that portion of the Subject Lands proposed for removal of the Holding Symbol “(H)”;
- e) The implementing Site Plan Agreement(s) is approved and includes the final approved plans and conditions of the City of Vaughan and external public agencies;
- f) The Owners executes a Density Bonus Agreement, to the satisfaction of the City, in accordance with Section 37.1 of the *Planning Act*

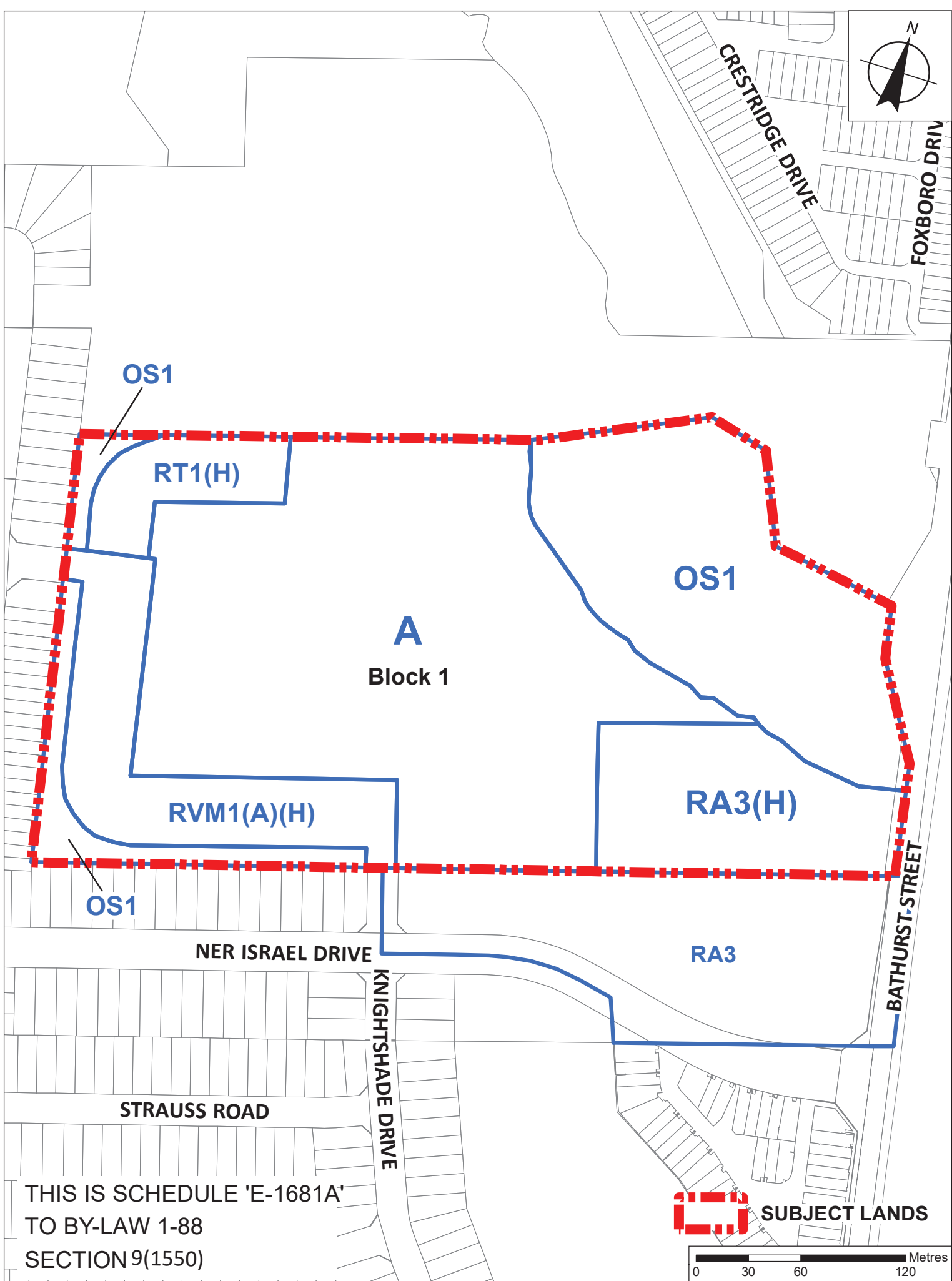
The Owner will be required to provide Section 37.1 benefits, in accordance with the City’s policies and Section 37 guidelines in the amount of \$378,000.

