

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 114-2023**

**A By-law to designate by Number an amendment to City of Vaughan By-law 1-88, as amended by By-law 234-2010, as effected by the Ontario Land Tribunal.**

The Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the Amendment to the City of Vaughan By-law 1-88, as amended by By-law 234-2010, as effected by the Ontario Land Tribunal Order, dated the 28<sup>th</sup> day of June, 2023 (OLT Case No. OLT-22-004083), attached hereto as Attachment “1”, is hereby designated as By-law Number 114-2023.

Voted in favour by City of Vaughan Council this 26<sup>th</sup> day of September, 2023.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk

Authorized by the Decision of the Ontario Land Tribunal  
Issued June 28, 2023, Case No. OLT-22-004083.  
Adopted by City of Vaughan Council on December 13, 2022.  
(Item No. 1 of Report No. 47 of the Committee of the Whole (Closed Session))  
(Item No. 25 of Report No. 46 of the Committee of the Whole)  
City Council voted in favour of this by-law on  
September 26, 2023.  
Approved by Mayoral Decision MDC 003-2023 dated September 26, 2023.  
**Effective Date of By-Law: September 26, 2023**

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** June 28, 2023

**CASE NO.:** OLT-22-004083

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

Applicant/Appellant: G Group Major Mackenzie Inc.  
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment  
Description: To permit the development of five residential and mixed-use buildings, ranging in height from 4 to 36-storeys  
Reference Number: OP.21.019  
Property Address: 3812 Major Mackenzie Drive W  
Municipality/UT: Vaughan/York  
OLT Case No: OLT-22-004083  
OLT Lead Case No: OLT-22-004083  
OLT Case Name: G Group Major Mackenzie Inc. v. Vaughan (City)

**PROCEEDING COMMENCED UNDER** section 34(11) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant: G Group Major Mackenzie Inc.  
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision  
Description: To permit the development of five residential and mixed-use buildings, ranging in height from 4 to 36-storeys  
Reference Number: Z.21.040  
Property Address: 3812 Major Mackenzie Drive W  
Municipality/UT: Vaughan/York  
OLT Case No: OLT-22-004084  
OLT Lead Case No: OLT-22-004083

**PROCEEDING COMMENCED UNDER** section 34(19) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Applicant/Appellant: G Group Major Mackenzie Inc.  
Subject: Zoning By-law  
Description: Comprehensive Zoning By-law for all lands in the City of Vaughan  
Reference Number: Comprehensive Zoning By-law No. 001-2021

Property Address: 3812 Major Mackenzie Drive W  
 Municipality/UT: Vaughan/York  
 OLT Case No: OLT-22-002104  
 OLT Appeal No: 2748

BEFORE:

G. BURTON	)	
VICE-CHAIR	)	Wednesday, the 28 <sup>th</sup>
	)	
D.S. COLBOURNE	)	day of June, 2023
VICE-CHAIR	)	

**THESE MATTERS** having come on for a public hearing, and the Tribunal in its Decision issued on June 13, 2023, having withheld its final order pending notification that the conditions noted in the Decision have been met to the satisfaction of the Appellant and the City, and the Tribunal having now been advised that all the conditions have been met;

**THE TRIBUNAL ORDERS** that the appeal is allowed in part and the Official Plan for the City of Vaughan is amended as set out in Attachment "A" to this Order, and as amended is approved;

**AND THE TRIBUNAL ORDERS** that the appeal is allowed in part that the appeal is allowed and the municipality is directed to amend By-law 1-88 as set out in Attachment "B" to this Order;

**AND THE TRIBUNAL FURTHER ORDERS** that the appeal is allowed in part that the appeal is allowed and the municipality is directed to amend By-law 001-2021 as set out in Attachment "C" to this Order;

**AND THE TRIBUNAL FURTHER ORDER** that the appeal against Comprehensive Zoning By-law 001-2021 (OLT-22-002104, Appeal No. 2748) is resolved in full and the balance of the appeal is hereby dismissed.

