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December 9, 2022

MGP File: 11-2003

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

via email: clerks@vaughan.ca

Dear Mayor Del Duca and Members of Council:

**RE: Pre-Consultation and Complete Application Submission Requirements Official  
Plan Amendment  
Comments from Block 41 Landowners Group**

Malone Given Parsons Ltd. (“MGP”) is the Planning Consultant for the Block 41 Landowners Group, who own approximately 297 gross hectares of land within the City of Vaughan. Block 41 is one of two New Community Areas intended to accommodate growth up to the 2031 planning horizon in the City of Vaughan.

On behalf of the Block 41 Landowners Group (“LOG”), we have reviewed the Amendment to the Vaughan Official Plan 2010, Volume 1 “Pre-Consultation and Complete Application Submission Requirements” Committee of the Whole (Public Meeting) Report, dated September 13, 2022.

It is recognized that the proposed requirements are in response to new Provincial legislation that incentivizes the City to implement a streamlined development application review process. **However, since the staff report was prepared, in a letter dated November 30, 2022 (Attachment 1), the Minister of Municipal Affairs and Housing has noted that the implementation of development refund requirements will be delayed by six months, from January 1, 2023 to July 1, 2023. The deferral of this implementation allows Council additional time to consider the proposed Official Plan Amendment (“OPA”) and further engage with concerned stakeholders. Therefore, we ask that Council not approve the proposed OPA at this time. We understand that other municipalities such as the City of Pickering have taken a similar approach.**

The balance of this letter outlines our concern that the proposed OPA to the Vaughan Official Plan 2010 (“VOP 2010”) has an unintended consequence of lengthening the Pre-application Consultation (“PAC”) process prior to the commencement of complete application timelines and increases the timeline for development application approvals overall within the City of Vaughan. In our opinion, the OPA is contrary to the intent of Bill 109, the More Homes for Everyone Act, 2022, which supported expedited approvals to build homes faster.

## Increased Complete Application Requirements

The OPA proposes several steps that are required prior to a complete application determination. This includes:

- Pre-Application Public Consultation Meeting and Report
- Design Review Panel Meeting
- Preliminary Zoning Review
- GIS Conformity Letter
- Delineation of Environmental Development Limits

Public consultation is typically undertaken after development applications are submitted, when the supporting studies and analysis have been completed. This allows for meaningful dialogue between the applicants and residents to discuss the proposed development. Public comments are then considered as part of a revised submission, along with more technical comments received from City and Regional departments, conservation authority, and external agencies. If required, a **Pre-Application Public Consultation Meeting** will now be undertaken prior to the application submission, which results in residents commenting on development proposals that have not been formalized and any discussions may be premature as more technical review has not been completed. The documentation of this meeting through a report potentially provides an inaccurate picture of the proposal. If required, it is preferred that the Pre-Application Public Consultation Meeting be led by the applicant to avoid delays. Further, the Ward Councillor and Planning Staff should be required to attend to represent the City.

Similarly, if required, a **Design Review Panel** meeting will now be undertaken prior to the application submission. This procedure will also expend time and resources for the Design Review Panel members to review a development proposal that has not been formalized and may be at a more preliminary stage.

The OPA requires the confirmation of a **preliminary zoning review** as part of the initial submission. The timing and process for obtaining a preliminary zoning review is currently unclear. We are concerned this requirement has the potential to extend the timeline prior to making a formal development application submission. If this is a requirement for the initial submission, we would recommend that Staff should provide the preliminary zoning review together with the PAC Understanding Checklist. Further, not every application will warrant a preliminary zoning review; however, the proposed policy does not allow for flexibility to exclude this process.

In the same vein, digital files for Draft Plan of Subdivision, Draft Plan of Condominium, Site Plan, and Landscape Plan are currently subject to pre-submission review by the GIS section of the Development Planning Department. We recognize that with the current volume of applications the GIS section is already constrained by their available staff; however, it remains a fact that the expected timeline to obtain a **GIS Conformity Letter** is also unclear. Therefore, this requirement also has the potential to extend the timeline prior to making a formal development application submission.