Planning staff have received direction from the Ward Councillor regarding the community benefits as follows:

- a) Improvements to the North Thornhill Community Centre to increase programming space and be able to provide additional programming to

residents.

- b) Repurpose the south lobby area to a multi-purpose activity room for recreational programming.
- c) Repurpose staff room to a multi-purpose activity room at the north end of the community centre to provide space for recreational programming.
- d) Purchase and install gymnasium dividers to increase utilization of the existing gym.
- e) Improve Thornhill Woods Parks with a seating and shade structure.



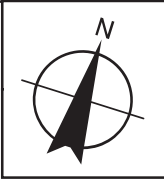
THIS IS SCHEDULE '1'  
TO BY-LAW 209-2022  
APPROVED BY THE OLT THE 24<sup>TH</sup> DAY OF JUNE, 2022

**FILE:** Z.13.036  
**RELATED FILE:** OP.13.013  
**LOCATION:** Part of Lot 14, Concession 2  
**APPLICANT:** Islamic Shia Ithna-Asheri Jamaat of Toronto  
**CITY OF VAUGHAN**

SIGNING OFFICER

**TRIBUNAL ORDER:  
CASE NO. PL171236  
JUNE 24, 2022**

CLERK



RUTHERFORD ROAD



HIGHWAY 7

KEY MAP 2C  
BY-LAW NO. 1-88



THIS IS SCHEDULE '2'  
TO BY-LAW 209-2022  
APPROVED BY THE OLT THE 24<sup>TH</sup> DAY OF JUNE, 2022

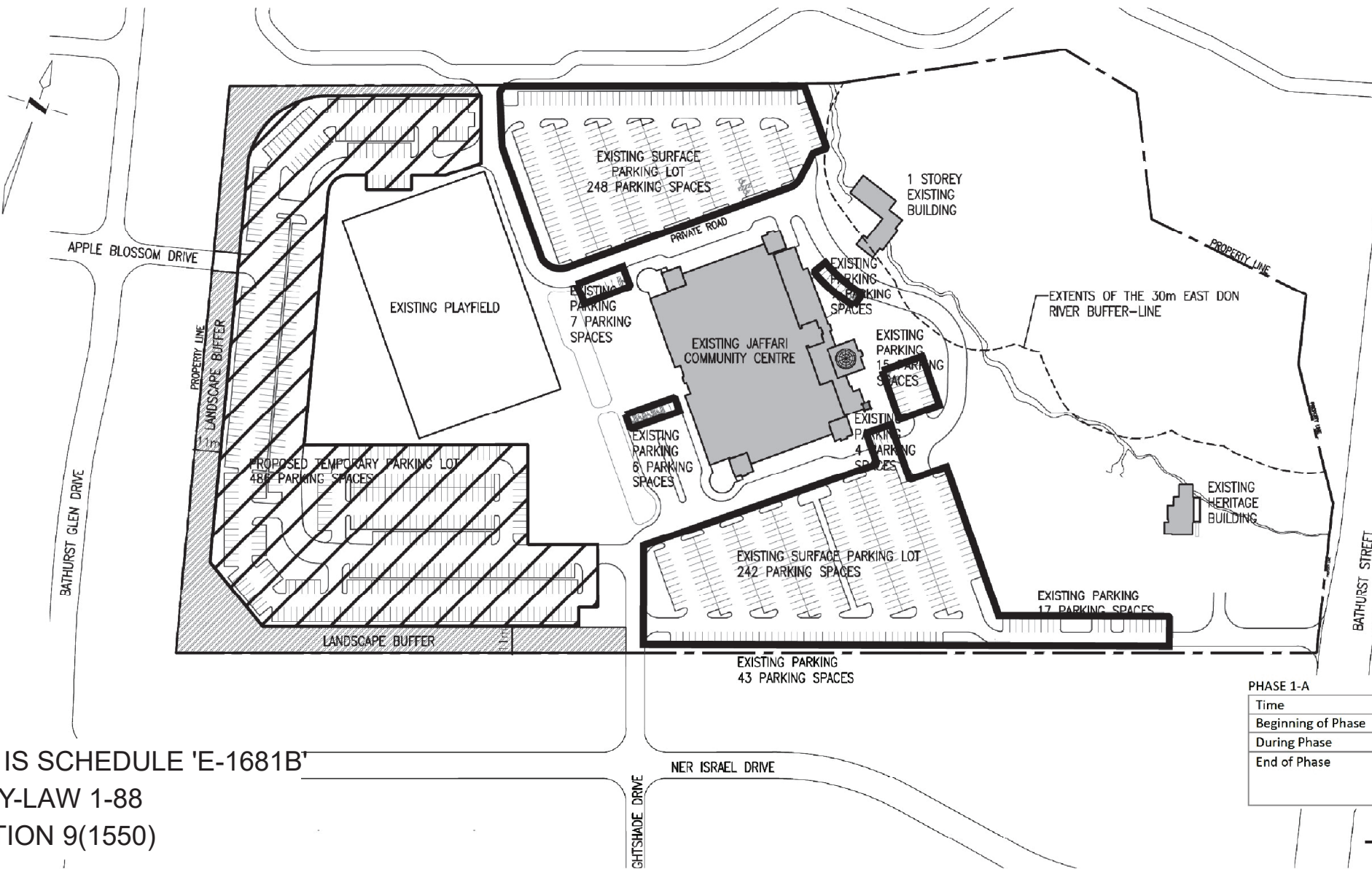
FILE: Z.13.036  
RELATED FILE: OP.13.013  
