

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 017-2022

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.

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, dated the 2nd day of February 2022 (OLT Case No. PL200219), attached hereto as Attachment “2”, is hereby designated as By-Law Number 017-2022.

Enacted by City of Vaughan Council this 15th day of February, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by the Interim Decision and Order of the Ontario Land Tribunal
dated July 20, 2021
and by the final Order of the Ontario Land Tribunal
dated February 2, 2022
(OLT file nos. PL200219 and PL200220)
Adopted by Vaughan City Council on June 22, 2021
(Council Addendum Item No. 4, Min. Nos. 104 and 107)

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 2, 2022

CASE NO.: PL200219

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

Applicant and Appellant:	Dufcen Construction Inc.
Subject:	Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment
Existing Designation:	Community Commercial Mixed Use
Proposed Designated:	Mid-Rise Residential
Purpose:	To permit a 582 unit apartment and stacked townhouse residential development
Property Address/	7850 Dufferin Street
Description: Municipality:	City of Vaughan
Approval Authority File No.:	OP.17.013
LPAT Case No.:	PL200219
LPAT File No.:	PL200219
LPAT Case Name:	Dufcen Construction Inc. 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:	Dufcen Construction inc.
Subject:	Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision
Existing Zoning:	C7 Service Commercial
Proposed Zoning:	RM2 Multiple Residential and RA3 Residential Apartment
Purpose:	To permit a 582 unit apartment and stacked townhouse residential development
Property Address/	7850 Dufferin Street
Description: Municipality:	City of Vaughan
Municipality File No.:	Z.17.013
LPAT Case No.:	PL200219
LPAT File No.:	PL200220

BEFORE:

BRYAN W. TUCKEY
MEMBER

) Wednesday, the 2nd
)
) day of February, 2022

ORDER OF THE TRIBUNAL

THIS MATTER having come on for a public hearing of the merits on June 22, 2021 and the Local Planning Appeal Tribunal, now the Ontario Land Tribunal (the “**Tribunal**”) in its Decision on July 20, 2021 having determined that the subject appeal(s) should be allowed, in part;

AND THE TRIBUNAL having approved in principle two instruments being: the draft Official Plan Amendment to the Official Plan of the Vaughan Planning Area, and the draft Zoning By-law Amendment (as modified) to amend the City of Vaughan Zoning By-law No. 1-88;

AND THE TRIBUNAL having withheld its final Order pending the advise by the City Solicitor that with the consent of the parties to the proposed settlement, that the Official Plan Amendment and Zoning By-law are in a form satisfactory to the City;

THE TRIBUNAL HAVING BEEN ADVISED that these above-noted matters have been completed to the satisfaction of the City of Vaughan;

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

THE TRIBUNAL ORDERS that the appeals are allowed, in part, and that Official Plan Amendment to the Official Plan of the Vaughan Planning Area, and the draft Zoning By-law Amendment (as modified) to amend the City of Vaughan Zoning By-law No. 1-88;

are hereby amended in the manner set out in Attachment “1” and Attachment “2” to this Order.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: 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 2

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 017-2022

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;

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

1. That City of Vaughan Zoning By-law Number 1-88, as amended, be and it is hereby further amended by:
 - a) Rezoning the lands shown as “Subject Lands” on Schedule “1” of this by-law, attached hereto, from C7 Service Commercial Zone subject to site-specific exception 9(1411) and site-specific exception 9(1186) to RM2 Multiple Residential Zone (H) subject to site-specific exception 9(1532), and to OS2 Open Space Zone in the manner shown on Schedule “2”.
 - b) Removing the subject lands as shown on Schedule 1, attached hereto, from the site-specific Exception 9(1411) and Exception 9(1186) in their entirety and replacing it with the following:

9 (1532)

