

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 20, 2023**

Item 4, Report No. 27, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on June 20, 2023.

#### **4. DRAFT SITE ALTERATION BY-LAW**

**The Committee of the Whole (Working Session) recommends:**

- 1) That the recommendation contained in the report of the Deputy City Manager, Infrastructure Development dated May 31, 2023, be approved; and**
- 2) That the presentation by Frank Suppa, Director, Development Engineering, and C3, presentation material, be received.**

#### **Recommendations**

- 1. That this report be received for information.**

## Committee of the Whole (Working Session) Report

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**DATE:** Wednesday, May 31, 2023

**WARD(S):** ALL

**TITLE:** DRAFT SITE ALTERATION BY-LAW

**FROM:**

Vince Musacchio, Deputy City Manager, Infrastructure Development

**ACTION:** FOR INFORMATION

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**Purpose**

This report provides details regarding the development of a draft Site Alteration By-law. The Site Alteration By-law will regulate the removal of topsoil, and the placement of fill that alters the grade of lands within the City of Vaughan. This By-law would repeal and replace By-law 189-96, as amended.

**Report Highlights**

- The draft Site Alteration By-law and accompanying Applicant Guide will provide a modern regulatory framework to address site alteration and excess soil management in accordance with industry best practices.
- The draft By-law includes enhanced monitoring, inspection, and enforcement authority to address non-compliance, including the creation of Administrative Monetary Penalties and special fines.
- The draft By-law includes new financial measures such as additional inspection fees and security deposit requirements for better cost recovery related to repeated and continued non-compliance.
- Staff will engage in stakeholder consultation to gather comments on the draft Site Alteration By-law and Applicant Guide and report back to Council in Q4 2023.

**Recommendation**

1. That this report be received for information.

## **Background**

This report outlines the development of a modern regulatory framework to address site alteration and excess soil management across the City of Vaughan. This new framework includes a comprehensive draft Site Alteration By-law (Attachment No. 1) that introduces new permit features, requirements, and processes, as well as enhanced monitoring, inspection, and enforcement authority to address non-compliance.

Site alteration is the placement of fill on land, the removal of topsoil or the alteration of the grade of land. Site alteration is primarily undertaken to improve drainage, create noise berms, stabilize slopes, increase suitability of lands for development, as well as enhance natural features or improve the use of agricultural lands.

Excess soil is soil that is in excess to the requirements of a construction or development project, also known as the source site. The excess soil is not needed on the source site after excavation and must be moved to a new location known as the reuse or receiving site. There may be a need to temporarily store the excess soil at an interim location until final transport to the reuse site.

Excess soil is typically generated by land development including residential, industrial and government infrastructure projects. As cities and regions continue to grow across the province, proper management of excess soil is necessary to protect human health, city infrastructure and the natural environment. The responsible management of excess soil is key to building sustainable communities. Improper management can result in adverse impacts to water quality, natural areas, and agricultural lands, as well as create local nuisance issues including noise, dust, increased truck traffic, road damage, soil erosion, drainage and other social, health and environmental concerns.

With the projected population growth and recent implementation of provincial policies such as Bill 109 and Bill 23, there is an increased focus on urban intensification and brownfield redevelopment to provide housing, recreational amenities, and employment. This growing focus on development will result in an increased generation of excess soils and the related challenges and concerns for municipal governments, developers, and local residents. Municipal governments must support responsible development while addressing concerns over the source and quality of excess soil to protect agricultural land, water, and the natural environment. Municipalities must also contend with illegal dumping, commercial fill operations and illegal land use issues. With the increasing costs and environmental impacts of transporting excess soils, developers are challenged to find appropriate sites for the beneficial reuse of excess soils.

Finally, residents endure nuisances like noise, dust, and increased truck traffic during the site alteration activity.

The new municipal framework to address site alteration was developed for the following reasons:

1. To recognize a landowner's right to alter land to enhance use or prepare for development.
2. To protect the environment, human health, and limit potential adverse impacts to adjacent properties and municipal infrastructure such as local roads and stormwater systems.
3. To ensure that landowners are held responsible to monitor site alteration that includes the installation of erosion and sediment control measures and mitigation of adverse impacts and nuisances.
4. The need for effective monitoring and enforcement tools to address non-compliance and complaints.
5. The need for updated permit requirements and processes that align with new provincial excess soil regulations and industry best practices.
6. To address the growing concern regarding the source and quality of excess soil and potential impacts on the natural environment, human health, and local community.
7. To recognize when site alteration or placement of fill or excess soil on agricultural lands is not part of normal farming practices, and to ensure the municipality has tools to address same.

#### On-Site and Excess Soil Management Regulation 406/19

In December 2019, provincial government introduced *On-Site and Excess Soil Management Regulation 406/19* (O. Reg 406/19) under the *Environmental Protection Act*.

Key elements of the regulation include:

1. Rules on excess soil reuse and clarity on when excess soil is not considered as waste.
2. Clarity on reuse of excess soil and replacement of waste-related approvals with regulatory rules for low-risk soil management activities.
3. Enhanced reuse of excess soil through improved reuse planning for larger sites that generate more than 2,000 cubic metres. Recent amendments to the regulation would remove the excess soil reuse planning requirements for projects on low-risk sites and provide more flexibility when storing excess soil.

4. Requirements for larger reuse sites that receive over 10,000 cubic metres in excess soil to post on the Environmental Registry and develop procedures to track and inspect every truck load of excess soil received on-site.
5. Restrictions on landfilling clean soil that is suitable for reuse at sensitive sites such as schools and agricultural sites.

Where appropriate, O. Reg 406/19 has been incorporated into the proposed permit requirement and procedures. However, it is important to acknowledge that the site alteration project leader is responsible to ensure compliance with the provincial regulation, which has been recently amended to focus on higher-risk movements of soil.

### **Previous Reports/Authority.**

N/A

### **Analysis and Options**

The proposed draft Site Alteration By-law includes the following changes from the current Fill By-law 189-96, as amended.

#### **Definitions**

The current Fill By-law 189-96 list of terms and definitions are limited and do not adequately address current issues related to site alteration.

The new draft By-law includes a comprehensive and expanded list of terms and definitions that better align with provincial regulations, environmental features, and industry best practices.

#### **Authority of the Director**

The current Fill By-law 189-96 does not provide the Director of Development Engineering with the necessary authority to address site-specific conditions or community concerns. The new delegated authority included in the draft By-law would allow the Director to:

1. Impose additional requirements for a permit application if there are identified concerns with the proposed site alteration or potential risk of adverse impact to adjacent properties, natural environment, or the local community.
2. Streamline the permit application process for proposed site alteration that poses very low risk to adjacent properties, natural environment, or the local community. Please note that waiving a permit requirement does not exempt the permit holder from having to comply with all other requirements of the permit or By-law.

3. Impose site-specific permit conditions based on an identified or potential risk. These site-specific conditions would provide the City with a greater ability to appropriately respond to operations that pose a greater risk to the natural environment or human health. Site-specific conditions can also support enhanced monitoring of potential nuisances in response to local community concerns.

The new draft By-law would also grant delegated authority for permit administrative purposes. This administrative authority would allow the Director of Development Engineering to:

1. Create an **Applicant Guide to Site Alteration Permits** (Attachment No.2) as a supplementary document to assist applicants understand content and requirements of the By-law. The Applicant Guide will include all permit application requirements, technical review and issuance processes, details on permit fees and security deposits, inspection, enforcement, and complaint resolution procedures.
2. Update the Applicant Guide as required from time to time. By separating the permit technical and administrative details from the draft By-law this will allow for the timely processing of updates without the need to amend the By-law.

### Exemptions

This section of the draft By-law includes all activities that are exempt from the authority of the Site Alteration By-law. Staff are recommending the following changes from the current Fill By-law 189-96:

1. Currently site alteration undertaken as part of a subdivision or site plan agreement is exempt from the Fill By-law 189-96. Staff recommend removing this exemption to ensure that the City has consistent authority to monitor, inspect and enforce site alteration whether the work is authorized by a permit or development agreement. Staff further recommend that standard clauses regarding compliance with the Site Alteration By-law and excess soil regulations be included in all development agreement templates.
2. The current Fill By-law is not applicable to areas that are regulated by conservation authorities such as the Toronto and Region Conservation Authority (TRCA). Due to this limitation, City enforcement officers are unable to enforce complaints within areas that fall under TRCA jurisdiction. This has become an issue considering that powers granted to the TRCA under the *Conservation Authorities Act* are not as robust as enforcement powers granted to

municipalities by the *Municipal Act*. Municipal enforcement officers have rights of entry authority along with remedial action powers to bring non-compliant properties into compliance and then adding costs directly to property owner's tax bill. Conservation authorities also have remedial action, however they do not have the ability to recover costs the same way, instead they would be required to recover the costs through court.

Excluding the conservation authority lands exemption from the draft Site Alteration By-law will improve the City's enforcement efforts to address illegal fill dumping and grade alteration on lands within TRCA regulated areas.

The TRCA is in full support of the City moving in this direction and enforcement staff will continue to coordinate with them when dealing with complaints on properties within protected areas.

#### Requirements for Issuance of a Site Alteration Permit

Current Fill By-law 189-96 includes limited information on permit requirements and application review process. The proposed draft By-law and Applicant Guide include the following changes:

1. The Project Leader must complete an acknowledgement to assume full responsibility to ensure compliance with all applicable legislation, guidelines and other government directives related to the excavation and management of excess soil, including O. Reg 406/19. The Project Leader must also acknowledge that the City will not be held responsible or liable for any loss or damage related to non-compliance of O. Reg 406/19. This new requirement will ensure that the generators of excess soil are held accountable for the management of the excess soil until it is received at the appropriate reuse site.
2. With the current permit review process, it is common for staff to follow up on incomplete or abandoned permit applications. Incomplete applications have missed requirements, unpaid fees or the related development application has not yet received Council approval. Abandoned applications are left pending with unresolved deficiencies. To encourage the timely review and processing of permit applications, staff are recommending that the Director be granted the authority to cancel incomplete or abandoned applications that are left pending for a period of 6 months. Upon cancellation, applicants may request a partial refund of permit fees. To ensure that the city recovers all permit administration costs up to the point of cancellation, the following is a list of proposed permit fee refund percentages:

- 80% if application is cancelled prior the start of technical review process.
  - 60% if application is cancelled after the start of technical review process.
3. Staff also recommend new permit requirements that align with O. Reg 406/19 and industry best practices, including:
- Confirmation of Environmental Registry posting, as required.
  - Advance planning and identification of reuse site, including landowner's authorization.
  - Submission of a Site Alteration Management Plan (SAMP).

#### Permit Processing and Administration

Staff recommend the implementation of the following new permit application processing and administration features:

1. The implementation of an AMANDA permit portal for the online submission and digital technical review of site alteration permit applications. AMANDA technology also facilitates the online collection permit fees, central repository for all documentation and allows for the creation of enforcement files to monitor matters of non-compliance.
2. Introduction of different permit status categories to address various scenarios, including:
  - **Incomplete or Abandoned Applications:** Authority to cancel permit applications left pending for 6 months.
  - **Expired Permits:** An issued permit is valid for a minimum period of 12 months, unless otherwise determined by the Director based on project scope.
  - **Permit Renewal:** An expired permit may be renewed for an additional 12-month term. Payment of permit renewal fee is required.
  - **Permit Amendment:** An issued permit may be amended at the discretion of the Director. Payment of permit amendment fee is required.
  - **Permit Transfer:** An issued permit may be transferred to the new owner of the subject site. Payment of all applicable fees is required.
  - **Permit Revocation:** The Director has the authority to revoke any issued permit due to non-compliance, administrative issues or to minimize risk to the city.
  - **Permit Closure:** An issued permit will only be closed once all required inspections are completed, permit conditions are fulfilled to the satisfaction of the Director and any non-compliance issues are resolved.



Full details for each permit category are included in the Applicant Guide.

#### Administrative Monetary Penalties

The current Fill By-law 189-96 allows for charges to be laid under the *Provincial Offences Act*; however, the By-law does not include Administrative Monetary Penalties (AMPS). Staff recommend the introduction of AMPS as an additional tool for Enforcement Officers to address matters of non-compliance. Staff further recommend that an AMP be set at \$1000 for any instance of non-compliance with the draft By-law.

#### Special Fines

Section 429 (2)(d) of the *Municipal Act, 2001*, grants municipalities the power to establish Special Fines to address offences where there is an economic advantage or gain from the contravention. Therefore, staff are recommending the introduction of a Special Fine as set out in Ontario Soil Regulation Task Force model by-law of \$10 per cubic metre of fill when:

1. The owner deposits significantly more fill than originally permitted, or
2. The owner deposits fill beyond the geographic limits of the approval permit.
3. The owner deposits fill without having obtained a permit.

Furthermore, where the fill contains contaminant levels that exceed Table 2 Standards included in Part XV.1 of the *Environmental Protection Act*, Enforcement Officers may also impose a special fine of \$100 per cubic metre of fill.