LOCATION: Part of Lot 14 Concession 2  
APPLICANT:: Islamic Shia Ithna-Asheri Jamaat of Toronto  
CITY OF VAUGHAN

TRIBUNAL ORDER:  
CASE NO. PL171236  
JUNE 24, 2022

CLERK



# PHASE 1-A



- PROPOSED PARKING AREA
- EXISTING PARKING AREA

PHASE 1-A		
Time	Required Bylaw Parking	Provided Parking
Beginning of Phase	585 spaces	589 spaces
During Phase	585 spaces	589 spaces
End of Phase	585 spaces	1075 spaces, including a temporary 486 space surface parking lot

--- SUBJECT LANDS

THIS IS SCHEDULE 'E-1681B'  
TO BY-LAW 1-88  
SECTION 9(1550)

**FILE:** Z.13.036  
**RELATED FILE:** OP.13.013  
**LOCATION:** Part of Lot 14, Concession 2  
**APPLICANT:** Islamic Shia Ithna-Asheri  
Jamaat of Toronto  
**CITY OF VAUGHAN**

THIS IS SCHEDULE '3'  
TO BY-LAW 209-2022  
APPROVED BY THE OLT THE 24<sup>TH</sup> DAY OF JUNE, 2022

**TRIBUTAL ORDER:**  
**CASE NO. PL171236**  
**JUNE 24, 2022**  
CLERK

PHASE 1-B

PHASE 1-B		
Time	Required Bylaw Parking	Provided Parking
Beginning of Phase	585 spaces	829 spaces, including a temporary 486 space surface parking lot
During Phase	585 spaces	829 spaces, including a temporary 486 space surface parking lot
End of Phase	967 spaces	1218 spaces, including a temporary 486 space surface parking lot

THIS IS SCHEDULE 'E-1681C'  
TO BY-LAW 1-88  
SECTION 9(1550)