 - A. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E-1663”, until the Holding Symbol “(H)” is removed pursuant to Subsection 36(1) or (3) of the *Planning Act*:
 - i) The lands zoned with the Holding Symbol “(H)” shall be used only for the production of field crops, or a use legally existing as of the date of the enactment of this By-law. Notwithstanding the foregoing, the following uses are permitted prior to the removal of the Holding Symbol “(H)”:
 - a. one (1) temporary sales office, in accordance with Subsection 3.25 respecting Temporary Sales Office in the City of Vaughan Zoning By-law 1-88;
 - ii) The removal of the Holding Symbol “(H)” is contingent upon the following:
 - a. The Owner and the City shall execute a Density Bonusing Agreement, in accordance with Section 37 of the Planning Act, as it read on September 17, 2020, and the Owner shall pay to the City the Section 37 Density Bonusing Agreement surcharge in accordance with the Tariff of Fees for Planning Applications in effect at the time of the execution of the agreement which is registered on title;
 - b. The Owner shall provide to the City of Vaughan a land appraisal report to determine the Section 37 and cash in-lieu of parkland contribution amount resulting from the increased height and density, to the satisfaction of the City of Vaughan;

- c. i) The Owner shall enter into and execute an agreement with the City to provide securities and undertake the necessary works for the provision of external municipal sanitary services or appurtenances thereto, and appropriate easements (if necessary) and any required studies and/or detailed design drawings to the satisfaction of the City. The agreement shall recognize that 7850 Dufferin Street can proceed with development on an interim servicing arrangement subject to an obligation for the owner to contribute its share of the cost of infrastructure works and undertake any necessary improvement works, as determined by the City, associated with implementing the external municipal servicing improvements relating to:
 - a. upgrading of sanitary services or appurtenances thereto on Centre Street, between Dufferin Street and Wade Gate, relating specifically to the development of the lands within the Dufferin BRT Station MTSA; and,
 - b. the on-going Integrated Urban Water Master Plan EA all to the satisfaction of the City.
- ii) The Owner shall enter into and execute an agreement with the City to provide securities and undertake the necessary works for the provision of any external municipal stormwater infrastructure, and appropriate easements and any required studies and/or detailed design drawings, to the satisfaction of the City. Where the extension of external services is proposed to enter onto and/or cross adjacent private lands, the Owner shall demonstrate to the satisfaction of the City that it has entered into a private agreement with the affected landowner and that an appropriate private easement in favour of the Owner has been registered on title to the affected lands, all to the satisfaction of the City.
- d. i) The Owner successfully obtain necessary approvals, easements, and/or permits from all parties including but not limited to City of Vaughan, York Region, Hydro One, and Infrastructure Ontario to construct a private access road connecting the Subject Lands to the Dufferin Street and Beverley Glen Boulevard intersection (the "subject intersection") to the satisfaction of the City and York Region. The Owner shall enter into an agreement with the City and/or York Region, satisfactory to both parties, to secure for the works required to complete the subject intersection at the Owner's expense;
- ii) The Owner successfully obtain the Region's approval with respect to the northbound left-turn storage length that will be modified to accommodate the projected northbound queue of 73.9m at the subject intersection and agree to implement same through the agreement described above, if necessary;
- iii) The Owner will enter into an agreement with the City, on terms satisfactory to the City, agreeing to provide 7818 Dufferin Street an access easement in perpetuity over the entirety of the private access road on 7850 Dufferin Street from its southerly limit adjacent to the 7818 Dufferin Street lands to the proposed full moves intersection at Beverley Glen and Dufferin Street. Fundamental terms of this obligation to be included in the agreement with the City and/or York Region shall include:
 - a. the easement is only required in the instance that either the City or the Region or ultimately the Tribunal determines that a full moves access at Dufferin Street and Beverly Glen is required to service the proposed development at 7818 Dufferin Street;
 - b. the terms of the easement are to be negotiated between the Owner and the owner of 7818 Dufferin Street and shall be on such terms that are satisfactory to the City and the Region.
 - c. Any issue of cost share regarding the private access road on 7850 Dufferin Street is explicitly recognized to be a private matter between the owners of 7818 Dufferin Street and 7850 Dufferin Street.
- e. The Owner has submitted a revised Community Services and

Facilities Study; and

- f. The Owner shall convey a 0.2 hectare park to the City in the location shown on Schedule 2 of this by-law, and shall pay Cash-in-Lieu of Parkland Dedication as required by the Planning Act all in accordance with City of Vaughan By-law 1390-90, as amended by By-law 205-2012, and further amended by By-law 007-2018 to the satisfaction of the City.