#### Additional Inspection Fee and Security Deposit

The draft By-law includes new financial features for better cost recovery related to repeated and/or continued non-compliance. These new features are an additional inspection fee and the authority to request replenishment of security deposit.

1. The site alteration permit fee includes the administrative processing of the permit application and regular inspections to monitor the site alteration. Any inspection required to address complaints or matters of non-compliance is an added demand on staff time and city resources. Therefore, staff recommend the introduction of an Additional Inspection Fee as a cost recovery mechanism for the extra city resources required to address repeated and/or continued non-compliance. The non-compliant permit holder would be charged for every site inspection required to address non-compliance until the matter is resolved. Staff believe this is an equitable approach since the non-compliant permit holder would bear all additional costs; rather than the city increasing permit fees or drawing from department reserves to fund the necessary staff resources to

respond to repeated or continued non-compliance. Furthermore, any unpaid inspection fees will become a debt owing to the City and may be recovered by either drawing upon the security deposit provided or added to the municipal tax roll of the subject site and collected in the same manner as property taxes.

The additional inspection fee may be used in combination with an administrative monetary penalty to address non-compliance.

2. A security deposit is collected to provide the City with the financial resources to address issues of non-compliance or potential liabilities from having issued a permit for the proposed site alteration. The City may retain professional services and/or contractors to complete any required maintenance, repairs or other works related to permit conditions, notices, or orders. Some examples of financial liability include, but are not limited to:
  - Mud tracking, dust, and noise complaints
  - Erosion and sediment control measures
  - Fencing and site access control
  - Contaminated soil and/or impacts to soil, surface and/or groundwater
  - Closure of the site due to non-compliance or incomplete work
  - Stabilization or restoration of the subject site.

The current Fill By-law 189-96 provides the Director with the necessary authority to draw upon the security deposit to recover the City's costs for undertaking any required work. Staff recommend that the Director be granted additional authority to require the permit holder to replenish the security deposit back to the original amount, upon request. This added authority will help ensure that the City always has the financial resources available to take any necessary action to restore site condition, repair damage to City infrastructure as well as recover costs related to non-compliance. This provision would protect the City and its taxpayers from the potential economic burden of an abandoned liability.

#### Stakeholder Consultation

Staff plan to initiate stakeholder and community engagement activities to gather feedback and comments on the draft Site Alteration By-law and Applicant Guide. Corporate Communications staff will be engaged to support the delivery of an effective consultation program by leveraging online communication channels and hosting public events.

## **Financial Impact**

It is anticipated that the draft By-law will provide better cost recovery for additional staff resources and incurred expenses when addressing matters of non-compliance and other potential liabilities. There may be a change in administrative processes and workload, but it is not anticipated to affect operational costs.

## **Operational Impacts**

Consultation with internal stakeholders have been ongoing to ensure that the proposed regulatory framework and permit workflows are consistent with their processes and/or regulatory obligations. This collaborative work will continue over the next few months as staff finalize the draft By-law and permit processes.

Collaborative work between Development Engineering and By-law Enforcement staff has been ongoing to develop enforcement procedures for a coordinated response to resident complaints and matters of non-compliance.

## **Broader Regional Impacts/Considerations**

There are no broader regional implications or considerations as a result of the recommendations of this report.

## **Conclusion**

In summary, the proposed new regulatory framework to regulate site alteration and excess soil management in the City of Vaughan directly supports the 2022-2026 Term of Council Service Excellence Strategic Plan for City Building and Environmental Sustainability goals.

Overall, the proposed municipal regulatory framework program has been designed with following principles:

1. That residents should have confidence in the City's ability to monitor and enforce site alteration and excess soil management within the City of Vaughan.
2. That Project Leaders, as the generators of excess soil, be held accountable for the management of excess soil until it is accepted at the appropriate receiving site, as well as assume full responsibility for compliance with provincial regulations.
3. That reuse sites are appropriate locations to ensure that farmland and environmentally sensitive areas that include natural heritage and hydrological

features are protected and;

4. That the Site-Alteration By-law include the appropriate permit requirements, Director authority and enforcement measures that are consistent and fair while leveraging modern regulatory and compliance approaches.

Following stakeholder consultation, staff will bring forward a final Draft Site Alteration Bylaw, Applicant Guide and report to Council for consideration by Q4 2023.

**For more information**, please contact: Frank Suppa, Director of Development Engineering.

### **Attachments**

1. Draft Site Alteration By-law.
2. Draft Applicant Guide to Site Alteration Permits.

### **Prepared by**

Antonella Brizzi, Business Analyst. Ext 8364

### **Approved by**



Vince Musacchio, Deputy City Manager,  
Infrastructure Development

### **Reviewed by**



Zoran Postic  
on behalf of Nick Spensieri,  
City Manager

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER XXX-2023**

**A By-law to prohibit or regulate the Removal of Topsoil, the Placement of Fill, and the alteration of Grade of land within the City of Vaughan.**

**WHEREAS** Section 11(2) of the *Municipal Act, 2001*, as amended, authorizes municipalities to pass by-laws respecting the economic, social, and environmental well-being of the municipality.

**AND WHEREAS** Section 142 of the *Municipal Act, 2001*, as amended authorizes the City of Vaughan to enact by-laws to prohibit or regulate the Placement of fill, the Removal of Topsoil, and the alteration of the Grade of land in the City of Vaughan.

**AND WHEREAS** Section 142 of the *Municipal Act, 2001* as amended further authorizes local municipalities to require that a Permit be obtained for the Placement of fill, the Removal of Topsoil, and the alteration of the Grade of land, and to impose conditions to such Permits.

**AND WHEREAS** Section 398 of the *Municipal Act, 2001* as amended, authorizes a municipality to add fees and charges to the tax roll for a Property and collect them in the same manner as municipal taxes.

**AND WHEREAS** Section 444 of the *Municipal Act, 2001* as amended, authorizes that the municipality may make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

**AND WHEREAS** Section 445 of the *Municipal Act, 2001* as amended, authorizes that where the municipality is satisfied that a contravention of the by-law has occurred, the municipality may make an order requiring the Person who contravened the by-law or who

caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

**AND WHEREAS** Section 446 of the *Municipal Act, 2001* as amended, provides that where a Person fails to do something that is required under a by-law, the municipality make undertake to do the thing required at the Person's expense and the costs may be collected in the same manner as property taxes.

**AND WHEREAS** the provincial government has introduced Ontario Regulation 406/19 "On-Site and Excess Soil Management" under the *Environmental Protection Act*, to support improved management of Excess Soils.

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

#### **1.0 Short Title**

- (1) This By-law shall be known and may be cited as the "Site Alteration By-law."

#### **2.0 Definitions and Interpretations**

- (1) In this By-law and attached Schedules, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
- (2) That the words "include," "includes" and "including" are not to be read or interpreted as limiting words, phrases or descriptions that precede them.
- (3) If any provision or part of a provision of this By-law is found to be invalid or unenforceable for any reason, then that particular provision or part thereof shall be deemed to be severed from the remainder of By-law. All other provisions or parts of the By-law shall remain in effect and enforceable to the fullest extent permitted by law.
- (4) That any references in this By-law to statutes or statutory provisions may from time to time be amended, extended, re-enacted, or superseded.
- (5) That this By-law and the provisions contained within are intended to be complementary to provincial statutes and other By-laws passed by Council. If any

other applicable law requires a higher standard than this By-law requires, the higher standard shall apply.

(6) The Schedules attached hereto shall be and hereby form part of this By-law

(7) For the purposes of this By-law:

**“Adjacent”** means abutting or contiguous to;

**“Administrative Monetary Penalties By-law”** refers to the *Administrative Monetary Penalties By-law* 063-2019, as amended, or its successor by-law.

**“Adverse Effect”** means one or more of the following:

- (a) impairment of the quality of the natural environment for any use that can be made of it.
- (b) injury or damage to Property or to plant or animal life.
- (c) harm or material discomfort to any Person.
- (d) a negative effect on the health of any Person.
- (e) impairment of the safety of any Person.
- (f) rendering any Property or plant or animal life unfit for human use.
- (g) loss of enjoyment of normal use of Property; and
- (h) interference with the normal conduct of business.

**“Agricultural Lands”** includes all lands that are used by a farming business registered under the Farm Registration and Farm Organizations Funding Act, 1993, c. 21, as amended, for the growing of crops, including nursery and horticultural crops; the raising of other animals for food, fur, fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production.

**“Agricultural Operations”** means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward.

**“Applicant”** means the Owner of the Site, where such an Owner is an individual, or means any Person authorized in writing by the Owner, to apply for a Permit on the Owner’s behalf.

**“Applicant Guide”** means the Applicant Guide for Site Alteration Permits which is a supplementary document that outlines the City of Vaughan’s Site Alteration Permit application requirements, processes, and information as determined by the Director and amended from time to time.

**“Areas of Natural and Scientific Interest”** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education.

**“Authorized Agent”** means a Person with authorization to act on behalf of the Owner(s). Authorized Agent may also act as the **“Project Leader”**.

**“City”** means the Corporation of the City of Vaughan,

**“Contaminant”** means any solid, liquid, gas, odour, heat, sound, vibration, radiation, or combination of any of them resulting directly or indirectly from human activities that may cause an Adverse Effect.

**“Contaminated Fill”** means any Soil for the Site that does not meet the applicable Site Condition Standards prescribed under O. Reg 153/04 “Record of Site Condition” and/or O. Reg 406/19 “On Site and Excess Soil Management”.

**“Council”** means the Council for the Corporation of the City of Vaughan.

**“Development”** means the construction of buildings and above or underground services such as roads, parking lots, paved storage areas, watermains, storm and sanitary sewers, general grading works and similar facilities on any lands in the City of Vaughan.

**“Director”** means the Director of Development Engineering for the City of Vaughan or their designate;

**“Drainage”** means the movement of water to a place of disposal, whether by way of natural characteristics of the ground surface or by an artificial method.

**“Enforcement Officer”** means a Person appointed under the authority of the Delegation By-law as a Municipal Law Enforcement Officer, pursuant to section 15 of the *Police*



*Services Act*, to enforce the provisions of this by-law, or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police.

**“Erosion Hazard”** means the loss of land, due to human or natural processes, which poses a threat to life and Property. The Erosion Hazard limit is determined using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a one-hundred-year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**“Excess Soil”** means Soil, crushed rock or Soil mixed with rock or crushed rock, that has been excavated as part of a project and removed from the project area.

**“Environmental Protection Act”** means the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended, or its successor regulation.

**“Fees and Charges By-law”** means the Fees and Charges By-law 010-2023, as amended, or its successor by-law.

**“Fill”** means any type of material deposited or placed on lands and includes without limitation, Topsoil, Soil, liquid Soil as defined by Ontario Regulation 406/19, stone, concrete, construction material/rubble, asphalt, sod, or turf, either singularly or in combination.

**“Fish Habitat”** means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly to carry out the life process, as further identified by the Department of Fisheries and Oceans (Canada).

**“Flood Hazard”** means the inundation of areas adjacent to a shoreline or a river or stream system not ordinarily covered by water. Along river, stream and small inland lake systems, the flooding hazard is flood produced by the Hurricane Hazel storm event or the 100-year flood, whichever is greater.

**“Grade”** means ground surface elevation of the land as it relates to:

- (a) **Approved Grade** means the final elevation of the ground surface following the Site Alteration as approved by the Director in accordance with this By-law;
- (b) **Existing Grade** means the elevation of the existing ground surface prior to any Site Alteration including the natural Grade prior to human activities or any previously Approved Grade;
- (c) **Proposed Grade** means the proposed elevation of the ground surface of land upon which Site Alteration is proposed; and
- (d) **Unapproved Grade** means the elevation of the ground that is not an Existing Grade or Approved Grade.

**“Greenbelt Plan”** means the *Ontario Greenbelt Plan (2017)*, as amended; Order-in-Council No.110/2013, January 9, 2013

**“Habitat of Endangered or Threatened Species”** means

- a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under section 55(1)(a) of the *Endangered Species Act, 2007*, is in force, the area prescribed by the regulation as the habitat of the species; or
- b) with respect to any other species listed on the Species at Risk in Ontario List as an Endangered or Threatened Species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ministry of Natural Resources and Forestry; and places in the areas described in subsection 2 (1) definition of *habitat* a) or b) of the *Endangered Species Act, 2007*, whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

**“Hazard Lands”** means Erosion Hazard and Flood Hazard.

**“Hydrological Feature”** includes valley and Stream Corridors, Wetlands, Kettle Lakes, Seepage Areas, and Springs.

**“Kettle Lake”** means a depression formed by glacial action and permanently filled with water.

**“Inspector”** means a Person employed as a City of Vaughan Municipal Services Inspector to carry out observations and inspections of Site Alteration activities for compliance with this By-law or where a Permit has been issued and includes Enforcement Officer.

