



**C14**  
**COMMUNICATION**  
**COUNCIL – DECEMBER 13, 2022**  
**CW (2) - Report No. 46, Item 2**

Barristers & Solicitors  
Bay Adelaide Centre  
333 Bay Street, Suite 3400  
Toronto, Ontario M5H 2S7  
Telephone: 416.979.2211  
Facsimile: 416.979.1234  
goodmans.ca

Direct Line: 416.849.6938  
mlaskin@goodmans.ca

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Our File No.: 213205

**Via Email**

City of Vaughan – City Council  
City Hall, Level 100  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

**Attention: City Clerk**

Dear Sirs/Mesdames:

**Re: Draft Official Plan Amendment No. 93  
Pre-Consultation and Complete Application Submission Requirements**

We are counsel to Cacoeli Terra Vaughan Ltd. in respect of the lands known municipally in the City of Vaughan as 10811 and 10819 Jane Street (the “**Property**”). Our client has active official plan amendment and rezoning applications with respect to the Property, which have been deemed complete and are in process.

We are writing to indicate our client’s concerns with proposed Official Plan Amendment No. 93 (the “**OPA 93**”). To be clear, our client is not opposed to the concept of a better defined pre-application consultation process. However, as proposed, OPA 93 is flawed and will significantly and unreasonably delay the development process in the City. There are also aspects of OPA 93 that are *ultra vires* the *Planning Act*.

Our client’s specific concerns with various policies are outlined below:

- **10.1.3.2** – This policy could require pre-applicable public consultation and/or review by the Design Review Panel in advance of application submission. This should not be a requirement to enable submission of a *Planning Act* application. Further, the policy indicates that a pre-application meeting may identify potential policy conformity and technical issues to be addressed in ensuring a complete planning application. It is unclear how an application is to address such issues, but the policy should be revised to clarify that these issues do not need to be addressed for an application to be deemed complete.
- **10.1.3.4** – This policy should be revised to enable discretion during a pre-application consultation process to reflect the details of the proposed application. Further, this policy enables terms of reference, standards and guidelines to be issued by City staff that would

not be found in policy or, even worse, for City staff to have discretion simply to provide “instructions” to applicants regarding preparation of studies and reports. This approach is too vague and needs to be revised to reflect the requirements in the *Planning Act*.

- **10.1.3.5** – This policy insertion would create a two-step process for pre-application that is not authorized by the *Planning Act* and will lead to considerable delay. (Our client is also concerned with the discretion, and resulting delay, in requiring review of pre-application materials by a Design Review Panel.)
- **10.1.3.9** – Concurrent planning applications should be reviewed together. Any suggestion that concurrent planning applications may not be deemed complete is a significant issue and potential cause for delay in the planning process. If applications are not reviewed concurrently, it will result in significant delays for approvals, as many details are inter-related (i.e. tower separation distances in an OPA would impact parking layouts, which would impact unit design, etc.). In addition, such an approach is inconsistent with statutory rights in the *Planning Act*. Further, there is no valid basis or statutory authority for withholding issuance of a complete application notice for a site plan application in a heritage district until approval is obtained under the *Ontario Heritage Act*.
- **10.1.3.11** – As noted above, our client welcomes public participation in the planning process. However, there should not be a requirement for public consultation as part of the pre-consultation process. This will lead to significant delay.

As noted above, OPA 93 proposes policies that exceed what is permitted by the applicable statutory provisions, including but not limited to subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act*. In particular, the OPA 93 will slow the issuance of development approvals by inappropriately front-ending too much of the application review process before an application is even finalized for submission. Significant revisions to OPA 93 are required.

Please include us on any notice list at the City regarding this matter.

Yours truly,

**Goodmans LLP**



Max Laskin  
MXL/  
cc. Client

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