B. Notwithstanding the provisions of:

- a. Subsection 2.0 respecting the Definition of “Lot”, “Gross Floor Area”, and “Live-Work Unit”;
- b. Subsection 3.8 a) and c) respecting Parking Requirements;
- c. Subsection 3.13 respecting Minimum Landscaped Areas;
- d. Subsection 4.1.4 b) respecting Parking and Access Requirements;
- e. Subsection 4.1.6 respecting Amenity Area;
- f. Subsection 4.1.9 and Schedule “A” respecting Residential Zone Requirements and the Minimum Zone Standards in the RM2 Multiple Residential Zone; and,
- g. Subsection 4.9 respecting the Uses Permitted in an RM2 Multiple Residential Zone

The following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-1663”:

- ai) For the purpose of this By-law the following Definitions shall apply:

FLOOR AREA, GROSS (G.F.A.) - Means the aggregate of the floor areas of all storeys of a building, measured to the exterior of the outside walls, but not including the areas of any cellar, or car parking area above or below grade within the building or within a separate structure, or any mechanical room located above the uppermost storey containing a dwelling unit.

LIVE-WORK UNIT - Means a dwelling unit containing a business that is operated by at least one resident of the associated dwelling unit.

LOT - the lands zoned RM2 – (9) 1532 (H) as shown on Schedule “E-1663” shall be deemed to be one lot for the purpose of this zoning by-law.

- bi) Notwithstanding the minimum parking requirements in Subsection 3.8 a) and c), the following shall apply:
 - i. Residential - Multiple Family Dwelling; Apartment Dwelling: 1.0 parking space per dwelling unit
 - ii. Visitor parking shall be required at a rate of 0.20 parking spaces per dwelling unit.
 - iii. No parking spaces are required for any commercial use permitted in section gi) of this by-law.
- ci) Notwithstanding Subsection 3.13, a landscaping strip that abuts a street line shall be a minimum of 2.5 metres in width. Balconies and access stairwells are permitted to encroach into the required landscaping strip to maximum of 0.5 metres.
- di) Notwithstanding Subsection 4.1.4 b) i), no landscaping strip shall be required around outdoor parking spaces. The provisions of Subsection 4.1.4 b) ii) shall not apply.
- ei) Notwithstanding Subsection 4.1.6, a minimum of 27.3 square metres of Amenity Area per unit shall be provided for the lot.
- fi) Notwithstanding Schedule A, the following zone standards shall apply:
 - i. There shall be no minimum lot area/unit requirement.
 - ii. The maximum building height shall be as follows, as shown on Schedule “E-1663” :
 - a. Building A – 38m
 - b. Building B – 38m
 - c. Building C – 20m
 - d. Block D, E and F - 14m
 - iii. The minimum yards (front, rear and sides) shall be:
 - a. Front Yard – 3.0 metres

- b. Interior Side Yard (to an OS Zone) – 2.0 metres;
 - iv. A maximum of 600 dwelling units (inclusive of any Live-Work Unit) shall be permitted as follows:
 - a. 68 multiple family dwelling units;
 - b. 532 apartment dwelling units.
 - v. The maximum Gross Floor Area (GFA) permitted on the lot shall be 51,204 square metres.
- gi) Notwithstanding the uses permitted in Subsection 4.9, the following additional uses shall be permitted with a ground floor area of a minimum of 185 square metres and a maximum of 200 square metres within Building A as shown on Schedule '3', to be readily accessible to Dufferin Street:
 - i. Convenience Retail;
 - ii. Personal Service Shop; and/or
 - iii. Live/Work Units.
- 2. Delete Schedule "E-1538" and Schedule "E-1313" substituting therefor the Schedule "E-1538" and "E-1313" attached hereto as Schedule "4" and Schedule "5".
- 3. Delete Key Map 3B and substitute therefor the Key Map 3B attached hereto Schedule "2", effectively zoning the Subject Lands RM2(H) Multiple Residential Zone and OS2 Open Space Zone.
- 4. Adding Schedule "E-1663" attached hereto as Schedule "3".
- 5. Schedules "1", "2", "3", "4" and "5" shall hereby form part of this by-law.