**“Lot”** means a parcel of land fronting on a street separate in ownership from any abutting land to the extent that a consent contemplated by section 50 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended would not require for its conveyance.

**“Natural Heritage Features”** means lands containing sensitive and/or significant natural features and functions as defined by the *Greenbelt Plan (2017)*, as amended, or superseded, including but not limited to valley and Stream Corridors, Wetlands, Woodlands, Habitat of Endangered or Threatened Species, Fish Habitat, Significant Wildlife Habitat and Areas of Natural and Scientific Interest.

**“Normal Agricultural Practice”** means any activity undertaken in accordance with the *Farming and Food Production Protection Act 1998*, S.O. 1998, c. 1, that is part of an Agricultural Operation, and is conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar Agricultural Operations under similar circumstances, and may make use of innovative technology in a manner consistent with advanced farm management techniques, but does not include the Removal of Topsoil for sale, exchange or other disposition.

**“Oak Ridges Moraine”** means lands subject to Ontario Regulation 140/02 and subject to the requirements of the *Provincial Oak Ridges Moraine Conservation Plan*, as amended;

**“On-Site and Excess Soil Management Regulation”** refers to O. Reg 406/19: On-Site

and Excess Soil Management, under the *Environmental Protection Act*. It is also referred to as the **“Excess Soil Regulation”** or **“O.Reg 406/19”**.

**“Owner”** includes:

- a) the Person having the right, title, interest, or equity in the land, or his or her agent authorized in writing.
- b) the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the Person’s own account or as agent or trustee of any other Person, or who would receive the rent if the land and premises were let.
- c) a lessee or occupant of the Property who, under the terms of a lease, is required to repair and maintain the Property.

**“Permit”** means permission given in writing by the Director to perform work regulated by this By-law or part thereof and shall include all information contained within an approved Site Alteration Management Plan and any special conditions identified by the Director.

**“Permit Holder”** means a Person who has been issued and maintains a valid Permit pursuant to the terms of this By-law. Permit Holder can be the **“Owner,” “Authorized Agent,”** or **“Project Leader.”**

**“Person”** means an individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representatives of such Person, to whom the context can apply according to the law.

**“Placement”** means the movement and depositing of Fill in a location other than where the Fill was excavated and includes the movement and depositing of Fill from one location on a Property to another location on the same Property.

**“Ponding”** means the accumulation of surface water in the area not having drainage therefrom and where the lack of Drainage is caused by the Placement of Fill or altering the Grade of land.

**“Project Leader”** means the Person or Persons who are ultimately responsible for making decisions related to the planning and implementation of the Site Alteration as set out in O. Reg 406/19.

**“Property”** means the land including all buildings and structures on the land.

**“Removal”** means excavation or extraction of any Fill which lowers the Existing Grade and includes Soil stripping.

**“Security Deposit”** means a certified cheque, bank draft or financial institution letter of credit for securities as set out in the Applicant Guide.

**“Significant Wildlife Habitat”** means areas where plants, animals, and other organism live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory and non-migratory species.

**“Site”** means the Lot or Lots of a Property altered or proposed to be altered by means of a Site Alteration.

**“Site Alteration”** means the Placement of Fill on land, the Removal of Topsoil from land or the alteration of Grade of land by any means, including the Removal of vegetation cover, the compaction of Soil or the creation of impervious surfaces, or any combination of these activities.

**“Site Alteration Management Plan (SAMP)”** means a Site Alteration Management Plan required as a condition of a Permit pursuant to Section 6.0 of this By-Law, in accordance with the Applicant Guide, and approved by the Director.

**“Soil”** means any material commonly known as earth, Topsoil, loam, subsoil, clay, sand, or gravel.

**“Stream Corridors”** are comprised of stream channels, their banks and Wetlands areas, and the plants and animals within them.

**“Topsoil”** means those horizons in a Soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.

**“TRCA”** refers to the Toronto and Region Conservation Authority.

**“Vegetation Protection Zone”** means an area of land Adjacent to a Natural Heritage Feature and/or Hydrological Feature which serves to alleviate negative impacts from surrounding uses. The size of the Vegetation Protection Zone varies depending on the location and type of feature, as set out in the Vaughan Official Plan, Oak Ridges Moraine Conservation Plan and Greenbelt Plan.

**“Wetland”** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface.

**“Woodland”** means a treed area of land at least 0.2 hectares in size as per the [Regional Municipality of York’s Forestry Conservation By-law](#) as amended, or its successor by-law.

### **3.0 Authority of The Director**

- (1) Pursuant to this By-law, the Director or designate shall have authority to:
  - a) Develop, revise, and update the Applicant Guide, as required.
  - b) Receive and process applications for Permits, renewals, amendments, and transfers.
  - c) Issue Permits to Applicants who have met all requirements.
  - d) Impose terms and conditions on a Permit, as required.
  - e) Maintain records of all applications received as well as Permits issued, renewed, amended, refused, revoked, transferred, and closed.
  - f) Conduct inspections to confirm compliance with this By-law, Permit conditions, and terms of Site Alteration Agreement.
  - g) Perform enforcement functions as required.
  - h) Refuse to issue, renew, and revoke a Permit.
  - i) Perform all other relevant administrative functions.
  - j) Impose mandatory mediation before taking any Person to court.

#### **4.0 Prohibitions**

- (1) No Person shall carry out any Site Alteration
  - a) without first obtaining a Permit or in accordance with this By-law, unless otherwise exempt.
  - b) for storage purposes unless the storage of such Fill is permitted by this By-law, the City Zoning By-laws, and municipal business licenses.
  - c) within or Adjacent to a Natural Heritage Feature and/or Hydrologic Feature and its associated Vegetation Protection Zone without consent or approval from the Director and TRCA.
  - d) on any lands zoned as per the City's Zoning By-law for Agricultural Operations unless it is demonstrated that the Site Alteration will result in maintaining or improving the overall fertility of the Agricultural Lands.
  - e) within any Flood Hazard or Erosion Hazard lands without consent or approval from the Director and TRCA.
  - f) within the boundaries of the Oak Ridges Moraine Conservation Plan area or Greenbelt Plan area except in accordance with the provisions of the approved Plans, this By-law, the City's Zoning By-law, and Official Plan policies.
  - g) which may result in injury and/or destruction of public or private property trees protected under the City's Tree Protection By-laws and Tree Protection Protocols without approval from the Development Planning Department as part of a Tree Protection Agreement
  - h) which may result in injury and/or destruction of archaeological resources protected under the *Heritage Act* without approval from the Development Planning Department.
- (2) No Person shall cause, permit, or perform any Site Alteration on lands within the City other than in compliance with this By-law and the terms and conditions of an issued Permit and Site Alteration Agreement.

- (3) No Person shall cause, permit, or perform any Site Alteration on lands that are subject to an approved Site Plan, draft plan of subdivision or a consent under Section 41, 51 or 53 respectively of the Planning Act, as amended, without a Site Plan, Pre-Servicing Agreement, Subdivision Agreement or Consent Agreement entered into under those sections.
- (4) No Person shall permit the Temporary Storage of Fill unless identified as a requirement in the Site Alteration Permit application, approved by the Director and included in Permit conditions. The period of Temporary Storage will be based on the project requirements and Site location and will not exceed the time limit set out by O. Reg 406/19.
- (5) No Person shall cause, permit, or perform, any Site alteration, or permit a Site condition to remain, and no Permit shall be issued for any Site Alteration that will result in:
  - a) Soil erosion;
  - b) Blockage of a stormwater drainage or management system;
  - c) Blockage of a natural drainage system or water course;
  - d) Siltation or pollution in a drainage system or water course;
  - e) Flooding or Ponding caused by a watercourse overflowing its banks;
  - f) Flooding or Ponding or Adverse Effect on Adjacent lands;
  - g) An unacceptable level of nuisance in the City;
  - h) Adverse Effect on any environmental protection areas or Natural Heritage and Hydrological Features as identified by TRCA, the Province, the Region, or the City;
  - i) Any Adverse Effect on any archeological, cultural heritage or historically significant features; and/or
  - j) Contamination of or the degradation of the environmental quality of land which includes Soil, groundwater, and sediment.

## **5.0 Exemptions**

- (1) This By-law does not apply to Site Alteration undertaken:



- a) By the City, local board as defined in the Municipal Act, Crown agency as defined in the Crown Agency Act and Ontario Hydro
- b) On land described in a license for a pit or quarry or a Permit for wayside pit or wayside quarry issued under the Aggregate Resources Act.
- c) On land to lawfully establish and operate or enlarge any pit or quarry on land
- d) On land that has not been designated under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or its successor regulation.
- e) On land which a pit or quarry is a permitted land use under the City's Zoning By-law.
- f) For the use, operation, establishment, alteration, enlargement, or extension of a waste disposal Site within the meaning of Part V of the *Environmental Protection Act*.
- g) When Fill is being placed on lands shown in a grading and Drainage plan approved by the City in conjunction with subdivision, rezoning or Site plan approvals;
- h) For any construction subject to the requirements of a building Permit as included in the City's Building By-law, as amended.
- i) On any Lot containing one or more occupied freehold residential dwellings, but not including an occupied dwelling in an Agricultural Zone where such placing of Fill is not part of commonly accepted agricultural practice. Examples of Site Alteration falling within this exemption include but are not limited to, driveway re-surfacing, walkways, vegetable gardens, etc.
- j) When Fill is placed, moved, or deposited in an excavation to the elevation of Existing Grade following the demolition or Removal of a building or structure.
- k) The Removal or replacement of Topsoil from Agricultural Lands as part of Normal Agricultural Practice such as sod-farming, greenhouse operations

and nurseries for horticultural productions. This exemption does not include the Removal of Topsoil for sale, exchange, or other disposition.

## **6.0 Requirements for Issuance of a Site Alteration Permit**

- (1) Any Person applying for a Permit shall complete an application package as outlined in the Applicant Guide including applicable fees. The Permit application review will not commence until such time that the submission is deemed to be complete.
- (2) Notwithstanding any other provisions of this By-law, the Director may waive certain Permit requirements as listed in the Applicant Guide after taking into consideration the proposed works and the anticipated impacts to the Site, Adjacent Properties, and surrounding environment.
- (3) The Director may impose Site-specific conditions to a Permit based on anticipated impacts of the Site Alteration activities to protect the economic, social, and environmental well-being of the City including the health and safety of any and all affected Persons.
- (4) Prior to Permit issuance, Applicants are required to enter into a Site Alteration Agreement with the City.
- (5) Notwithstanding any other provision of this By-Law, no Permit shall be issued until the Director is satisfied that all requirements included in the Applicant Guide have been submitted and approved.
- (6) The City does not in any way guarantee the approval of any Permit application submitted under this By-law. The Director has the authority to refuse a Permit application, and, in those instances, written reasons shall be provided.

## **7.0 Incomplete or Abandoned, Expired, Renewal, Amendment, Transfer, Revocation, and Closure of Permits**

### **Incomplete or Abandoned Application**

- (1) An application for a Permit will be deemed incomplete or abandoned and file closed where a period of six (6) months has elapsed during which:

- a) The Applicant has not provided all required documents, fees or Security Deposit as required by the Director, or
- b) The Applicant has not resolved deficiency or deficiencies identified during the City's technical review.
- c) Once a file is closed, it cannot be re-opened. The Applicant is required to submit a new application package including payment of applicable fees.
- d) The Applicant will be notified in writing of the closed Permit application.
- e) Where an application for a Permit has been deemed to be incomplete or abandoned as set out in Section 7.0(1)(a-b) of this By-law and upon written request by the Owner, the Director will determine the amount of the Permit application fee, if any, is refundable.

### **Expired Permit**

- (2) All Permits will be valid for a period of one (1) year from the date of issuance, unless otherwise specified by the Director.
- (3) In the event of expired Permit, the Permit Holder and Owner remain responsible to satisfy all Permit conditions and resolve any complaints or matters of non-compliance.
- (4) Notwithstanding Section 7.0(2) herein, should the Site Alteration works not commence within ninety (90) days of Permit issuance, the Permit is deemed to be expired.

### **Renewal**

- (5) An Applicant may submit a written request to the Director for a one-time renewal of an expired Permit subject to the following:
  - a) Within three (3) months prior to the Permit expiry date and up to three (3) months following the Permit expiry date.
  - b) Should the renewal request include significant changes from the original application, the Director may require that a new application be submitted.
  - c) Renewal requests are subject to a fee of fifty percent (50%) of the original application fee, as per the Fees and Charges By-law.

## **Amendment**

- (6) An Applicant may submit a written request to the Director to amend an approved Permit, subject to the following:
- a) Should the amendment request include significant changes from the original application, the Director may require a new application be submitted.
  - b) Amendment requests are subject to a fee of fifty percent (50%) of the original application fee, as per the Fees and Charges By-law.

