

Reply to the Attention of: Mary Flynn-Guglietti
Direct Line: 416.865.7256
Email Address: Mary.flynn@mcmillan.ca
Our File No.: 210424
Date: December 5, 2022

BY EMAIL (Clerks@vaughan.ca)

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

Attention: Clerk of the City of Vaughan, Todd Coles

Dear Chair and Members of the Committee of the Whole:

**Re: Committee of the Whole Meeting Tuesday, December 6th, 2022
1529749 Ontario Inc. (Torgan Group) Phase 1
Zoning By-law Amendment File Z.20.019
7700 Bathurst Street (Vicinity of Bathurst Street and Centre Street)**

We are the solicitors retained to act on behalf of 1529749 Ontario Inc. ("**Torgan**"), owners of the lands municipally known as 7700 Bathurst Street, in the City of Vaughan (the "**Subject Property**"). A site specific Official Plan Amendment ("**OPA**") application for the whole of the Subject Lands was filed with the City of Vaughan ("**City**") on April 1, 2016 and deemed complete on April 29, 2016 and assigned City file no. OP.16.006. The site specific OPA was subsequently appealed to the Ontario Municipal Board (now known as the Ontario Land Tribunal or "**OLT**") and assigned file no. PL171353.

On February 25, 2020, the City and Torgan entered into Minutes of Settlement regarding their site-specific OPA appeal for the Subject Property and in order to resolve Torgan's outstanding appeal of the City of Vaughan's Official Plan 2010. The agreement reached was to permit Torgan to submit a rezoning application for its Phase 1 lands only, that would be reviewed and considered under the existing City policies in advance of the completion of the Promenade Centre Secondary Plan ("**PCSP**").

In compliance with the Minutes of Settlement Torgan, through its Planning Consultants, Weston Consulting filed its rezoning application for the Phase I lands only, on June 22, 2020. The Phase 1 lands are located on the western portion of the Subject Lands. The total area of the subject Lands equals approximately 3.3 hectares and is irregular in shape. The Phase I lands equal 0.9 hectares in area of the 3.3 hectare Subject Lands. The

Phase I development contemplates the redevelopment of the western portion of the site while maintaining the remaining two commercial builds and at grade parking on the eastern portion of the Subject Lands. The Phase I lands are bound by North Promenade to the west, Promenade Circle to the south and Centre Street to the north. Also in compliance with the Minutes of Settlement Torgan filed a resubmission of its site specific OPA so that it would deal only with the Phase I lands and no longer the total of the Subject Lands.

On March 28, 2022 we filed, on behalf of Torgan, a Notice of Appeal of its Phase I rezoning application on the basis of the City's failure to adopt the requested amendments within 90 days as set out in the *Planning Act*. The first Case Management Conference for the rezoning appeal was heard on September 6, 2022 and a ten day hearing has been scheduled to commence on July 10, 2023.

We have had an opportunity to review the report to the Committee of the Whole prepared by Haiqing Xu, Deputy City Manager, Planning and Growth Management dated December 6, 2022 and although we are pleased that the Development Planning Department supports the zoning by-law amendment application's height and densities proposed for the Phase I development, we have a number of concerns, including the proposed holding provision conditions listed in the report. In particular and as stated in correspondence to the Committee of the Whole dated March 1, 2022 we respectfully submit that the requirement to enter into a Cost Sharing Agreement regarding "all costs sharing for the provision of roads and municipal services within the Promenade Secondary Plan Area" is contrary to the Minutes of Settlement as the Torgan Phase I lands were to proceed in advance of the PCSP and not be subject to the PCSP. We are also particularly concerned that the City is requesting that our client demonstrate that proper access to the Phase I subject lands is available and requests a title opinion from an abutting land owner, PLP, confirming that the existing easement registered on title permits the continued use of the registered easement. Our clients have previously provided all necessary legal confirmation regarding the easement and no further documentation is required. We also continue to take issue with the parking requirements requested by staff.

We respectfully request that the Committee of the Whole direct staff to reconsider the numerous and inappropriate conditions of the proposed hold related to our client's rezoning application.

Yours truly,



Mary Flynn-Guglietti

Encl.

cc: 1529749 Ontario Inc., Attention: Mr. John Macintyre
Centrecourt Properties Inc., Attention: Mr. Mitch Gascoyne
Mr. Philip Duchon
Weston Consulting, Attention: Mr. Ryan Guetter
City of Vaughan, Attention: Ms. Effie Lidakis
WeirFoulds LLP, Attention: Mr. Bruce Engell