1. This Order and the Tribunal's Final Order approving the amendment to Zoning By-law No. 001-2021 is without prejudice to the disposition of any other appeal of Zoning By-law No. 001-2021 in OLT-22-002104 and any unapproved portions of Zoning By-law No. 001-2021, such that if those appeals proceed to a subsequent hearing or motion, either on their own or as may be consolidated with other proceedings, the City will not take the position that the Tribunal ought not to approve amendments to Zoning By-law No. 001-2021 on the basis that such amendments deviate from or are inconsistent with the amendments hereto as brought into force by this Order and the Tribunal's Final Order. However, this does not affect the City's right to assert that Zoning By-law No. 001-2021, as amended hereto, to the extent brought into force by this Order and the Tribunal's Final Order, should be applied to specific sites or areas without amendment on the basis that doing so is consistent with the Planning Act and provincial policies, conforms to provincial and official plans and/or constitutes good planning.

*"Euken Lui"*

ACTING REGISTRAR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal

# ATTACHMENT 1

DRAFT

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 114-2023**

**A By-law to amend City of Vaughan By-law 1-88, as amended by By-law 234-2010.**

**WHEREAS** there has been an amendment to the Vaughan Official Plan adopted by Council but not approved at this time, with which the matters herein set out are in conformity;

**AND WHEREAS** Subsection 24(2) of the *Planning Act*, R.S.O.1990, c.P.13, provides that Council may pass a By-law that does not conform to the Official Plan on lands that are subject of an adopted amendment, and that once the amendment comes into effect, the By-law shall then conform; and

**AND WHEREAS** Subsection 24 (2.1) of the *Planning Act*, R.S.O.1990, c.P.13. provides that the By-law comes into force and effect upon the Official Plan Amendment coming into effect;

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

1. That City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:
  - a) Deleting Exception 9(1351) in its entirety from Section 9.0 “EXCEPTIONS” and substituting therefor the following:

“(1351) A. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E-1479”, until the Holding Symbol “(H)” is removed pursuant to Subsection 36(1) or (3) of the *Planning Act*.
  - i) Lands zoned with the Holding Symbol “(H)” shall be used only for the production of field crops, or a use legally existing as of the date of the enactment of this By-law. Notwithstanding the foregoing, the following uses are permitted prior to the removal of the Holding

Symbol “(H)”:

- a. One (1) temporary sales office, in accordance with Subsection 3.25 respecting Temporary Sales Office in the City of Vaughan By-law 1-88;
  - b. Below-grade parking structure including shoring and excavation work, provided that a Site Development Application for a permitted use under Section 1.B.fi) has been submitted to the City.
- ii) The removal of the Holding Symbol “(H)” from the Subject Lands or a portion or Phase thereof is contingent on satisfying the following conditions:
- a. York Region Infrastructure Asset Management staff have confirmed that water and wastewater servicing capacity is available to support the proposed development at such time as:
    - i. The City of Vaughan approves servicing allocation to this development that is not dependent upon the completion of any new infrastructure; or
    - ii. York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region to permit the plan registration; or
    - iii. The Regional Commissioner of Public Works confirms servicing allocation for this development by a suitable alternative method and the City of Vaughan allocates the capacity to this development.

- b. The Owner must demonstrate a sanitary and water servicing strategy can be achieved utilizing a comprehensive study and must enter into an Agreement with the City to design and construct the works, to the satisfaction of the City. The study shall include approved and proposed development applications surrounding the Subject Lands, including, but not limited to, NJS Developments Inc. – 3836 and 3850 Major Mackenzie Drive West (Files OP.21.023 & Z.21.047), Calvin Estates Inc. – 10130/10144/10160 Weston Road (Files Z.16.018 & 19T-16V003), and Maplequest (Vaughan) Developments Inc. (Files DA.17.082 & DA.17.118), to ensure any infrastructure improvements accommodates the remaining growth in Block 40 South including an Agreement, by the City and/or Region, for any applicable Development Charge credit for any infrastructure improvements including front ended infrastructure. The study shall also identify and commit to any improvements to any municipal and/or private sewers and mains, free of all costs and encumbrances to the City, that are required to service the Subject Lands, to the satisfaction of the City.
- c. As the Subject Lands require the future 'Sunset Terrace extension/ New Road A' and Farooq Boulevard to be constructed with interest from the adjacent lands known as NJS Developments Inc. – 3836 and 3850 Major Mackenzie Drive