BEVERLEY GLEN BOULEVARD

KING HIGH DRIVE

DUFFERIN STREET

CENTRE STREET

**SUBJECT
LANDS**



LANDS SUBJECT TO AMENDMENT

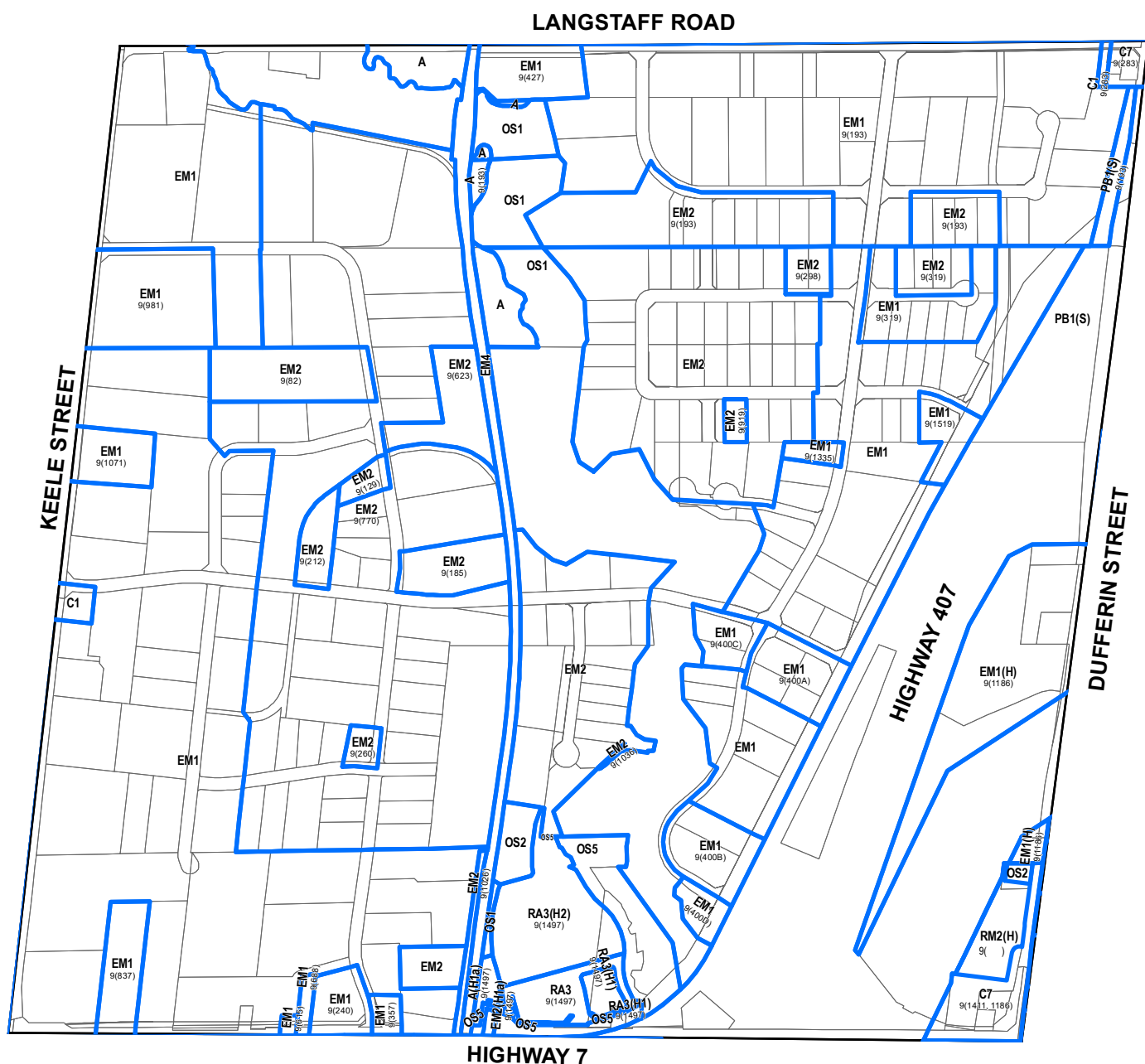
**THIS IS SCHEDULE '1'
TO BY-LAW 017-2022**