FILE: Z.13.036  
RELATED FILE: OP.13.013  
LOCATION: Part of Lot 14, Concession 2  
APPLICANT: Islamic Shia Ithna-Asheri  
Jamaat of Toronto  
CITY OF VAUGHAN

THIS IS SCHEDULE '4'  
TO BY-LAW 209-2022  
APPROVED BY THE OLT THE 24<sup>TH</sup> DAY OF JUNE, 2022

TRIBUNAL ORDER:  
CASE NO. PL171236  
JUNE 24, 2022



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# PHASE 2

## PHASE 2

Time	Required Bylaw Parking	Provided Parking
Beginning of Phase	967 spaces	1074 spaces, including a temporary 486 space surface parking lot
During Phase	967 spaces	1074 spaces, including a temporary 486 space surface parking lot
End of Phase	1099 spaces	1239 spaces, including a temporary 486 space surface parking lot

 PROPOSED PARKING  
 EXISTING PARKING

--- SUBJECT LANDS

THIS IS SCHEDULE 'E-1681D'  
TO BY-LAW 1-88  
SECTION 9(1550)

**FILE:** Z.13.036  
**RELATED FILE:** OP.13.013  
**LOCATION:** Part of Lot 14, Concession 2  
**APPLICANT:** Islamic Shia Ithna-Asheri  
 Jamaat of Toronto  
**CITY OF VAUGHAN**

THIS IS SCHEDULE '5'  
 TO BY-LAW 209-2022  
 APPROVED BY THE OLT THE 24<sup>TH</sup> DAY OF JUNE, 2022

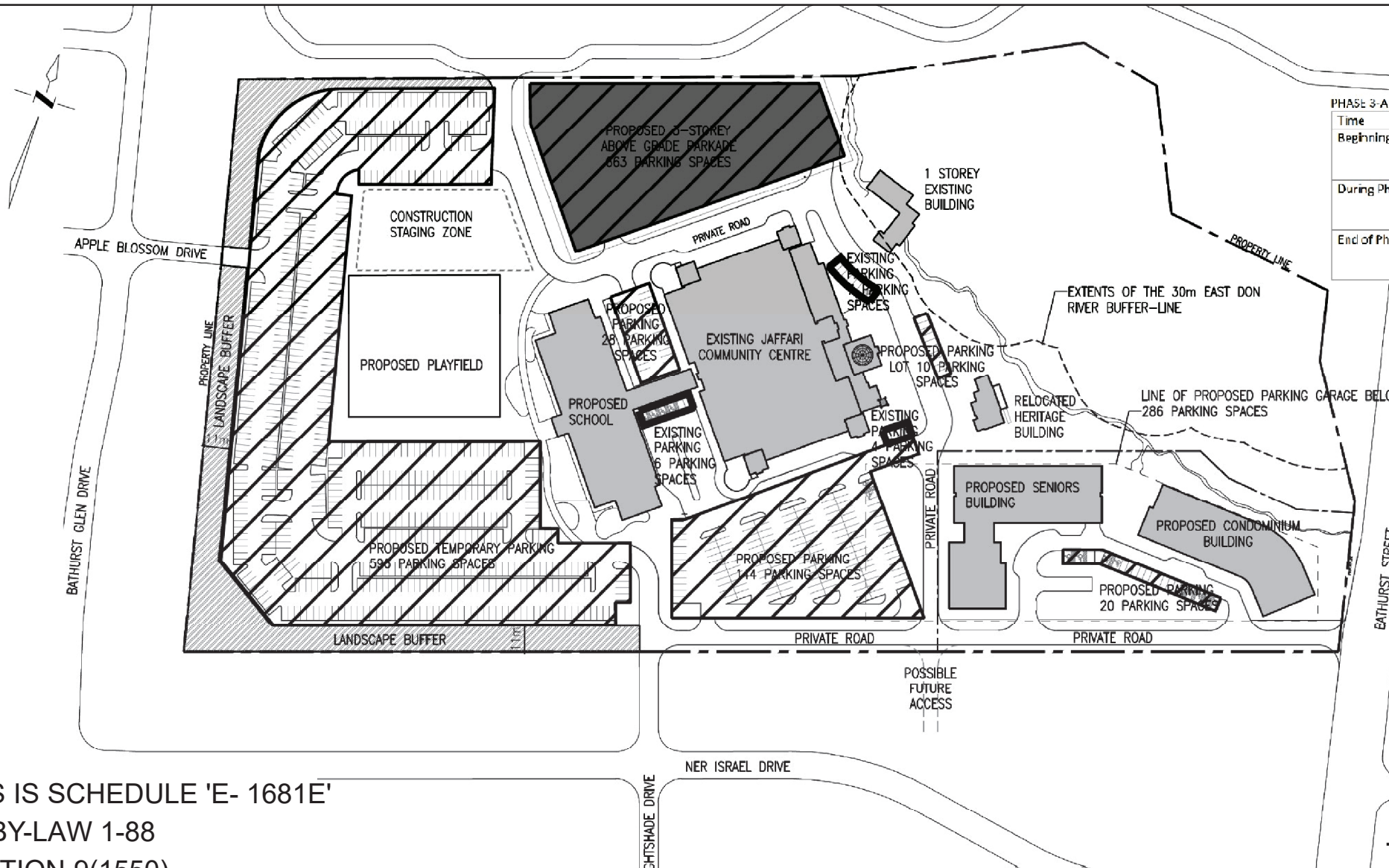
**TRIBUNAL ORDER:**  
**CASE NO. PL171236**  
**JUNE 24, 2022**