West (Files OP.21.023 & Z.21.047), the “H” is to only be lifted under one of the following two scenarios:

- i. The ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard are constructed by the Owner or adjacent landowner to the west and the Owner has secured the necessary lands external to the Subject Lands to be conveyed to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands; or
  - ii. The Owner has demonstrated that an alternate interim roadway for ‘Sunset Terrace extension/ New Road A’ and Farooq Boulevard can be achieved through a comprehensive Transportation Impact Study (‘TIS’) including, but not limited to, functional design drawings, to the satisfaction of the City. The Owner shall identify and secure any necessary lands required to facilitate the interim solution, including lands external to the Subject Lands to be conveyed to the City, free of all costs and encumbrances, prior to the occupancy of any units on the Subject Lands.
- d. The Owner shall submit and obtain approval of a Draft Plan of Subdivision Application (subject to conditions) from City of Vaughan Council.
  - e. A Subdivision Agreement has been executed

and registered (without clearing of conditions of Draft Plan Approval or Plan Registration) on title to the Subject Lands, and any other agreement(s) be executed to the satisfaction of the City.

(1351) B. Notwithstanding the provisions of:

- a) Subsection 2.0 respecting the Definition of “Community Facility”, “Lot”, “Front Lot Line”, and “Privately-Owned Publicly Accessible Space”;
- b) Subsection 3.8, Paragraphs a) and c) respecting the Parking Requirements;
- c) Subsection 3.13 respecting the Minimum Landscaped Area;
- d) Subsection 3.17 respecting the Portions of Buildings Below Grade;
- e) Subsection 4.1.6 respecting Minimum Amenity Area;
- f) Subsection 4.1.7 and Subsection 4.12 respecting permitted uses in an RA3 Residential Apartment Zone;
- g) Schedule “A” respecting the zone standards in the RA3 Apartment Residential Zone;
- h) Schedule “A” respecting the zone standards in the OS2 Open Space Park Zone;

the following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-1479”:

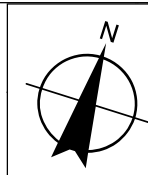
- ai) For the purposes of this By-law, the following definitions shall apply:
  - i) **COMMUNITY FACILITY** – Means premises used for indoor and outdoor recreational, institutional, social, or cultural activities, and may include a health and fitness centre, library, or museum.
  - ii) **FRONT LOT LINE** – Means the lot line of the Subject

Lands that abuts the Major Mackenzie Drive West street line.

- iii) LOT – Means that regardless of the number of buildings constructed, the creation of separate units and/or lots by way of Plan of Condominium, Consent, conveyance of private or public roads; strata title arrangements, or other permissions, and any easements or registrations that are granted, the Subject Lands shall be deemed to be one (1) lot.
- iv) URBAN SQUARE – Means a publicly accessible and principally outdoor area that is used for public gathering, parks, temporary commercial vendor or markets, outdoor patio, performance and exhibition spaces, or similar activities, and may include privately owned public space or a breezeway.
- bi) For the purposes of this By-law the following parking requirements shall apply:
  - i) The minimum parking space requirements are as follows:
    - a. Apartment Dwelling Residential – 0.8 spaces per dwelling unit
    - b. Apartment Dwelling Visitor – 0.2 spaces per dwelling unit
    - c. Multiple Family Dwelling – 1.0 space per dwelling unit
    - d. Multiple Family Dwelling Visitor – 0.2 spaces per dwelling unit
    - e. Non-Residential, excluding a Day Nursery – 4.5 spaces/100 m<sup>2</sup> of non-residential gross floor area
    - f. Day Nursery – 1.0 space per employee