## **Transfer**

- (7) A Permit shall be revoked upon transfer of ownership of the Site unless the new Owner:
- a) Applies to have the Permit transferred and agrees to comply with all original Permit conditions.
  - b) Executes a new Site Alteration Agreement with the City.
  - c) Provides the necessary Security Deposit and liability insurance as per the Applicant Guide, at which time any Security Deposit and liability insurance provided by the original Permit Holder shall be released.
  - d) Pays all required administrative fees as per the Fees and Charges By-law.

## **Revocation**

- (8) The Director has the authority to revoke an issued Permit at any time and without notice. Permit may be revoked for any the following reasons:
- a) it was obtained on mistaken, false, or incorrect information.
  - b) it was issued in error.
  - c) the Owner or Permit Holder submits written request that the Permit be revoked.
  - d) the Permit Holder has failed to comply with Permit conditions or terms of the Site Alteration Agreement.
  - e) the Permit Holder is in non-compliance of an Order issued under this By-Law.

- f) Ownership of the Site has changed, and the new Owner has not applied to have the Permit transferred as per Section 7.0(7) of this By-law.
  - g) to protect the safety, health, and well-being of the community.
  - h) minimize any financial impact to the City.
- (9) Where a Permit has been revoked, the Permit Holder shall cease all Site Alteration work immediately.
- (10) If a Permit has been revoked the Owner and Permit Holder shall each be held jointly responsible for the restoration of the Site to its original condition or stabilize the Site to the satisfaction of the Director prior to the final release of any remaining Security Deposit.

### **Closure**

- (11) A Permit will be closed when:
  - a) Site Alteration works are complete.
  - b) All required inspection clearances are obtained, and Permit conditions fulfilled to the satisfaction of the Director; and
  - c) Any Orders are resolved to the satisfaction of the Director.

### **8.0 Orders and Enforcement**

- (1) Any Person who contravenes or fails to comply with any provision of this By-law is guilty of an offence.
- (2) An Inspector or Enforcement Officer may enter a Property for the purpose of an investigation of non-compliance with this By-law at any reasonable time.
- (3) During an investigation, the Inspector or Enforcement Officer must display or produce on demand, their identification.
- (4) An Inspector or Enforcement Officer may:
  - a) Require the production for inspection of documents or things relevant to the inspection.
  - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts and must provide a receipt for any

document or thing removed, which must be promptly returned after the copies or extracts are made.

- c) Require information from any Person concerning a matter related to the inspection; and
  - d) Alone or in conjunction with a Person possessing special or expert knowledge, make examination or take tests, samples (ex. air, surface water, groundwater, Soil, materials etc.), or photographs necessary for the purposes of the inspection.
- (5) An Inspector or Enforcement Officer who finds a contravention of this By-law may give a written Order to the Owner of the Site requiring compliance with this By-law and/or to do work to correct the contravention of this By-law within the time specified in the order.
- (6) The Order in 8.0(5) may be served in person to whom it is directed or by registered mail to the last known address of that Person, in which case it shall be deemed to have been given on the fifth (5<sup>th</sup>) day after it is mailed.
- (7) If there is evidence that the Person in possession of the Site is not the Owner, the Order in 8.0(5) shall be served to both the Owner and the occupant.
- (8) If the address of the Owner is unknown, or the City is unable to serve the Owner or occupant under section 8.0(5), a placard stating the terms of the order in 8.0(5) shall be placed in a conspicuous place on the Site and shall be deemed to be sufficient notice to the Owner.
- (9) If the Order has not be complied with within the required timeframe, the City, or any of its Authorized Agents, may enter onto the Site at any reasonable time for the purpose of performing the work required to bring the Site into compliance with the By-law. No Person shall hinder or obstruct or attempt to hinder or obstruct the City or its Enforcement Officers from carrying out any powers or duties under this By-law.

## 9.0 Fines

- (1) Every Person who is guilty of an offence under this By-law, may be subject to a fine under the *Municipal Act*, such that:
  - a) A minimum fine shall not exceed five hundred dollars (\$500) and a maximum fine shall not exceed one hundred thousand dollars (\$100,000).
  - b) In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed five hundred dollars (\$500) and a maximum fine shall not exceed ten thousand dollars (\$10,000), however the total of all the daily fines for the offence is not limited to one hundred thousand dollars (\$100,000); and
  - c) In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed five hundred dollars (\$500) and a maximum fine shall not exceed ten thousand dollars (\$10,000), however the total of all fines for each included offence is not limited to one hundred thousand dollars (\$100,000).
- (2) Every Person who is issued a fine may request a review of the matter in accordance with the *Provincial Offences Act*.
- (3) A special fine may be imposed in addition to a fine imposed under Section 8.0 in circumstances where there is economic advantage or gain from the contravention of this By-law and the maximum amount of the special fine may not exceed one hundred thousand dollars (\$100,000).
- (4) A special fine shall be calculated based on:
  - a) Ten dollars (\$10.00) for each cubic metre of Fill, i) deposited in excess of the amount allowed in a Permit, or ii) deposited beyond the geographic limits of the Permit, or iii) deposited without first having obtained a Permit.
  - b) Where the Fill is found to contain Contaminant levels that exceed Table 2 Standards from the Soil and Groundwater and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act* as prescribed in this

By-law, greater fines of not less than one hundred dollars (\$100) per cubic metre may be imposed.

#### **10.0 Administrative Monetary Penalties**

- (1) Instead of laying a charge under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law or failure to comply with a Notice to Comply under this By-law, an Officer may issue an Administrative Monetary Penalty to the Person who has contravened this By-law.
- (2) If a Person is required to pay an Administrative Monetary Penalty under section 10.0(1), no charge shall be laid against that same Person for the same contravention.
- (3) The amount of the Administrative Penalty for a contravention under this By-law is one thousand dollars (\$1,000).
- (4) A Person who is issued an Administrative Monetary Penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law, as amended or its successor By-law.
- (5) An Administrative Monetary Penalty imposed on a Person that becomes a debt to the City under the Administrative Monetary Penalties By-law, as amended, or its successor By-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes.

#### **11.0 Cost Recovery and Unpaid Fines and Penalties**

- (1) Where the City, its employees or Authorized Agents have performed the work required to bring the Site into compliance with this By-law, all expenses incurred by the City in doing the work as well as any related fees, shall be deemed a debt to the City and may be collected by the City, and/or drawn from the Security Deposit, and/or added to the tax roll for the Site and collected in the same manner as taxes.
- (2) The Treasurer of a municipality may add any unpaid fine or Administrative Penalty to the tax roll for any Property in the local municipality for which all the Owners are responsible for paying the fine and collect in the same manner as municipal taxes.



## **12.0 Fees and Security Deposit**

### **Permit Fees**

- (1) The fee for the processing, administration, and inspection of a Permit shall be charged and collected in accordance with the Fees and Charges By-law.
- (2) Permit renewals, amendments and transfers are subject to additional fees in accordance with the Fees and Charges By-law.

### **Inspection Fees**

- (3) The prescribed fees for the regular and on-going inspection of Site Alteration Permits are included in the Permit fees in accordance with Fees and Charges By-law.
- (4) Any additional inspections required to address non-compliance of this By-law, the terms and conditions of a Permit, Agreement or an Order and where remedial work is required will be subject to additional inspections fees in accordance with the Fees and Charges by-law.

### **Security Deposit**

- (5) An irrevocable Letter of Credit, certified cheque or bank draft held by the City to secure performance of the Owner and Permit Holder obligations pursuant to this By-law, Permit and Agreement, including as needed, stabilizing and/or returning the Site to its original condition, carrying out work under the Permit and complying with all other provisions of the By-law.
- (6) The amount of the Security Deposit is determined by the Director as per the Applicant Guide including any additional amounts based on scope of Site Alteration and Site-specific conditions.
- (7) The Security Deposit must remain in effect for the full duration of the Permit. Any Letter of Credit and subsequent renewals shall contain a clause stating that thirty (30) days written notice must be provided to the City prior to its expiry or cancellation.

- (8) The Security Deposit must be replenished to one hundred percent (100%) of the original amount within thirty (30) days of the City's request to remain in compliance with the Permit.
- (9) The Permit Holder must submit a request to the City to carry out the necessary final inspections to obtain clearances that all By-law, terms and conditions or Permit, agreement and any Orders have been satisfied.
- (10) When all relevant provisions, terms and conditions have been completed to the satisfaction of the Director, the balance of the Security Deposit shall be released.
- (11) If the Permit has expired or is revoked, the securities are to remain in effect until the Site is restored or stabilized to a condition acceptable to the Director.

### **13.0 Liability and Indemnification**

#### **Liability**

- (1) The provisions of this By-law do not limit the responsibility or liability of any Person who has lawfully or unlawfully undertaken Site Alteration from any personal injury, including injury resulting in death or property damage resulting from such Site Alteration or from acts or omissions of such Person, or his or her agents, employees, or contractors.
- (2) Likewise, provisions of this By-law shall not be construed as acceptance by the City, its officers, employees, or agents of any responsibility or liability whatsoever by reason of allowing such Site Alteration, approving the request for permitting such Site Alteration, or activities related to the Site Alteration.
- (3) The City is not responsible for any damages, losses or injuries caused as a result of any Site Alteration.

#### **Indemnification**

- (4) The Permit Holder shall be jointly and severally responsible to indemnify the City, its officers, employees, and agents from all losses, damages, costs, expenses, claims, demands, actions, lawsuits, or other proceedings of every nature and kind arising from, and in consequence of activities related to Site Alteration.

#### **14.0 Transition**

- (1) Any Permit valid and binding at the date of enactment of this By-law shall not require further authorization pursuant to this By-law until the Permit expires or is otherwise terminated.
- (2) The Director shall not permit any extension or renewals of Permits issued under the predecessor By-law 189-96, as amended.
- (3) Any charges laid under a previous repealed By-law remains valid.

#### **15.0 Amendment of Other By-laws**

- (1) Schedule 1 of the Administrative Monetary Penalties By-law is hereby amended by including this By-law as a Designated By-law.

#### **16.0 Effective Dates and Repeal of Predecessor By-laws**

- (1) By-law 189-96, By-law 44-2004, By-law 265-2006, and By-law 007-2017 are hereby repealed.
- (2) This By-law shall come into full effect and force on the date of its enactment by Council.

Enacted by the City of Vaughan Council this XX<sup>th</sup> day of XXXX, 2023.

\_\_\_\_\_  
Hon. Steven Del Duca, Mayor

\_\_\_\_\_  
Todd Coles, City Clerk

Authorized by Item No. \_\_\_\_ of Report No. \_\_\_\_  
of the Committee \_\_\_\_\_  
Adopted by Vaughan City Council on  
\_\_\_\_\_



**Applicant Guide for Site Alteration Permits**

Resource for Permit Requirements and Processes

Administered by: Development Engineering Department



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## **Introduction**

The Applicant Guide to Site Alteration Permits has been prepared to assist with the Site Alteration permit application process in accordance with Site Alteration By-law XX-2023. The guide addresses the following main topics:

- Permit Application Requirements
- Permit Review & Issuance Process Workflow
- Permit Administration
- Inspection & Enforcement
- Complaint Resolution Process

The Site Alteration permit and related requirements are administered by the Development Engineering Department.

## **Contact Information:**

Development Engineering Department

2141 Major Mackenzie Drive

Vaughan, ON L6A 1T1

905-832-2281

[DEPermits@vaughan.ca](mailto:DEPermits@vaughan.ca)

## 1. When a Site Alteration Permit is Required.

Site Alteration By-law xx-2023 (hereby referred to as the Site Alteration By-law), included as **Appendix A** of this Guide, grants the Director of Development Engineering (hereby referred to as 'Director') the authority to require a Site Alteration permit for any activity that will alter the grade of land through the removal or placement of topsoil, fill, or excess soil. Some projects that alter the grade of land are exempt from this requirement. Please refer to the Site Alteration By-law for all exempted projects and activities.

Please note that separate permits will be required when both the source site and the receiving site for the same proposed site alteration works are located within the City of Vaughan.

## 2. Permit Application Submission Requirements

Permit application submission requirements may vary based on the proposed site alteration activity and site-specific conditions. The Project Leader is responsible to include all relevant documentation to support the proposed site alteration. Furthermore, the Director has the authority to require additional reports, information or background studies as well as impose additional terms and conditions based on site-specific issues and concerns. The Director may also waive certain permit requirements or conditions for the same reason.

Applicants must submit the permit application package using the City's online submission [permit portal](#). Permit submission user guides and other resources are available on the Development Engineering Services Permits webpage. The online submission process facilitates the collection of applicant information, site location, proposed project details and other requirements listed below that are necessary to initiate the permit review process. The following is a list of requirements that must be satisfied to initiate the permit application technical review.

### 2.1 Owner Authorization

#### **Agent Authorization**

If an Agent is submitting an application, or otherwise acting on behalf of the Owner, a signed Agent Authorization Form (Appendix B) must be included with the initial permit application submission.