PASSED THE 15TH DAY OF FEBRUARY, 2022

FILE NO.: Z.17.040
RELATED FILE NO.: OP.17.013
LOCATION: 7850 Dufferin Street
APPLICANT: Dufcen Construction Inc.
NOT TO SCALE
CITY OF VAUGHAN

**TRIBUNAL ORDER:
CASE NO. PL200219
FEBRUARY 2, 2022**

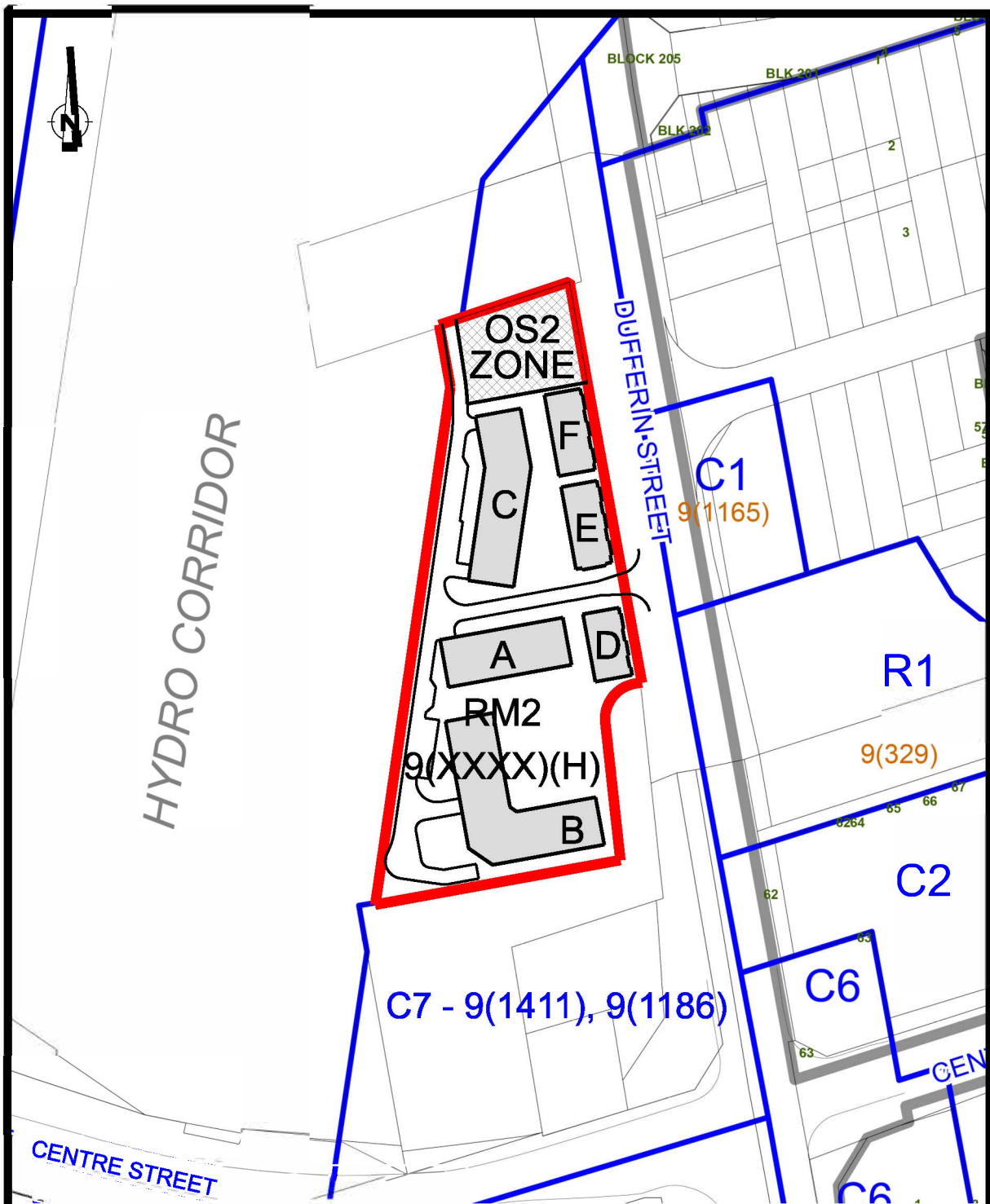
CLERK



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**TRIBUNAL ORDER:
CASE NO. PL200219
FEBRUARY 2, 2022**