- ci) A strip of land not less than 3 metres in width abutting all street lines shall be used for no other purpose than landscaping;
- cii) An urban square, comprised of soft and hard landscaping, shall be provided in the locations and manner shown on Schedule “E-1479”;
- di) The minimum setback from the ultimate front lot line after any road widenings to the nearest part of a building/underground parking structure below finished grade shall be 1 metre;
- ei) For the purposes on this By-law the following amenity area requirements shall apply:
  - i) The minimum amenity area requirement for an apartment dwelling shall be 8 m<sup>2</sup> per dwelling unit for the first 8 (eight) dwelling units; and an additional 5 m<sup>2</sup> of amenity area per dwelling unit for each additional dwelling unit;
  - ii) The minimum amenity area requirement for a multiple family dwelling shall be 10m<sup>2</sup> per dwelling unit for the first 8 (eight) dwelling units; and an additional 8 m<sup>2</sup> of amenity area per dwelling unit for each additional dwelling unit;
- fi) For the purposes of this By-law the following additional uses shall be permitted in the RA3 Apartment Residential Zone:
  - Bank or Financial Institution;
  - Business or Professional Office;
  - Community Facility;
  - Eating Establishment;
  - Eating Establishment, Convenience;
  - Eating Establishment, Take-Out;
  - Health Centre;
  - Multiple Family Dwelling;

- Personal Service Shop;
  - Pharmacy;
  - Retail Store;
  - Urban Square
- gi) The minimum front yard setback shall be 3.0 metres;
- gii) The minimum rear yard setback shall be 4.2 metres;
- giii) The minimum exterior side yard setbacks shall be 3.0 metres;
- giv) The maximum permitted building heights are as follows:
- a. Buildings A and B – 49.5 metres
  - b. Buildings C and F – 55.5 metres
  - c. Buildings D and E – 58.5 metres
- gv) The minimum lot area shall be 35,600 m<sup>2</sup>
- hi) The minimum rear yard setback shall be 0.0 metres;
- hii) The minimum exterior side yard setback shall be 0.0 metres;
- and
- hiii) The minimum setback abutting the internal private road (east and south of the public park) shall be 4.5 metres.”
- c) Deleting Schedule “E-1479” and substituting therefor with Schedule “E-1479” attached hereto as Schedule “1”.
- d) Deleting Key Map 6E and substituting therefor the Key Map 6E attached hereto as Schedule “2”.
2. Schedules “1” and “2” shall be and hereby form part of this By-law.



FAROOQ BOULEVARD

PUBLIC PARK  
4900 sq.m.  
**OS2**  
**9(1351)**

BUILDING G  
4-STOREYS

8-STOREYS  
BUILDING F  
18-STOREYS

NEW ROAD A

BUILDING A  
16-STOREYS

8-STOREYS

BUILDING B  
16-STOREYS

8-STOREYS

6-STOREYS

6-STOREYS

BUILDING I  
14-STOREYS

BUILDING C  
18-STOREYS  
8-STOREYS

6-STOREYS

BUILDING H  
14-STOREYS

BUILDING D  
19-STOREYS  
8-STOREYS

URBAN SQUARE  
3000 sq.m.

**RA3(H)**  
**9(1351)**

8-STOREYS  
BUILDING E  
19-STOREYS

URBAN  
SQUARE  
1000 sq.m.

WESTON ROAD

MAJOR MACKENZIE DRIVE

HATCHED AREA  
INDICATES EXTENT OF  
THE ROAD WIDENING

THIS IS SCHEDULE 'E- 1479'  
TO BY-LAW 1-88  
SECTION 9(1351)