Lastly, the OPA proposes to require **environmental development limits** to be delineated as part of a complete application. This includes the establishment of the precise limits of the feature including required vegetation protection zones, to the satisfaction of the City and Toronto and Region Conservation Authority (“TRCA”). While feature limits are often delineated and included as part of related environmental studies that support development applications, this requirement does not provide flexibility for cases where the scale or scope of the project may not warrant pre-agreement of the feature limit. In our opinion, there should continue to be latitude to stake and finalize the environmental development limit as part of the development application review, to the satisfaction of the City and TRCA.

The timing of the above-mentioned items is a concern for landowners. There may be challenges in achieving all of these required items prior to the expiration of the PAC Understanding. Currently, a PAC Understanding is valid for 180 days from the date of the PAC meeting, with opportunity to extend the deadline to up to 1 year from the PAC meeting. The incorporation of these items prior to application submission may partially streamline an application that is eventually deemed complete. However, the timeline to reach a complete application is well extended in turn.

### **Inefficient Development Approvals Process**

The OPA further proposes restrictions on the timing of applications. In particular, the OPA restricts OPA and Zoning By-law Amendment (“ZBA”) applications from being considered in tandem, as well as ZBA applications with Site Plan applications.

The rationale for separating the OPA and ZBA processes is unclear; however, the landowners expect a significant extension in process timeline as a result. An OPA and ZBA process run concurrently enables a streamlined consultation process, as the OPA and ZBA ultimately facilitate a single development proposal, at a similar level of detail. In our experience, depending on complexity, concurrent OPA and ZBA applications can take three to six months to prepare for submission and six months to a year for approval, once a complete application is received. This timeline will essentially be doubled if OPAs are to be approved and in full force and effect prior to the City processing a ZBA application. This requirement is further complicated if the application is appealed to the Ontario Land Tribunal (“OLT”), as the approval process is further extended and progress cannot be made to prepare the ZBA, which is ultimately establishes the standards of development within the City.

Similarly, the OPA will restrict a Site Plan application from being processed in tandem with a related ZBA or minor variance application. In our opinion, this eliminates the ability to coordinate the ZBA with the detailed Site Plan, risking the chance that the ZBA review may have missed addressing minor standards that are required to be amended. To add to this, the Planning Act includes a two-year moratorium on applying for minor variance to a site-specific ZBA. We also note that minor variances are also typically determined through the Site Plan application review; therefore, minor variances can not be in full force and effect if the Site Plan application has not yet been submitted for review. This strategy moves away from an efficient approvals process and extends the timeline for approval of Site Plan applications.

We also note that the City may require a PAC for Block Plans and other non-statutory comprehensive planning measures. While Block 41 is currently going through the Block Plan process, the landowners are concerned that this direction unnecessarily increases approval timelines for non-statutory measures that are not affected by the new Provincial legislation. Further, there is apprehension that a PAC requirement for these planning measures may then preclude subsequent statutory development applications from being submitted or deemed complete.

To help mitigate delays prior to being able to submit a development application, the landowners also ask that the City prescribe a timeline for Staff to host a PAC meeting (e.g. two weeks from the date of a PAC request), as well as a timeline for Staff to issue the PAC Understanding (e.g. 21 days from the PAC meeting).

The landowners are overall concerned with not only the increased complete application requirements, but the creating an inefficient and extended approvals process due to the increased restrictions implemented by the proposed OPA. The barriers have the effect of delaying the construction of much needed housing development in the City of Vaughan, and increasing associated application costs.

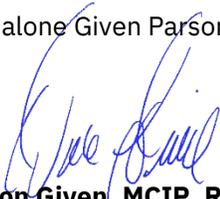
## **Conclusion**

As noted, the Minister of Municipal Affairs and Housing intends to defer the implementation of development application refund requirements to July 1, 2023. Therefore, we ask that Council similarly defer approval of the proposed OPA and continue to engage with concerned stakeholders, which is an approach that other municipalities have considered.

We thank you for the opportunity to provide input on the proposed Pre-Consultation and Complete Application Submission Requirements and look forward to continuing to engage with Staff through further discussions. Should you have any questions or wish to discuss our comments, please do not hesitate to contact me at 905.513.0170

Yours very truly,

Malone Given Parsons Ltd.