#### **Receiving Site**

If the proposed site alteration activity includes the removal of Excess Soil; the application submission must include a signed authorization from the landowner of the receiving site.



For clarity, this requirement only applies if the receiving site has a different owner than the site where the Excess Soil is being removed.

### **Off-site Temporary Storage Site**

Should the proposed site alteration activity require the temporary storage of excess soil at an off-site location, the application submission must include a signed authorization from the landowner of the temporary storage site. For clarity, this requirement only applies if the temporary storage site has a different owner than the site where the Excess Soil is being removed.

## **2.2 On-Site and Excess Soil Regulation O. Reg 406/19 Acknowledgement Form**

The On-Site and Excess Soil Regulation O. Reg 406/19 Acknowledgement form (Appendix C) must be completed by the Project Leader and included with the initial application submission. By completing the acknowledgement, the Project Leader accepts full responsibility to ensure compliance with O. Reg 406/19 and all other applicable environmental regulations.

The Project Leader must also acknowledge that City will not be held responsible for losses or damages that occur because of any non-compliance of the regulations.

## **2.3 Background Studies and Approvals**

The Project Leader is responsible to prepare the application submission package based on the proposed site alteration and site-specific conditions. The application package must include the necessary background studies, reports and technical drawings prepared by the appropriate qualified technical specialists. Background documentation must also include all relevant approvals and conditions from any other regulatory agencies with jurisdiction over the proposed site alteration activities. The required background studies and documentation include, but are not limited to:

### **Legal plan of property**

Detailed legal plan of the subject property with location of site alteration activities clearly labelled.

### **Toronto and Region Conservation Authority (TRCA) Approval Permit**

The Toronto and Region Conservation Authority (TRCA) approval is required if the subject property is located within the *Conservation Authority Act* regulated area (O.Reg 166/06). This

regulated area would include lands with a watercourse, river or stream valley, wetland, shoreline and/or hazardous land like a steep slope or a flood plain.

### **Tree Protection Agreement**

The applicant may be required to enter into a Tree Protection Agreement with the City's Development Planning Department – Urban Design Division (in consultation with the Parks Forestry Horticulture Operations Department). Please see Appendix D for the necessary requirements.

If required, the Tree Protection Agreement must be executed before the Site Alteration permit can be issued.

### **Environmental Site Assessment**

An Environmental Site Assessment (ESA) report identifies potential or actual chemical impacts in soil, ground water, and/or sediment. In general, the Phase One ESA identifies potential contaminating activities and areas of potential environmental concerns through desktop studies or site reconnaissance. The Phase Two ESA involves intrusive investigations (e.g., boreholes/monitoring wells, test pits) whereby the areas of potential environmental concern are assessed through chemical analysis for applicable contaminants of concern. Other associated ESA documents may also include Remedial Action Plans (RAPs) outlining the procedure for addressing or remediating impacts and risk assessment/evaluation reports, which assess the potential impacts of contaminants to human and ecological receptors. All ESA reports shall be completed by a Qualified Person and be accompanied with a reliance letter addressed to the City by an environmental consultant.

For lands requiring remediation or for a proposed change to a more sensitive land use, the City shall require the submission of a Record of Site Condition (RSC) registered on the Environmental Site Registry (ESR) and acknowledged by the Ministry of Environment, Conservation and Parks (MECP).

### **Environmental Impact Study**

An Environmental Impact Study (EIS) Natural Heritage Evaluation shall be prepared by a Qualified Person once the Master Environmental Servicing Plan has been reviewed. The EIS shall evaluate the proposed development, forecast impacts and achievements of the City's environmental goals, objectives, and policies, while addressing the policy requirements of the Federal, Provincial, Regional and Local levels, including but not limited to the *Endangered Species Act* and *Fisheries Act*.

Per the City's Draft Environmental Management Guidelines (EMG), an EIS is an evaluation that anticipates the implications of land use change and the interaction of these changes with the features and functions of an area, requiring the following:

- Conformity analysis with applicable policies
- Inventory of abiotic conditions, flora and fauna
- Analysis of the inter-relationships among the biotic and abiotic elements of a site (i.e. its ecology)
- Description of the proposed development, including all aspects that have the potential to affect adjacent natural features and functions
- Determination of the direct and indirect effects the proposed development will have on the existing conditions and consideration of cumulative effects
- Identification of potential improvements or enhancements to the existing Natural Heritage Network (NHN).
- Modification to the development proposal as well as evaluation of mitigation measures and monitoring, including restoration options

The EIS must determine if there will be 'negative impacts' (as defined by the [Provincial Policy Statement, 2020](#)) to the natural features or their ecological functions should the development proceed under a given proposed design. This information is required by decision makers to determine the need for modifications to proposed plans, the vegetation protection zone, Natural Heritage Network additions and other mitigation strategies to fairly evaluate the implications of a land use change. Ultimately, this information is required to achieve decisions that are consistent with the Provincial Policy Statement, 2020. Reference should also be made to the [Toronto and Region Conservation Authority's Environmental Impact Statement Guidelines, 2014](#).

Also, if subject lands are located in Provincial Plan Areas, then a Greenbelt Plan Conformity Report or Oak Ridges Moraine Conservation Plan Conformity Report may be required

### **Agriculture Impact Assessment**

The Agricultural Impact Assessment (AIA) shall be prepared by a Qualified Person with Planning and Agriculture technical expertise. The Province has currently prepared a draft [AIA Guidance Document \(March 2018\)](#).

### **Archaeological Assessment**

An Archaeological Assessment shall be prepared by a qualified Archaeologist licensed under the *Ontario Heritage Act*. An Archaeological Assessment Stage 1 is a minimal requirement for

development approvals to identify archaeological potential of the Block Plan area or specific site. Archaeological assessment reports are to follow the guidelines set out by the Ministry of Citizenship and Multiculturalism, as well as licensing requirements developed under the *Ontario Heritage Act*. For development proposing alteration to a watercourse, a marine archaeology survey conducted by a licensed marine archaeologist will be required.

Owner/Agents are strongly encouraged to engage affected Indigenous Peoples in the development of archaeological assessments to determine if their traditional and/or treaty rights are impacted because of the development.

### **Cultural Heritage Impact Assessment**

A Cultural Heritage Impact Assessment shall be prepared by a Qualified Person relating to the conservation of the type of subject heritage resource, who should be registered in the “building specialist” category, under the Canadian Association of Heritage Professionals. A Cultural Heritage Impact Assessment shall identify and evaluate cultural heritage resources in each area to determine the impact that may result from the proposed development (new construction, demolition, and/or alteration) of the subject lands. The report will also recommend an appropriate intervention approach to the heritage resources as per Policy 6.3.3.2. of VOP 2010.

### **2.4 Site Alteration Management Plan**

All permit application packages must include a Site Alteration Management Plan (SAMP) which outlines the management of the proposed site alteration activities from the source site to the final receiving site. The SAMP must be prepared by a Qualified Person based on the scale of the project, site-specific conditions and the potential impacts to adjacent properties, the surrounding community, and natural environment. Smaller scale projects with limited potential impact may have limited scope and fewer details compared to larger scale projects that include transportation & importation of excess soils or significant changes to grade. Applicants and Qualified Persons are encouraged to incorporate the [MECP Management of Excess Soil – A Guide for Best Management Practices](#) into the development of the SAMP.

### **Rationale Document**

Brief description of the proposed site alteration and overall scope of the SAMP. The rationale section should also include a list of all reports, plans and items included in the SAMP.

### **Proposed Work Schedule**

Applicants must include a proposed work schedule including:

1. Proposed start date and end date

2. Timing and brief description of major activities and milestones. – ex. installation of silt fencing, preparatory work, filling activities and final surface cover application.

The project work schedule to be reviewed and confirmed during pre-construction meeting

#### **Erosion and Sediment Control Measures & Grading Plan:**

Erosion and Sediment Control (ESC) measures are required to control erosion, sedimentation, and surface water flow during the site alteration. ESC measures also ensure no significant Adverse Impact occurs because of site alteration including, blockage, siltation, contamination, flooding or increased run off to watercourses and adjacent or surrounding properties. ESC measures are also helpful to mitigate and control dust.

The Grading Site Plan must include sufficient topographic and site condition details to illustrate:

- Existing topography and conditions
- Existing surface water flow on and around the site
- Impacts of the site alteration on surface water flow
- Proposed final grades and conditions
- Propose final surface water flow on and around site.

Please refer to **Appendix E** for detailed drawing requirements.

#### **Geotechnical Assessment**

Where the site alteration has the potential to result in unstable geotechnical conditions that includes conditions of slope stability, meeting compaction criteria, analyzing existing soil conditions and characterization, construction of retaining wall over 1.0m high, a geotechnical assessment may be required.

#### **Soil Quality Analyses**

The identification of appropriate soil quality and soil types of excess soil to be received at the site. Soil quality analyses conducted by a Qualified Person, and based on site location/sensitivity, anticipated land use, ground water use/sensitivity, pre-existing site conditions or other factors as to ensure that there is no likelihood of adverse effect and demonstrating appropriate reuse in compliance with the requirements of the On-Site and Excess Soil Regulation O. Reg. 406/19.

### **Excess Soil Tracking**

Implementation of a tracking system to document and manage excess soil from source site to receiving site as per O. Reg 406/19. Excess Soil Tracking methodology to include:

- Bills of lading and tracking
- Receiving site assessment and
- Inspection and auditing procedures.

Details to be confirmed during pre-construction meeting.

### **Traffic and Transportation Plan**

Provide a transportation plan to manage traffic as well as access to and from source site and receiving site. Traffic and transportation plan to include details on:

- Haul routes
- Traffic controls
- Traffic volume – trucks to/from sites per day.
- Road maintenance plan –protocols to monitor, mitigate and respond to dust/mud tracking.

Details to be confirmed during pre-construction meeting.

### **Dust Control Plan**

Protocols for site alterations where dust could impact neighbouring properties and community, a dust plan may be required. The dust control plan to include:

- Method for monitoring dust
- Response plan to address dust incidents.

If requested, details to be confirmed during pre-construction meeting.

### **Site Security Plan and Access Control**

Protocol for securing site and controlling access to limit potential for illegal dumping and/or unauthorized access.

If requested, details to be confirmed during pre-construction meeting.

### **Noise and Vibration**

For site alteration where there is potential for noise impacts to adjacent properties, a noise and vibration monitoring plan may be required. The monitoring plan to include:

- An assessment of potential noise impact
- Monitoring and mitigation measures.

### **Reporting & Record Keeping**

For site alteration that require regular reporting of site activities; the applicant to provide details related to:

- Site monitoring program and inspection schedule
- Site operations reporting program and schedule
- Method of calculating and reporting volume of imported fill

Details to be confirmed during pre-construction meeting. It is highly recommended that Project Leader assign an Environmental Monitor to provide regular reporting to the city.

### **Regional approvals, if applicable, related to:**

- Tree protection of regional trees
- Significant Woodland Removals
- Road access

### **2.5 Permit Fees**

The applicable permit fee must be included with the initial application submission. The permit fee includes the application review process, general permit administration and the regular monitoring and inspection of the site alteration. Please refer to Schedule K of the Fees and Charges By-law, as amended.

Other applicable fees when required, may include:

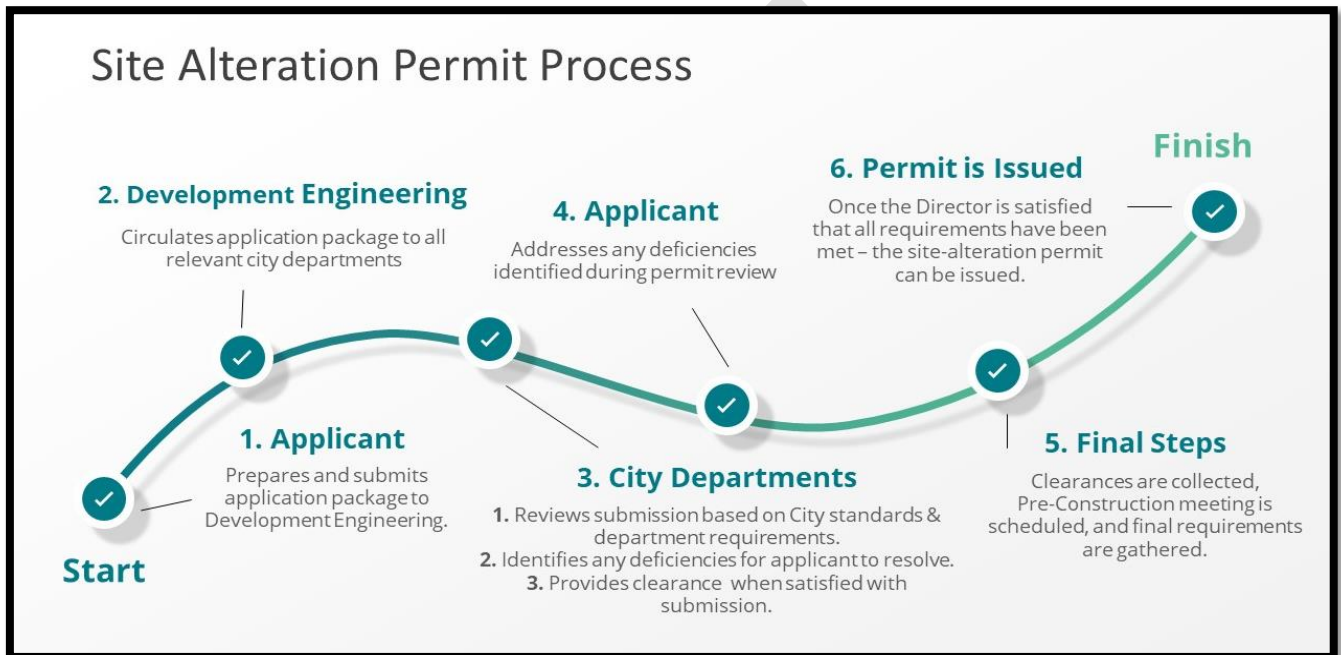
- Permit renewal fee
- Permit amendment fee
- Permit transfer fee
- Additional Inspection fee to recover costs related to repeated and continued non-compliance.