Created on: 1/12/2022



SCHEDULE 'E-1663'
TO BY-LAW 1-88, 9(1532)



SUBJECT LANDS

**THIS IS SCHEDULE '3'
TO BY-LAW 017-2022**

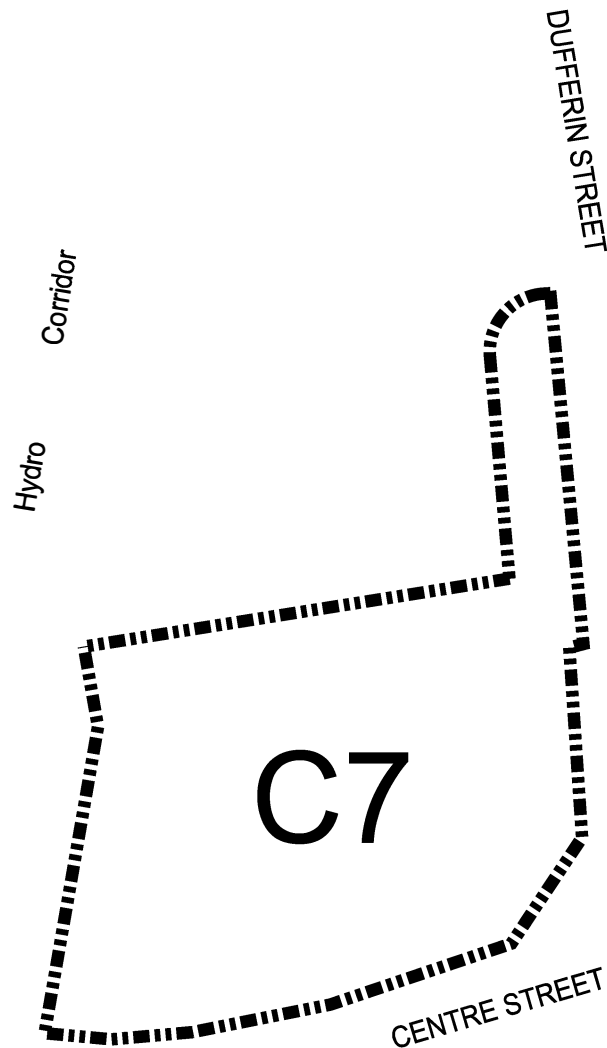
PASSED THE 15TH DAY OF FEBRUARY, 2022

FILE NO.: Z.17.040
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LOCATION: 7850 Dufferin Street
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SIGNING OFFICERS

**TRIBUNAL ORDER:
CASE NO. PL200219
FEBRUARY 2, 2022**

CLERK



THIS IS SCHEDULE 'E-1538'
TO BY-LAW 1-88 SECTION 9(1411)