**Don Given, MCIP, RPP**  
**Founder**

*Att 1 Ministry of Municipal Affairs and Housing Letter, dated November 30, 2022*

*cc Block 41 Landowners Group  
Haiqing Xu, City of Vaughan  
Fausto Filipetto, City of Vaughan*



November 30, 2022

Colin Best  
President  
Association of Municipalities of Ontario  
[amopresident@amo.on.ca](mailto:amopresident@amo.on.ca)

Dear Colin Best:

I am writing to you today in the spirit of the long-standing partnership between Ontario and the Association of Municipalities of Ontario.

Since the day our government took office, we have been steadfast in our support and empowerment of our municipal partners. Working together, Ontario has provided tens of billions of dollars in new funding to support municipal services and build critical infrastructure, spurring job creation and creating the conditions for long-term economic growth.

During the COVID-19 pandemic, governments rightly put politics aside to work together as a unified team. That is why our government, in partnership with the federal government, was proud to provide over \$4 billion to Ontario's municipalities through the Safe Restart Agreement to address pandemic-related pressures, including for public transit, shelters and other operating costs. In fact, this funding provided one of the largest investments the province has ever made in the housing and homelessness sector.

I am writing today to address municipal feedback regarding Bill 23, the *More Homes Built Faster Act*. In particular, I would like to address the suggested impact the legislation could have on the ability of municipalities to fund infrastructure and services that enable housing.

The central intention of Bill 23 is to build more homes that are attainable for our growing population by discounting and exempting municipal fees and taxes for affordable, non-profit and purpose-built rental housing, and new homebuyers who otherwise face these significant costs. For example, municipal fees and taxes currently add an average of \$116,900 to the cost of a single-family home in the Greater Toronto Area before a single shovel is in the ground. That's the size of a down payment for many families, and puts the dream of homeownership out of reach for thousands of Ontarians.

I know that you and your membership share our goal of building communities that are welcoming to all residents, including new Canadians – towns and cities where everyone can have a place to call home and the dream of home ownership is kept alive. That is why our decision to rein in unsustainable and out-of-control municipal fees on new homebuyers is the right thing to do, and that is why our position on Bill 23 will not waver.

At the same time, it is critical that municipalities are able to fund and contract road, water, sewer, and other housing enabling infrastructure and services that our growing communities need. There should be no funding shortfall for housing enabling infrastructure as a result of Bill 23, provided municipalities achieve and exceed their housing pledge levels and growth targets. That's why we are taking immediate action to launch a third-party audit of select municipalities to get a factual understanding of their finances, including their reserve funds and development charge administration. Together, we can use this process to get the facts, make improvements, and better serve taxpayers by exploring alternative tools for growth to appropriately pay for growth rather than continuing to raise development fees on new homebuyers.

As we undertake this work together, we are committing to ensuring municipalities are kept whole for any impact to their ability to fund housing enabling infrastructure because of Bill 23.

Furthermore, as good partners and in recognition of most municipalities making best efforts to accelerate the issuance of housing permits and approvals to meet and exceed their pledge targets, the government will introduce legislation that, if passed, would delay the implementation of development application refund requirements set out in Bill 109 by six months, from January 1, 2023 to July 1, 2023.

The federal government shares our objective of building 1.5 million homes in Ontario over the next 10 years, particularly at a time when it has set ambitious new targets for immigration. The majority of these newcomers will be welcomed to Ontario in search of jobs and opportunity. To this end, the province looks forward to working with our municipal partners to ensure we receive a proportional share of the federal government's new \$4 billion national Housing Accelerator Fund. We also expect that all municipalities will make an application to the federal Housing Accelerator Fund for funding that will support housing enabling infrastructure and relieve municipal charges levied on new homebuyers.

Together, we will ensure we can achieve our shared goal of building desperately needed homes. A strong partnership between the Province of Ontario and municipalities is critical if we are to solve our housing supply crisis – and we look forward to continuing our work together.

Sincerely,



Steve Clark  
Minister

- c. The Honourable Doug Ford, Premier of Ontario  
The Honourable Chrystia Freeland  
Deputy Prime Minister and Minister of Finance  
The Honourable Peter Bethlenfalvy, Minister of Finance  
The Honourable Caroline Mulroney, Minister of Transportation  
The Honourable Kinga Surma, Minister of Infrastructure  
The Honourable Prabmeet Sarkaria, President of the Treasury Board  
Brian Rosborough, Executive Director, AMO