## **3. Permit Review Process**

Please note that the submission and permit requirements may vary based on site-specific conditions, the proposed scale of the site alteration and/or concerns from the local community. As per the Site Alteration By-law, the Director has the authority to request additional information as well as impose site-specific conditions to address the site-specific concerns. Alternatively, the Director may also waive certain permit requirements or conditions for the same reason.

The Development Engineering Department coordinates the circulation of the site alteration permit application submission to several City departments. Each department will review the application to determine compliance with city standards and requirements.

Please note that the permit review process will only commence once the permit application submission is deemed complete by Development Engineering Department.



Furthermore, a permit application will be deemed incomplete or abandoned and the file closed when a period of 6 months has elapsed during which the applicant:

- i. has not provided all required information, permit fees and/or security deposit as required by the Director, or
- ii. has not resolved any deficiency or deficiencies identified during the city's technical review.

Once a permit application file has been closed, it cannot be re-opened. The applicant may be eligible for a partial refund of paid permit fees. The Director shall determine the amount of the eligible refund based on the status of the application review. If a Site Alteration permit is still required, the applicant must prepare a new submission and pay the applicable permit fee.

Finally, **submitting a permit application package does not provide any guarantee to the applicant of obtaining a permit under the Site Alteration By-law.** The Director has the



authority to refuse a permit application. In the event of a permit refusal, the Director shall provide the applicant with written response of the decision.

### **3.1 Requirements Prior to Permit Issuance**

#### **Security Deposit**

A security deposit is collected to provide the City with financial resources to address issues of non-compliance or liabilities from issuing permit for the proposed site alteration. The City may retain professional services and/or contractors to carry out any required maintenance and repair activities related to permit condition, notice or order. Some examples of potential issues the security deposit may be used to correct include, but are not limited to:

- mud tracking, dust, and noise complaints
- insufficient erosion and sediment control measures
- insufficient fencing and site access control
- contaminated soil and/or impacts to soil, surface and/or groundwater
- closure of site due to non-compliance or incomplete work
- stabilization or restoration of subject lands

The security deposit must be in the form a certified cheque or an unconditional irrevocable letter of credit and received by the City **before** a Site Alteration permit can be issued. Please refer to **Appendix F** of this guide for a sample of the letter of credit template. The security deposit must remain in full effect for the duration of the permit and will only be released when the permit is closed, or the site alteration work is transferred to the authority of a related development agreement. The calculation of the security deposit is based on the following formula:

**\$1000 per day based on work schedule plus estimated total ESC costs plus site stabilization costs of \$2 per square metre of work site area (using hydro seed)**

Should the City draw against the security for any reason, the permit holder must replenish the security deposit to the original amount within 30 days of the City's request.

#### **Liability Insurance**

Applicants must also provide liability insurance in the amount of \$5,000,000 per occurrence against all claims including personal injury, death, property damage or environmental damage resulting directly or indirectly from site alteration or fill activities. The City shall be named as additional insured and the coverage shall remain in place until the termination of all requirements and conditions listed in all permits, agreements, and orders related to the site alteration on the subject site.

A valid copy of the liability insurance certificate must be on file for the duration of the permit. In the event of a policy renewal, the permit holder is to provide the City with an updated copy of the certificate within 30 days of renewal. Please click [here](#) for a sample insurance certificate.

### **Site Alteration Agreement & Permit Conditions**

The subject site landowner and permitholder must also enter into an Agreement with the City prior to the issuance of a Site Alteration permit. The template agreement and schedule of general conditions is included as **Appendix G** of this guide. Any site-specific conditions imposed by the Director would be added to Schedule A, as required.

The Agreement does not expire and can only be terminated once all terms and conditions have been fulfilled to the satisfaction of the Director, including the completion of all necessary final inspections, or execution of the related development agreement.

### **Demolition Permit**

Should the proposed site alteration require the demolition of a building, a copy the demolition permit must be provided prior to issuance of the Site Alteration permit.

### **The Pre-Construction Meeting**

The pre-construction meeting is the final review of the proposed site alteration activities to confirm that all requirements set out in the Site Alteration By-law and this guide have been met. Attendees of the pre-construction meeting usually include Development Engineering staff, the subject site landowner and/or authorized agent, the Qualified Person that prepared the SAMP, various contractors, and other relevant city stakeholders.

Once the Director has been satisfied that all permit application requirements have been met, the Site Alteration permit will be issued.

## **4. Permit Expiry, Renewal, Amendments, Transfers, and Revocation.**

This section outlines the various status changes for an issued permit.

### **Permit Expiry**

All issued permits are valid for a period of one (1) year from the date of issuance, unless otherwise indicated by the Director. If a permit has expired, the owner and the permit holder remain responsible to satisfy all permit conditions.

Furthermore, should the site alteration activities not commence within 90 days of the permit issuance, the permit shall be deemed expired, regardless of one year validity period.

### **Permit Renewal**

Site Alteration permits are valid for a period of one (1) year from the date of issuance, unless otherwise specified by the Director. The permit holder may submit a **one-time** renewal request to the Director within three (3) months prior to the Permit expiry date and up to three (3) months following the Permit expiry date. Once this time has elapsed, the renewal request will not be accepted, and a new permit application will be required, including all applicable permit fees.

Should the renewal request include significant changes from the original application, the Director may require an amendment to the original permit or an application for a new permit.

All permit renewals are subject to a fee of fifty percent (50%) of the original application fee, as per the Fee and Charges By-law.

### **Permit Renewal Request Process:**

1. Complete Site Alteration permit renewal form and submit to [depermits@vaughan.ca](mailto:depermits@vaughan.ca)
2. City review renewal request, including site inspection to document current project status.
3. Payment of permit renewal fee upon acceptance of request.
4. Site Alteration permit is renewed for a period of one (1) year, or as determined by the Director.

### **Permit Amendments**

Should there be significant changes to the original issued permit scope of work, the permit holder must submit a Site Alteration permit amendment request. City staff may request additional documentation based on the proposed amendment and scope of work.

All permit amendments are subject to a fee of fifty percent (50%) of the original application fee, as per the Fees and Charges By-law.

### **Permit Amendment Request Process:**

1. Complete Site Alteration permit amendment form and submit to [depermits@vaughan.ca](mailto:depermits@vaughan.ca)
2. City review amendment request, including site inspection to document current project status.
3. Payment of permit amendment fee is required upon acceptance of request.
4. Site Alteration permit is amended and may include revised and/or new terms and conditions.

## Permit Transfers

Site Alteration permits are not transferable to another property. However, Site Alteration permits may be transferred to a new owner provided that the new owner:

1. Provides an undertaking to transfer the permit and all original terms and conditions.
2. Executes a new Site Alteration Agreement with the city.
3. Provides the necessary security deposit and financial assurances, at which time any security deposit and financial assurances provided by the original permit holder and/or owner will be released.

Should the new owner not provide the necessary requirements listed above, the Site Alteration permit shall be revoked as of the property transfer date.

## Permit Revocation

The Director may at any time and without notice **revoke** a Site Alteration permit for any of the following reasons:

1. Permit was obtained on mistaken, false, or incorrect information.
2. Permit was issued in error.
3. The owner or permit holder has submitted a written request to revoke the permit.
4. The permit holder is in non-compliance with a Stop Work Order or an Order to Comply.
5. The land has been transferred and the new owner has not complied with the necessary permit transfer requirements.
6. The safety, health, and well-being of the community.
7. Financial impact to the city.

Once a permit has been revoked, all site alteration activities must cease. The owner, permit holder and person(s) completing the site alteration activity are all jointly responsible to stabilize or restore the site to its original condition to prevent any negative impact to adjacent properties and the natural environment.

## 5. On-Site Inspections of Site Alteration

All permitted site alteration undertaken will be regularly inspected to ensure compliance with permit conditions and the Site Alteration By-law. The inspection schedule and required reporting will be confirmed at the Pre-Construction Meeting. The cost of all regular site inspection is included in the permit fee. **It is highly recommended that Project Leader assign an Environmental Monitor to provide regular reporting to the City.**

### **Additional Inspection Fee**

Responding to complaints or matters of non-compliance is an added demand on already constrained city resources. Therefore, any additional inspections required to address repeated and/or continued non-compliance with the issued permit or the Site Alteration By-law, will be subject to an Additional Inspection Fee and charged to the permit holder. This additional inspection costs must be paid to the city within 30 days of written demand. Furthermore, any unpaid inspection fees will become a debt owing to the city and may be recovered by either drawing upon the security deposit provided or adding the costs to the municipal tax roll for the subject site and collect in the same manner as property taxes.

## **6. Enforcement and Complaint Resolution Process**

The city has an obligation to respond to and investigate all site alteration related complaints received from the community. When a complaint is received, or an Inspector observes an issue, a complaint file is created, and the investigation process is initiated. Please refer to **Appendix H** of this guide for Site Alteration Enforcement Process Map. Any complaint related to a Site Alteration permit must be resolved prior to the closing of the permit and release of any financial securities. Furthermore, the City has authority to impose various enforcement options including, Administrative Monetary Penalties, Provincial Offences Fines, Notices and Orders as well as pursuing matters of non-compliance in court.

## **7. Closure of Permit**

To initiate the closure process, permit holders are required to contact the city to initiate final inspections. If requested by the city, permit holders must provide a final topographic survey to confirm total volume of material received and/or exported, certifications and other documentation as required.

Final inspections confirm that conditions related to the permit have been fulfilled and any complaints or non-compliance matters have been resolved. Upon the satisfactory completion of site inspections, any remaining security deposits and financial assurances held by the City shall be released in full to the permit holder. The permit file will be permanently closed and all records and documentation to be saved in accordance with City policies and procedures.

## Terms & Definitions:

**Adverse Impact:** means one or more of the following:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to Property or to plant or animal life;
- c) Harm or material discomfort to any Person;
- d) A negative effect on the health of any Person;
- e) Impairment of the safety of any Person;
- f) Rendering any Property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of Property; and
- h) Interference with the normal conduct of business

**Development:** means the construction of buildings and above or underground services such as roads, parking lots, paved storage areas, watermains, storm and sanitary sewers, general grading works and similar facilities on any lands in the City of Vaughan.

**Director:** means the Director of Development Engineering for the City of Vaughan or their designate.

**Drainage:** means the movement of water to a place of disposal, whether by way of natural characteristics of the ground surface or by an artificial method.

**Enforcement Officers:** means a Person appointed under the authority of the Delegation By-law as a Municipal Law Enforcement Officer, pursuant to section 15 of the *Police Services Act*, to enforce the provisions of this By-law, or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police.

**Excess Soils:** means soil, crushed rock, soil mixed with rock or crushed rock, that has been excavated as part of a project and removed from the project area.

**Fees and Charges By-law:** means the Fees and Charges By-law 010-2023, as amended, or its successor by-law.

**Fill:** means any type of material deposited or placed on lands and includes without limitation, topsoil, soil, liquid soil as defined by Ontario Regulation 406/19, stone, concrete, construction material/rubble, asphalt, sod, or turf, either singularly or in combination.

**Grade** means ground surface elevation of the land as it relates to:

- (a) **Approved Grade** means the final elevation of the ground surface following the Site Alteration as approved by the Director in accordance with this By-law;
- (b) **Existing Grade** means the elevation of the existing ground surface prior to any Site Alteration including the natural Grade prior to human activities or any previously Approved Grade;
- (c) **Proposed Grade** means the proposed elevation of the ground surface of land upon which Site Alteration is proposed; and
- (d) **Unapproved Grade** means the elevation of the ground that is not an Existing Grade or Approved Grade.

**Inspector:** means a Person employed as a City of Vaughan Municipal Services Inspector to carry out observations and inspections of Site Alteration activities for compliance with the Site Alteration By-law or where a Permit has been issued and includes Enforcement Officers.