CLERK

# PHASE 3-A

PHASE 3-A

Time	Required Bylaw Parking	Provided Parking
Beginning of Phase	1099 spaces	1101 spaces, including a temporary 486 space surface parking lot
During Phase	1099 spaces	1101, including a temporary 486 space surface parking lot
End of Phase	1099 spaces	1794 spaces, including a 596 temporary surface parking lot



THIS IS SCHEDULE 'E- 1681E'  
TO BY-LAW 1-88  
SECTION 9(1550)

**FILE:** Z.13.036  
**RELATED FILE:** OP.13.013  
**LOCATION:** Part of Lot 14, Concession 2  
**APPLICANT:** Islamic Shia Ithna-Asheri  
Jamaat of Toronto  
**CITY OF VAUGHAN**

THIS IS SCHEDULE '6'  
TO BY-LAW 209-2022  
APPROVED BY THE OLT THE 24<sup>TH</sup> DAY OF JUNE, 2022

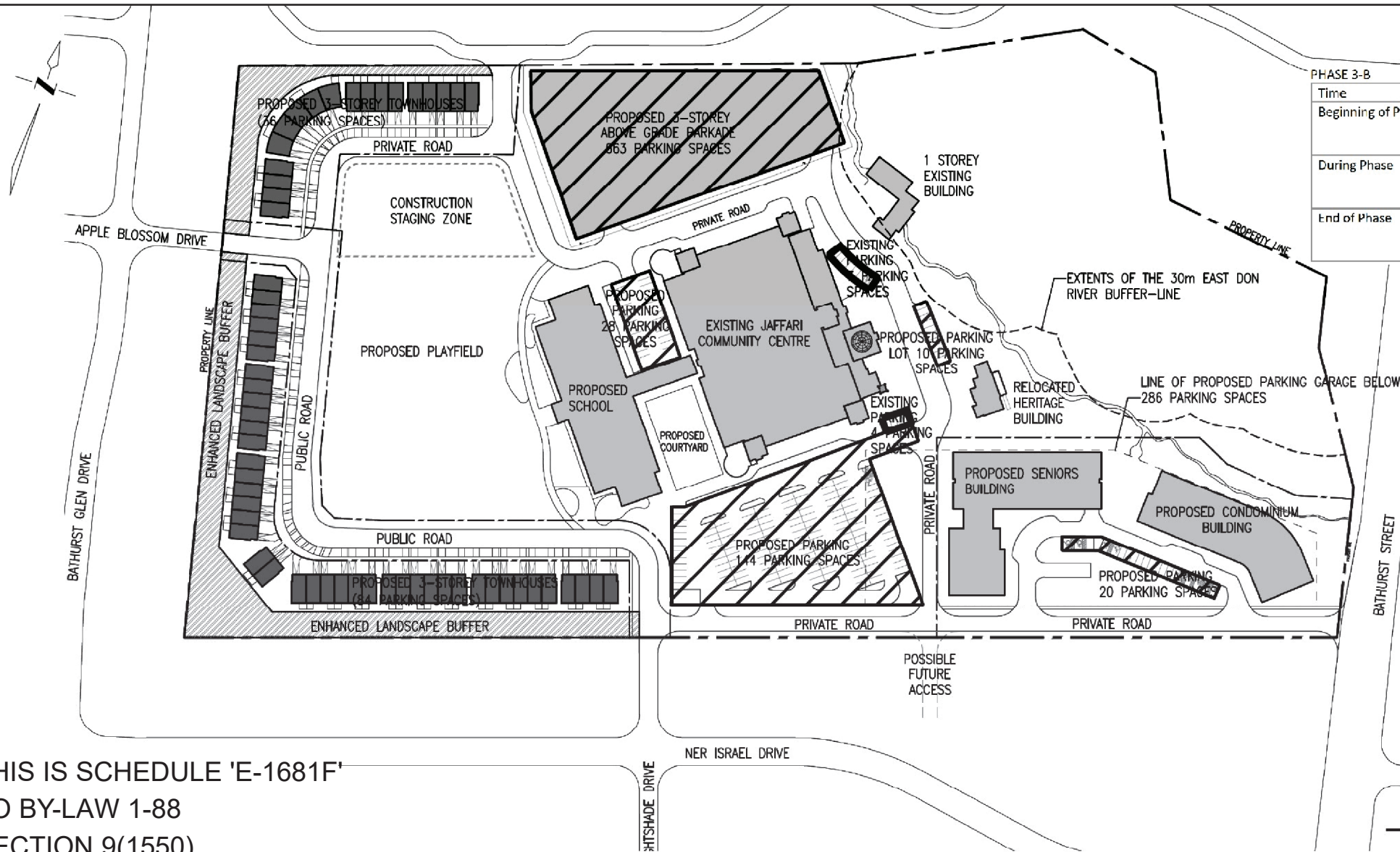
**TRIBUNAL ORDER:**  
**CASE NO. PL171236**  
**JUNE 24, 2022**

CLERK



PHASE 3-B

Time	Required Bylaw Parking	Provided Parking
Beginning of Phase	1099 spaces	1219 spaces, temporary surface parking lot removed
During Phase	1099 spaces	1219 spaces, temporary surface parking lot removed
End of Phase	1219 spaces	1282 spaces, temporary surface parking lot removed



