

**C11  
COMMUNICATION  
COUNCIL – June 20, 2023  
CW (2) - Report No. 28, Item 6**

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Our File No.: 213205

**Via Email**

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

**Attention: City Clerk**

Dear Sirs/Mesdames:

**Re: Item No. 6.6  
Proposed Amendment to VOP 2010, Volume 1, Policy 10.1.3 and By-law 278-2009 as Amended in Response to Bill 109  
File No. 25.7**

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

By letter dated December 9, 2022, we wrote to City Council in advance of its scheduled consideration of a draft official plan amendment to address pre-consultation requirements, identifying a number of concerns with the proposed amendments. That matter was subsequently deferred.

While the draft official plan amendment has been modified since that time, our client continues to have concerns with the proposed policies. Our client is not opposed to the concept of a better defined pre-application consultation process. However, as proposed, the draft official plan amendment (the “**Draft OPA**”) and amendments to By-law 278-2009 are flawed and will unreasonably delay the development process in the City. There are also aspects of the amendments that are *ultra vires* the *Planning Act*.

Our client’s concerns include the following:

- **10.1.3.2** – This policy contemplates staff evaluating the merits of an application as part of the pre-application process and identifying conformity issues that would need to be addressed prior to an application being deemed complete. The policy would appear to

purport to allow City staff to refuse to accept an application if they disagree with an applicant's planning or other supporting analysis. This is inappropriate and effectively upends the planning process. The pre-application process is not for evaluating the merits of an application; rather, it is for ensuring a complete set of information and material is submitted, as noted above. The City cannot prevent the submission of an application on the basis that it disagrees with the planning analysis provided in support of it regarding conformity with applicable planning documents.

- **10.1.3.4** – This policy should be revised to enable discretion during a pre-application consultation process to reflect the details of the proposed application. Further, this policy enables terms of reference, standards and guidelines to be issued by City staff that would not be found in policy or, even worse, for City staff to have discretion simply to provide “instructions” to applicants regarding preparation of studies and reports. This approach is too vague and needs to be revised to reflect the requirements in the *Planning Act*.
- **10.1.3.9** – Concurrent planning applications should be reviewed together. We appreciate the deletion of the previously-proposed policy that would have precluded staff from addressing official plan amendment and zoning by-law amendment applications concurrently. However, site plan applications should be processed concurrently in the same way. The staff report indicates that the City will process site plan applications before a notice of complete application has been issued, but that is not reflected in the Draft OPA, which continues to indicate that processing will only commence when such a notice is issued (see policy 10.1.3.10). Further, there is no valid basis or statutory authority for withholding issuance of a complete application notice for a site plan application in a heritage district until approval is obtained under the *Ontario Heritage Act*.
- **10.1.3.13 and 10.1.3.14** – These policies would purport to enable the City to withhold notice of complete application until the City has commissioned a third party peer review of certain materials or the City has approved a Block Plan. Evaluation of the merits of the applicant's materials, including any peer review, must be done as part of the development application review process, not as part of the process for determining whether the application is complete in the first place. In this regard, the policy attempts to interfere with landowners' statutory right to make planning applications and have them processed.

The Draft OPA and associated by-law amendments contain provisions that would lead to significant and unreasonable delays in the processing of development applications contrary to the intent of Bill 109. Further, aspects of the proposed amendments exceed the City's statutory authority. In light of the issues with the proposed amendments, revisions to both documents are required and we ask Council to refer these matters to City staff for further review and consultation.

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

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink that reads "Max Laskin".

Max Laskin  
MXL/  
cc. Client

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