**Natural Heritage Features** means lands containing sensitive and/or significant natural features and functions as defined by the *Greenbelt Plan (2017)*, as amended, or superseded, including but not limited to valley and Stream Corridors, Wetlands, Woodlands, Habitat of Endangered or Threatened Species, Fish Habitat, Significant Wildlife Habitat and Areas of Natural and Scientific Interest.

**Permit** means permission given in writing by the Director to perform work regulated by this By-law or part thereof and shall include all information contained within an approved Site Alteration Management Plan and any special conditions identified by the Director.

**Permit Holder** means a Person who has been issued and maintains a valid Permit pursuant to the terms of this By-law. Permit Holder can be the “**Owner**”, “**Authorized Agent**”, or “**Project Leader**”.

**Project Leader** means the Person or Persons who are ultimately responsible for making decisions related to the planning and implementation of the Site Alteration as set out in O. Reg 406/19.

**Qualified Person (QP):** means a licensed professional (Engineer or Geoscientist) as defined in Section 5 or 6 of Ontario Regulation 153/04 or others who possess expert or special knowledge regarding matters contained within the Site Alteration By-law, including but not limited to agrologists, archaeologists and arborists.

**Receiving Site** means a Site at which Excess Soil is used for a beneficial purpose and does not include a waste disposal site; also referred to as **Reuse Site**.

**Site:** means the lot or lots of a property altered or prosed to be altered by means of a Site Alteration; also referred to as Source Site.

**Site Alteration:** means the placement of fill on land, the removal of topsoil from land or the alteration of grade of land by any means, including the removal of vegetation cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities.

**Temporary Storage of Fill** means the Temporary Storage of Fill at a Temporary Fill Storage Site or a period of time as set out in O.Reg 406/19.

**Temporary Fill Storage Site** means a waste disposal site, other than a Class 2 Soil management site, at which Excess Soil is managed on a temporary basis and that is operated, by a Person who is not the Project Leader for all of the projects from which the Excess Soil was excavated, for the primary purpose of storing the Excess Soil from one or more projects until the Excess Soil can be transported to a Site for the final Placement or disposal.



**Appendix A – Site Alteration By-law**

**Appendix B – Agent Authorization**

**AGENT AUTHORIZATION – Site Alteration**

**Property Description:**

Address: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

**Legal Description:** Plan: \_\_\_\_\_ Lot: \_\_\_\_\_ Conc: \_\_\_\_\_

**Landowner Information:**

Registered Landowner: \_\_\_\_\_

Registered Landowner: \_\_\_\_\_

Corporation Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

The undersigned, registered landowners of the above noted property, do hereby authorize:

\_\_\_\_\_, of \_\_\_\_\_  
(Agent) (Firm)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

To act on my (our) behalf and take all action necessary for the processing, issuance and acceptance of this permit, agreements, terms and conditions and if applicable all permit compliance and enforcement matters.

I (We) hereby certify the above information submitted in this application is true and accurate to the best of my (our) knowledge.

\_\_\_\_\_  
Registered Landowner

\_\_\_\_\_  
Registered Landowner

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Witness Name

\_\_\_\_\_  
Witness Signature

## Appendix C- On-Site And Excess Soil Regulation O. Reg 406/19 Acknowledgement Form



Development Engineering Department  
Site Alteration Permit  
O.Reg 406/19 Acknowledgement Form

### On-Site and Excess Soil Regulation O. Reg. 406/19 Acknowledgment

**To be signed by the Project Leader<sup>1</sup> (As defined under O. Reg. 406/19) of the Subject Lands**

**Re: Subject Lands** \_\_\_\_\_ **EF Permit #** \_\_\_\_\_

I \_\_\_\_\_ the Project Leader of the above-noted lands hereby acknowledge that it is my responsibility to ensure compliance with all applicable legislation, guidelines and other government directives pertaining to the excavation and management of excess soil including, but not limited to, *O. Reg. 406/19* and the *Environmental Protection Act*, as amended. I further acknowledge that the City of Vaughan is not responsible for the planning, reporting, documentation, registration, and/or implementation requirements prescribed under O. Reg. 406/19 and that such materials submitted as part of a site-alteration permit application were prepared by a Qualified Person<sup>2</sup>. I further acknowledge and agree that if the Subject Lands are in contravention of the requirements of *O. Reg. 406/19* or the *Environmental Protection Act* that the City of Vaughan is not responsible for losses or damages related to environmental orders, fines, and/or remedial activities not caused by the City of Vaughan's negligence and will not sue or initiate a claim over or against the City of Vaughan, except where it is alleged that the City of Vaughan has been negligent.

Dated at: \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Project Leader Signature

\_\_\_\_\_  
Print Name and Affix Corporate Seal (if applicable)

<sup>1</sup> "Project Leader" means, in respect of a project, the person or persons who are ultimately responsible for making decisions relating to the planning and implementation of the project (*Excerpt and as defined under O.Reg.406/19*)

<sup>2</sup> "Qualified Person" means, a person meets the qualifications to be a qualified person, if person holds a license, limited license or temporary license under the Professional Engineers Act, or the person holds a certificate of registration under the Professional Geoscientists Act, 2000 and is a practicing member, temporary member, or limited member of the Association of Professional Geoscientists of Ontario (*Excerpt and as defined under O.Reg 406/19 and O.Reg 153/04*)

## Appendix D- Public and Private Tree Preservation and Removal Requirements

### Development Planning Department: Tree Preservation and Removal Requirements

It is the City's objective to protect and preserve trees and/or woodlots as per Official Plan Amendment (OPA) 400. It is further recognized that not all trees, and/or woodlots, can be, or are designated to be preserved. To confirm tree preservation measures and the tree removal requirements, the following information is required by the Development Planning Department. The requirements listed in this document do not include regional trees, trees located on City property, TRCA (Toronto and Region Conservation Authority) lands and woodlots. For these locations, separate clearances and approvals would be required.

- Owners are required to consult with the Development Planning Department prior to commencing any tree removal activities on site.
- The City's Tree Protection By-law and Tree Protection Protocol remain in effect until a Tree Protection Agreement has been executed between the Owner and the City, or a tree removal permit is obtained. Any person and/or corporation who contravenes with any provision of the Tree Protection By-law is guilty of an offence and upon conviction is liable.
- An owner may wish to proceed with site works and tree removal prior to the execution of the Subdivision or Site Plan Agreement. These works would only be permitted with the issuance of a site-alteration permit and Tree Protection Agreement (TPA) for any proposed removal of more than 5 trees of 20cm DBH and higher.
- As per the City's Tree Protection Protocol, the requirements for a Tree Protection Agreement include:
  1. Arborist report that includes
    - Tree protection costs
    - Tree removal costs
    - Tree compensation costs for all trees
  2. Tree inventory and preservation plan prepared by a Certified Arborist or Landscape Architect
  3. Tree Protection Agreement fee payment as per Fees & Charges By-law, as amended.
  4. Letter of Credit for the total of the tree protection, removal, and compensation costs.  
The letter of credit for the tree protection agreement is to remain in place until the execution of the Subdivision or Site Plan Agreement.
- Where an approved draft plan includes a woodlot designed for preservation as outlined in OPA 400, no part of the designed woodlot shall be removed and tree hoarding is required, to the satisfaction of Forestry Division. This protective hoarding should be installed as per [City-Wide Urban Design Guidelines Tree Hoarding Protection Detail ULA110A and ULA110B](#). Protective hoarding must be approved by City staff prior to the commencement of any site earth works.
- Notwithstanding the item listed above, where a portion of a woodlot, designated for preservation, has been identified for removal as part of approved draft plan, tree/vegetation removal remains subject to review and approval of vegetation assessment, preservation, and remedial planting plan. This approval is part of the subdivision or site plan agreement process and is subject to detailed engineering design including but not limited to grading and servicing. No vegetation will be permitted to be removed within 10 meters of any top of bank approval for any tree/preservation removals, in this situation, will be contingent on detailed vegetation assessment preservation and remedial planting plans which would be required at the subdivision agreement stage and

subject to detailed engineering design, including but not limited to, grading and servicing. Review and clearances from both the City's Environmental staff and the TRCA are required.

- The stockpiling of topsoil on any park block is not permitted without prior written approval from the Development Planning Department. When stockpiling is permitted within a designated park block, a security in the form of a Letter of Credit in the amount of \$50,000 is required which the City can draw upon to recover the cost to the City of performing any works, which the owner has failed to perform.

The Development Planning Department will coordinate and notify the Regional Forestry Coordinator of any tree preservation and tree removal approvals.

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## Appendix E – Erosion and Sediment Control Checklist

### **EROSION AND SEDIMENT CONTROL CHECKLIST**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

*The following checklist is to be completed by the Qualified Person by checking each item certified or outlined on the Erosion and Sedimentation Control drawing.*

✓ = **Provided and/or in Compliance**

X = **Not Provided**

- ☐ A key map showing the location of each lot, including the nearest major intersection and north arrow;
- ☐ The lot boundaries and lot size in hectares;
- ☐ All dimensions shall be in meters;
- ☐ Drawing must be to scale with scale ranging from 1:250 to 1:1000;
- ☐ The land use type of subject and adjacent properties;
- ☐ The location and use of existing or proposed buildings and other structures on the lot or adjacent properties, only provide information relating to proposed site alteration;
- ☐ Easements and rights-of-way over, under, across or through the lot, if applicable;
- ☐ The location and dimensions of utilities, structures, roads, highways and paving located within a minimum of thirty (30) meters beyond each lot boundary;
- ☐ The location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on and within a minimum of thirty (30) meters beyond each lot boundary;
- ☐ The Regional Storm Flood Plain and Toronto and Region Conservation Authority Fill Regulation lines;
- ☐ The existing lot topography extending a minimum of thirty (30) meters beyond each lot boundary;
- ☐ The existing lot drainage patterns, including directions of overland flow and overland flow route within a minimum of thirty (30) meters beyond the lot boundary,
- ☐ The location and dimensions of any existing storm water management ponds, if applicable;
- ☐ The proposed final grades and drainage system to be used upon completion of the filling operation;
- ☐ Re-routing of drainage from adjacent lands (passing through subject site) around disturbed areas where required or practical;
- ☐ Phasing limits of topsoil stripping and filling operations;
- ☐ The location, dimensions, design details and design calculation of all construction site erosion control measures;
- ☐ Methodology and sequence of implementation of erosion and sedimentation control measures;

- ☐ City of Vaughan details for erosion and sedimentation control fencing;
- ☐ Additional silt fences along the downslope portions of the site perimeter susceptible to sheet drainage;
- ☐ Construction access road location and treatment details;
- ☐ Provisions for the maintenance of the construction site erosion sediment control and dust control measures during construction and after, as required;
- ☐ The location and dimensions of all temporary stockpiles;

**Note:**

- *Stockpiles anticipated to remain in place for more than 30 days are required to be seeded to prevent wind erosion;*
  - *Stockpiles of greater than 100 cubic meters are not permitted within the downslope drainage length of 10m to a roadway or drainage channel.*
- ☐ Sedimentation control ponds shall be provided for areas greater than 2 hectares;
- ☐ Sedimentation pond size with rip-rap on overflow spillway (all ponds require a volume of 125 cubic metres per hectare with minimum 4:1 L:W pond ratio otherwise 185m<sup>3</sup>/ hectare pond volume required);
- ☐ Pond outlet direction and capacity (all ponds require outlets of sufficient capacity to a watercourse or a drainage easement);
- ☐ Access facility for clean-out of sedimentation pond;
- ☐ Compaction certification by a professional soil engineer for all sedimentation pond berms greater than 1m in height (required prior release of fill permit securities);
- ☐ Notes on drawing for removal of accumulated silt when sedimentation pond reaches 50% of its capacity.

## Appendix F – Letter of Credit Template

## Appendix G – Draft Site Alteration Agreement Template

**THIS AGREEMENT** made on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

BETWEEN:

\_\_\_\_\_  
Hereinafter called “Owner”  
OF THE FIRST PART,

-and-

\_\_\_\_\_  
Hereinafter called “Permit Holder”  
OF THE SECOND PART,

-and-

THE CORPORATION OF THE CITY OF VAUHGAN  
Hereinafter called the “City”

NOW WHEREAS the Owner has applied to the City for a Site Alteration Permit to alter existing grades on the property.