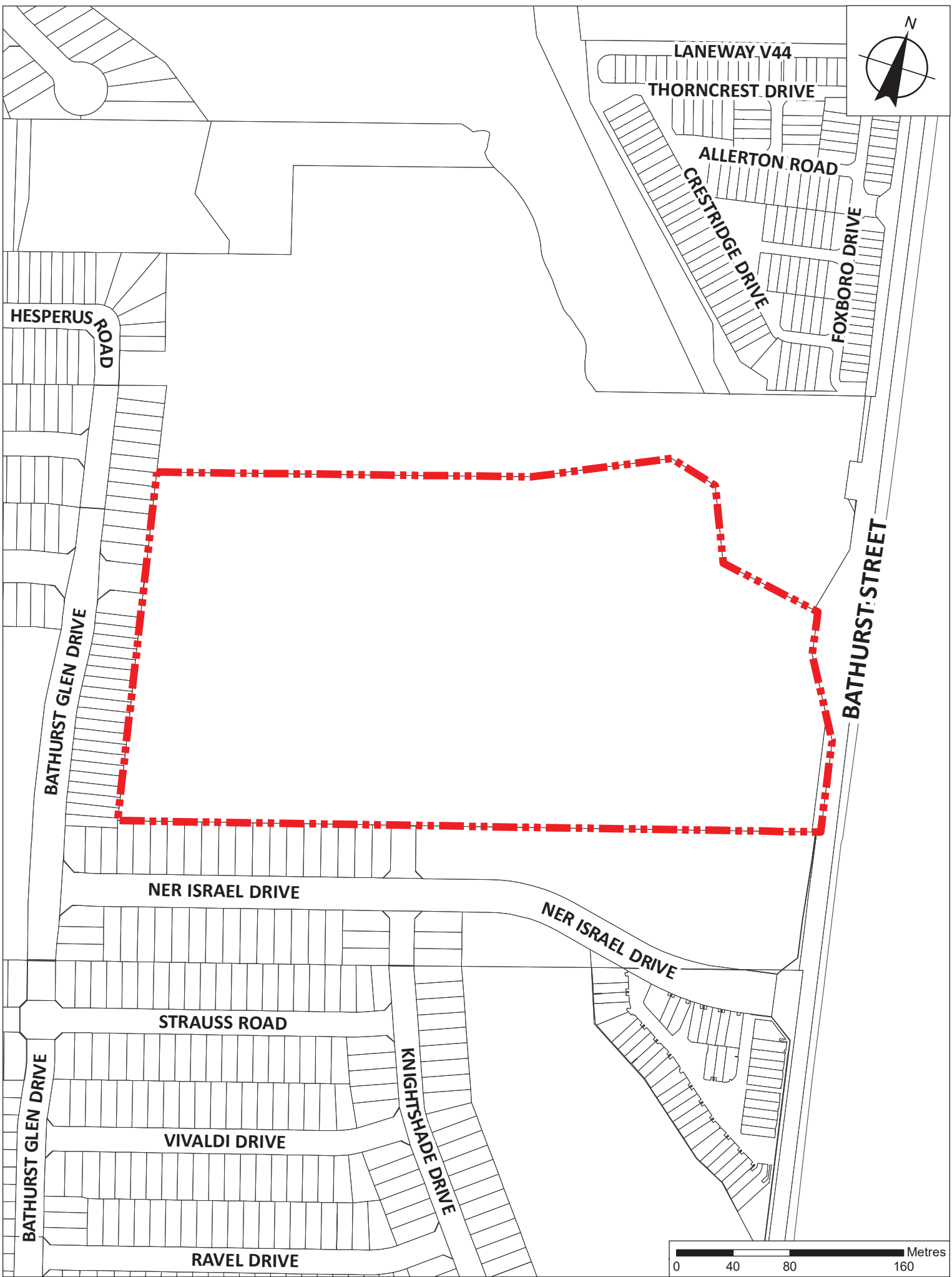
THIS IS SCHEDULE 'E-1681F'  
TO BY-LAW 1-88  
SECTION 9(1550)

**FILE:** Z.13.036  
**RELATED FILE:** OP.13.013  
**LOCATION:** Part of Lot 14, Concession 2  
**APPLICANT:** Islamic Shia Ithna-Asheri  
 Jamaat of Toronto  
**CITY OF VAUGHAN**

THIS IS SCHEDULE '7'  
TO BY-LAW 209-2022  
APPROVED BY THE OLT THE 24<sup>TH</sup> DAY OF JUNE, 2022

**TRIBUNAL ORDER:  
CASE NO. PL171236  
JUNE 24, 2022**

CLERK



# LOCATION MAP TO BY-LAW 209-2022

**FILE:** Z.13.036  
**RELATED FILE:** OP.13.013  
**LOCATION:** Part of Lot 14, Concession 2  
**APPLICANT:** Islamic Shia Ithna-Asheri Jamaat of Toronto  
**CITY OF VAUGHAN**

