

December 12, 2022

By E-Mail to *clerks@vaughan.ca*

City of Vaughan, City Council
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: City Clerk

Dear Sir/Madam:

**Re: Proposed Amendment to Vaughan Official Plan 2010, Policy 10.1.3 and By-law 278-2009, as amended, in Response to Bill 109 (*More Homes for Everyone Act*, 2022)
File 25.7
Committee of the Whole (2) Agenda Item #2 – December 12, 2022**

We are counsel to Concen Developments Limited (“Concen”), the owner of lands located on the north side of Centre Street and east of Concord Road, municipally known as 1260-1314 Centre Street, Vaughan (the “Lands”).

Concen attended a pre-application consultation meeting with City staff on April 27, 2022 in respect of a proposed mixed-use mid-rise development on the Lands, and intends to submit concurrent development applications to the City in the coming weeks.

Concen recently learned that the City is contemplating a proposed amendment to Policy 10.1.3 of the Vaughan Official Plan 2010, regarding the pre-application consultation and complete applications processes. In that regard, we have reviewed the report of the Deputy City Manager, Planning and Growth Management, prepared for the December 12, 2022 meeting the Committee of the Whole, together with the draft Official Plan Amendment appended to the report.

We are writing to advise that Concen has a number of concerns with the proposed Official Plan Amendment. Among other things, the proposed amendment has the potential to significantly prolong the development approvals process, with limited municipal accountability. For example, the proposed amendment contemplates requiring a number of additional steps to be undertaken by the applicant prior to the submission of a complete

application, with no deadlines or timeframes for responses by municipalities or other public agencies.

Moreover, the amendment purports to impose certain requirements for complete applications that go well beyond the City's authority under the *Planning Act*, including a requirement that certain development applications be submitted sequentially rather than concurrently. As the City is well aware, municipalities may require an applicant for certain applications under the *Planning Act* to provide such additional "information and material" as the municipality considers it may need to properly evaluate the application, and only if the official plan contains provisions relating to such requirements. Conversely, there is no authority for municipalities to mandate that the submission of certain applications may only follow the approval of other related applications. Likewise, we question the municipality's authority to require a pre-application submission after the pre-application consultation meeting but prior to the formal submission of applications.

Further, we submit that the proposed amendment improperly seeks to regulate the content of additional information and material that may be required by the municipality, purporting to allow the City to refuse to accept such information and material if it determines that the "quality" of the submission is "unsatisfactory", and to require confirmation from commenting agencies that the content of certain studies, reports or plans is "acceptable".

Concen also has concerns with various provisions in the proposed Official Plan Amendment that purport to require certain documents, either at the pre-application consultation or application submission stages, that may not be applicable or relevant in the circumstances. At a minimum, provision should be made in the proposed amendment to exempt applicants from the requirement to provide certain documents, where appropriate.

In addition, Concen is concerned with the inclusion of general provisions in the proposed amendment that purport to allow the municipality to impose additional requirements for a complete application beyond the specific types of studies, plans and information referred to in the policy. In our view, any potential requirements for a complete application should be clearly identified in the policy.

Finally, if the City's policies regarding the pre-application consultation process and complete application requirements are to be amended, appropriate transition provisions should also be included to ensure that applications that are already in process (either pre-submission or recently submitted) and have already been subject to a pre-application consultation process should not be subject to, and potentially prejudiced by, these proposed new policies.

For these reasons, Concen opposes the proposed Official Plan Amendment in its current form.

Meanwhile, we understand that in a communication addressed to the Mayor and Members of Council, dated December 7, 2022, the Deputy City Manager, Planning and Growth Management, is recommending that "Item #2 to the Committee of the Whole (2) of December 12, 2022 be deferred to a future Committee of the Whole meeting in early 2023 to allow for further review and discussions with other municipalities". Concen supports the proposed deferral of this item to a future meeting of the Committee of the Whole.

Kindly ensure that we receive notice of any decision(s) of the Committee of the Whole and/or City Council regarding this item, and that we be notified in advance of any future public meeting(s) where this matter is to be considered.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Client