NOT TO SCALE



SUBJECT LANDS

**THIS IS SCHEDULE '4'
TO BY-LAW 017-2022**

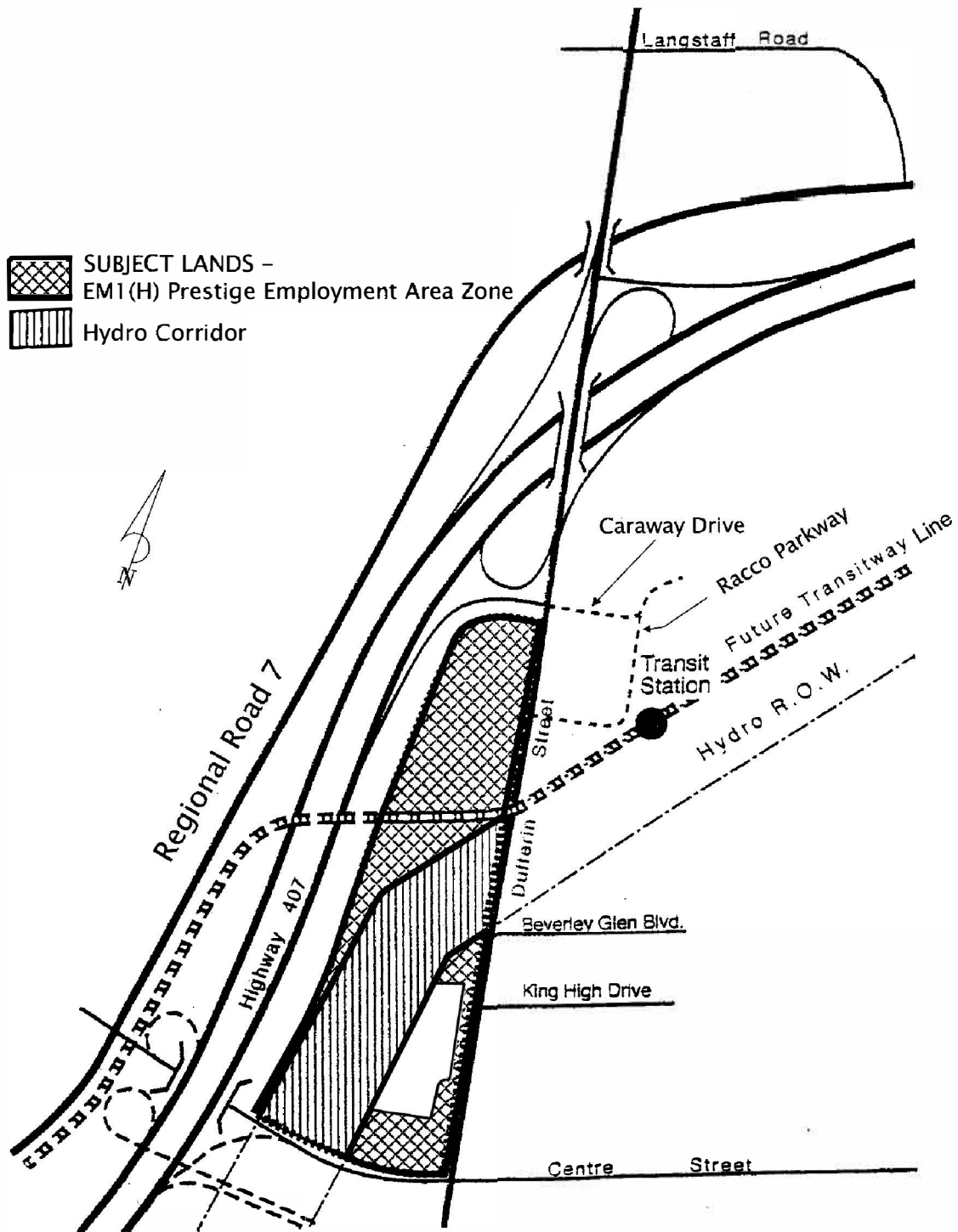
PASSED THE 15TH DAY OF FEBRUARY, 2022

FILE NO.: Z.17.040
RELATED FILE NO.: OP.17.013
LOCATION: 7850 Dufferin Street
APPLICANT: Dufcen Construction Inc.
NOT TO SCALE
CITY OF VAUGHAN

SIGNING OFFICERS

**TRIBUNAL ORDER:
CASE NO. PL200219
FEBRUARY 2, 2022**

CLERK



NOT TO SCALE

THIS IS SCHEDULE '5' TO BY-LAW 017 -2022

PASSED THE 15TH DAY OF FEBRUARY, 2022

FILE NO.: Z.17.040
RELATED FILE NO.: OP.17.013
LOCATION: 7850 Dufferin Street
APPLICANT: Dufcen Construction Inc.
NOT TO SCALE
CITY OF VAUGHAN

SIGNING OFFICERS

TRIBUNAL ORDER:
CASE NO. PL200219
FEBRUARY 2, 2022

CLERK

Summary to By-law 017-2022

The lands subject to this By-Law are located on the west side of Dufferin Street, north of Centre Street, municipally known as 7850 Dufferin Street in the City of Vaughan.

The purpose of this amendment is to rezone the Subject Lands from C7 Service Commercial Zone subject to site- specific Exception 9(1411) to RM2 Multiple Residential Zone with site-specific provisions and OS2 Open Space Zone to facilitate the development of 68 stacked townhouse dwelling units and 532 apartment building units accessed by a private common element condominium road.