AND WHEREAS the Owner of the property located in the City of Vaughan, in the Regional Municipality of York (hereinafter called the “Region”, being all of Lot No. \_\_\_\_\_, Block No. \_\_\_\_\_, Plan No. \_\_\_\_\_, Concession No. \_\_\_\_\_, identified as Number and Street and hereafter referred to as the “Property”

AND WHEREAS the Owner and Project Leader will be responsible to co-ordinate and oversee all site alteration and fill activities on the property/land;

AND WHEREAS the City has enacted the Site Alteration By-law No. **XX-2023**, as amended, being a by-law to prohibit or regulate the removal of topsoil, the management of excess soils and the placement of fill that alters the grade of lands within the City of Vaughan;

AND WHEREAS the Site Alteration By-law **No. XX-2023** requires that where site alteration is to be conducted on any property, the Owner shall provide information set out in the By-law and shall enter into an Agreement with the City;

AND WHEREAS the Owner/Project Leader has requested the City to issue a Site Alteration Permit to allow them to conduct site alteration and fill activities on their property in accordance with the By-law and Site Alteration Management Plan (SAMP) dated **MONTH DAY, YEAR**;

AND WHEREAS the Owner/Project Leader has requested the City to issue a Site Alteration Permit to allow for the import/export/cut & fill operation to a maximum of XX cubic metres of approved material and the Owner has agreed not to exceed this amount;

AND WHEREAS the Owner/Project Leader has agreed not to contaminate or cause adverse impacts on the natural environment or adjacent properties and agrees to abide by all applicable regulations, including Ontario Regulation 406/19, Ontario Regulation 153/09 and the Site Alteration By-law XXX-2023 as amended;

AND WHEREAS the Owner will pay all applicable fees and provide the required Security Deposit calculated as per the Fees & Charges By-law as amended and detailed in the Applicants Guide;

NOW THEREFORE in consideration of the premises, the parties mutually covenant and agree as follows:

1. The lands, that make up the Property that is the subject of this Agreement are located in the City of Vaughan, in the Regional Municipality of York (hereinafter called the "Region", being all of Lot No. \_\_\_\_\_, Block No. \_\_\_\_\_, Plan No. \_\_\_\_\_, Concession No. \_\_\_\_\_, identified as Number and Street \_\_\_\_\_
2. The Owner and Permit Holder agrees to follow the details of the Site Alteration Management Plan prepared by a Qualified Person in accordance with Site Alteration By-law XX-2023, as amended, and in compliance with the Region, Conservation Authority and all applicable federal and provincial laws.
3. The Owner and Permit Holder acknowledge that the issuance of a Site Alteration Permit does not relieve the requirement to satisfy the City's Lot Grading, Municipal Servicing and Grading Criteria. The Owner and Permit Holder further acknowledge that any works undertaken under the issued site alteration permit will not compromise the City's Standards for Grading and Servicing.
4. The Owner and Permit Holder shall indemnify and save harmless the City and/or its employees from all action, suits, claims and demands whatsoever which may arise directly or indirectly by reason of a requirement of this Agreement, including, save and except for damage cause by the negligence of the City or its employees.
5. No waiver of any provision of this agreement shall be deemed or shall constitute a waiver of any other provision nor shall such waiver constitute a continuing waiver unless otherwise expressly provided. Any waiver of, or consent to depart from, the requirements of any provision of this Agreement shall be effective only if it is in writing and signed by an authorized representative of the party giving it, and only in the specific instance and for the specific purposes for which it has been given. No failure on the part of any party to exercise, and no delay in exercising, any right under this agreement shall operate as a waiver of such right. No single or partial exercise of any such right shall preclude any other or further exercise of any other right
6. The Owner agrees to obtain and keep in force throughout the term of this Agreement comprehensive liability insurance in an amount not less than \$5,000,000 per occurrence against all claims including personal injury, death, property damage and environmental damage resulting directly or indirectly from the site alteration and fill activities on the property, which policy shall include the City as a named additional insured. Owner shall provide the City with a certificate of insurance coverage prior to the City issuing the Site Alteration permit.
7. The Owner agrees to pay all applicable permit fees and any other costs incurred by the City related to the inspection, monitoring, and auditing of the site alteration activities.



8. Prior to the issuance of the Site Alteration Permit, the Owner shall provide a Security Deposit that provides the City with necessary financial resources to address issues of non-compliance or liability from granting permission to conduct the proposed site alteration activities. If the City draws upon the Security Deposit, the Owner shall provide additional funds to top up the Security Deposit back to the original amount within 30 days of the City's request.
9. The Owner agrees to obtain all necessary approvals, permits, acknowledgements, and clearances from all applicable agencies with jurisdiction prior to the issuance of a Site Alteration Permit.
10. Owner agrees that site alteration activities will not commence prior to issuance of a Site Alteration Permit.
11. The Owner acknowledges that the Site Alteration Permit issued by the City is valid for a period of 12 months from issuance. The Owner may submit a request to the Director for a one-time renewal of a permit as per Site Alteration By-law XX-2023, as amended.
12. The Owner agrees to Site Alteration Conditions as listed in Appendix A.
13. The Owner agrees that this Agreement does not expire and can only be terminated once all terms and conditions have been fulfilled to the satisfaction of the Director, including the completion of all necessary final inspections, or the related development agreement has been executed.
14. If any notice is required to be given by the City to the Owner with respect to this Agreement, such notice shall be delivered, mailed, or emailed to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Attention: \_\_\_\_\_

Email: \_\_\_\_\_

If notice is to be given by the Owner to the City, it shall similarly be given to:

The City of Vaughan  
Development Engineering Department  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Attention: Frank Suppa, Director  
Email: [frank.suppa@vaughan.ca](mailto:frank.suppa@vaughan.ca)

IN WITNESS WHEREOF, the Owner and Permit holder have hereunto set their hands and seals, and Vaughan has hereunto affixed its corporate seal duly attested by the proper officers in that behalf,

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF VAUGHAN

In the presence of

---

Frank Suppa  
Director of Development Engineering

---

Owner

### **Schedule A – Permit Terms & Conditions**

**All permit holders under this Agreement and Site Alteration By-law XX-2023 shall:**

1. Notify the Director within 48 hours of commencing any land disturbing activity;
2. Notify all owners/residents directly adjacent or impacted by this work (transportation plan), 2 weeks before the commencement of the work;
3. Install all site control measures, as identified in the approved ESC plan prior to soil stripping.
4. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the Site Alteration Management Plan;
5. Repair any sedimentation or erosion damage to adjoining surfaces and watercourses resulting from site alteration activities.
6. Inspect the ESC measures at least once per week and after severe rain event and provide reporting to Director. Initiate and/or complete any necessary repairs within 48 hours to the satisfaction of the Director.
7. Maintain all roads and sidewalks used for access to the lands in good, mud and dust free condition during construction.
8. Construct additional control measures, not identified in ESC Plan, as deemed necessary by the Director to ensure no erosion and sediment damage to adjoining properties.
9. Maintain a copy of the SAMP, Site Alteration permit, inspection records and transportation tracking tickets on-site.
10. Adhere to the approved Site Alteration Management Plan and/or Fill Management Plan. Should there be any proposed changes to the approved plans, drawings and/or designs, the permit holder may submit a permit amendment request to the Director. The Director will determine the required documentation based on the scope of the proposed amendment. All permit amendments are subject to a fee as listed in the Fees & Charges By-law Schedule K.
11. Restore SWM facility used as ESC ponds during site alteration activity.

12. Be responsible for activities of agents, employees, contractors, and subcontractors who may create a situation of non-compliance of the permit.
13. Allow City employees and any person in the company of any City employee to enter the site for the purposes of inspecting for compliance with the Site Alteration Permit and SAMP; or to perform any necessary work to bring the site into compliance with SAMP and permit.
14. Acknowledge that site alteration activities are only permitted between the hours of 7am to 7pm, Monday through Saturday, and not permitted on Sunday or statutory holidays, unless a construction noise exemption has been issued.
15. The subject parcel of lands may lie in an area identified as being of high archaeological potential in the City's database of archaeological resources. The owner is advised that the following standard clauses apply:
  - a. Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ministry of Citizenship and Multiculturalism and the City of Vaughan's Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.
  - b. If human remains are encountered during construction activities, the proponent must immediately cease all construction activities and shall contact the York Regional Police Department, the Regional Coroner, and the Registrar of the Cemeteries at the Ministry of Consumer Services.

**The City will:**

1. Inspect the site regularly to ensure compliance with the By-law, Site Alteration Agreement and the Site Alteration Management Plan that was submitted as part of the permit. Any additional inspections required to address matters of non-compliance will be subject to an additional inspection charge as listed in Fees & Charges By-law, as amended.
2. Upon failure by the permit holder to:
  - a. complete all or part of the works included in the Site Alteration Management Plan, or;
  - b. install, repair, or maintain any part of the works required within the time requested or;
  - c. undertake the necessary works due to emergency repair or clean up,

The City will complete the necessary works at the expense of the permit holder. If the costs to complete the required works are not paid to the City within 30 days of written demand, the City may recover all costs by either drawing upon the security deposit provided or by adding the costs to the tax roll for the property and collect in the same manner as municipal taxes.

3. If the costs for the work are greater than the security deposit provided and if the City is not reimbursed within 30 days of written demand, then the costs including interest will be added to the tax roll for the property and collected in the same manner as municipal taxes.
4. Require the permit holder to always maintain the security deposit at 100% of the initial posted value should funds be drawn from the security deposit to address an issue of non-compliance or restore and/or stabilize the subject lands.

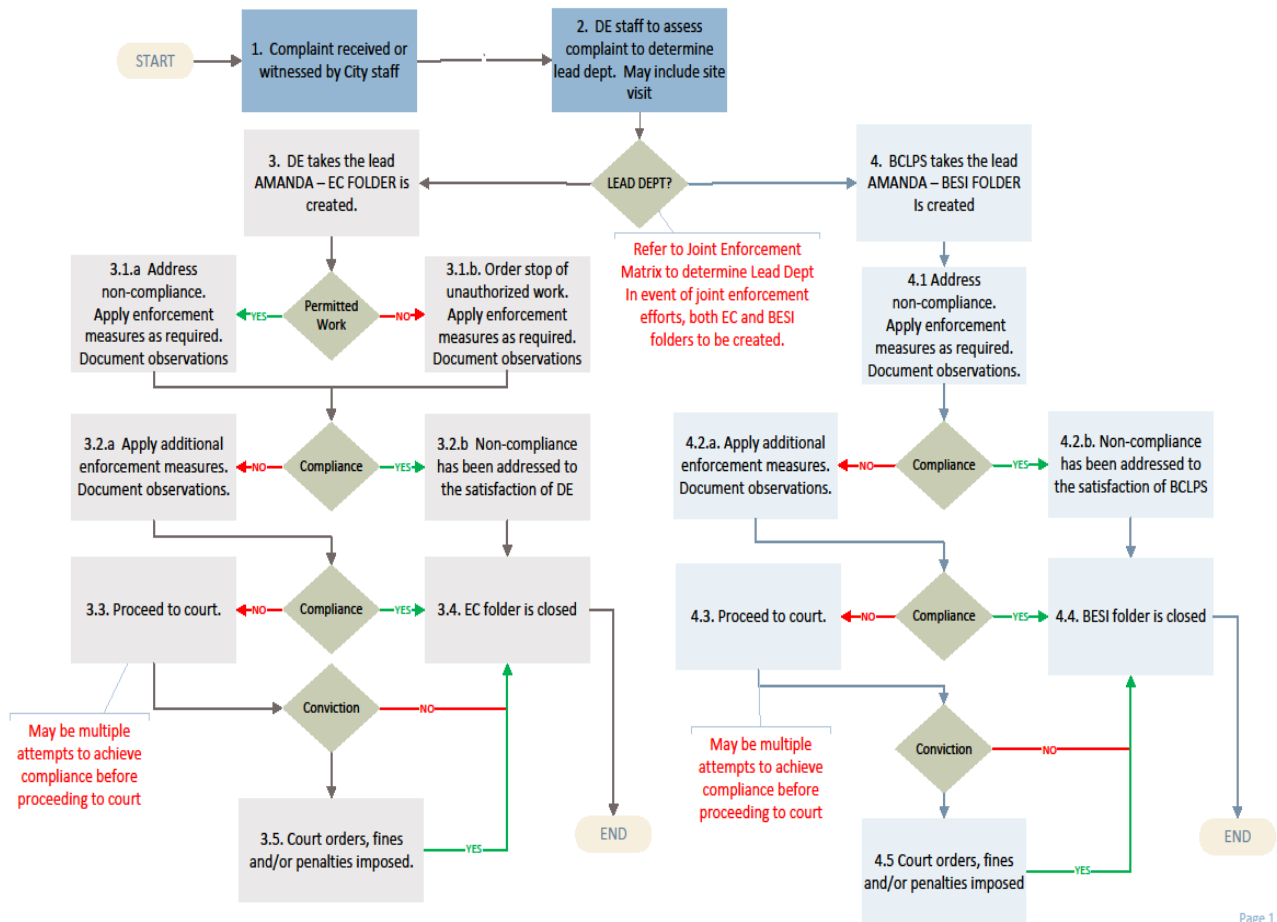
**Additional Site-Specific Conditions as determined by Director:**

- 1.

## Appendix H – Site Alteration Enforcement Process Map

### Site Alteration Enforcement Process Map – Future State

April 4, 2023



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