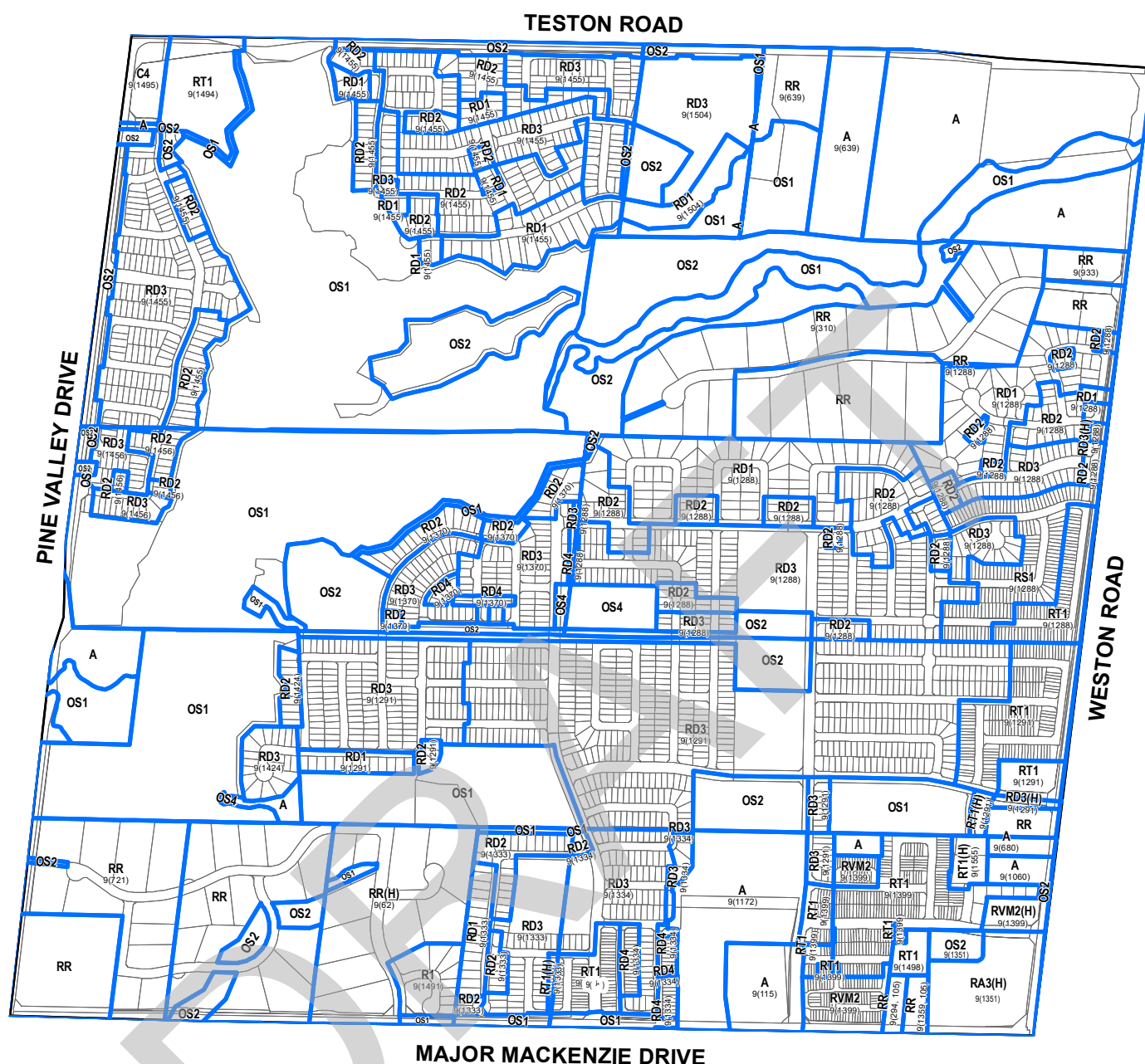


SUBJECT LANDS

THIS IS SCHEDULE '1'  
TO BY-LAW 114-2023  
PASSED THE 26TH DAY OF SEPTEMBER, 2023

FILE: Z.21.040  
RELATED FILE: OP.21.019  
LOCATION: Part of Lot 21, Concession 6  
3812 Major Mackenzie Drive West  
APPLICANT: G Group Major Mackenzie Inc.  
CITY OF VAUGHAN

SIGNING OFFICER  
MAYOR  
CLERK  
TRIBUNAL ORDER:  
CASE NO. OLT-22-004083  
JUNE 28, 2023



0 125 250 500 Metres

## CLERK

### **SUMMARY TO BY-LAW 114-2023**

The lands subject to this By-law are located at the northwest corner of Major Mackenzie Drive West and Weston Road, being in Part of Lot 21, Concession 6, City of Vaughan.

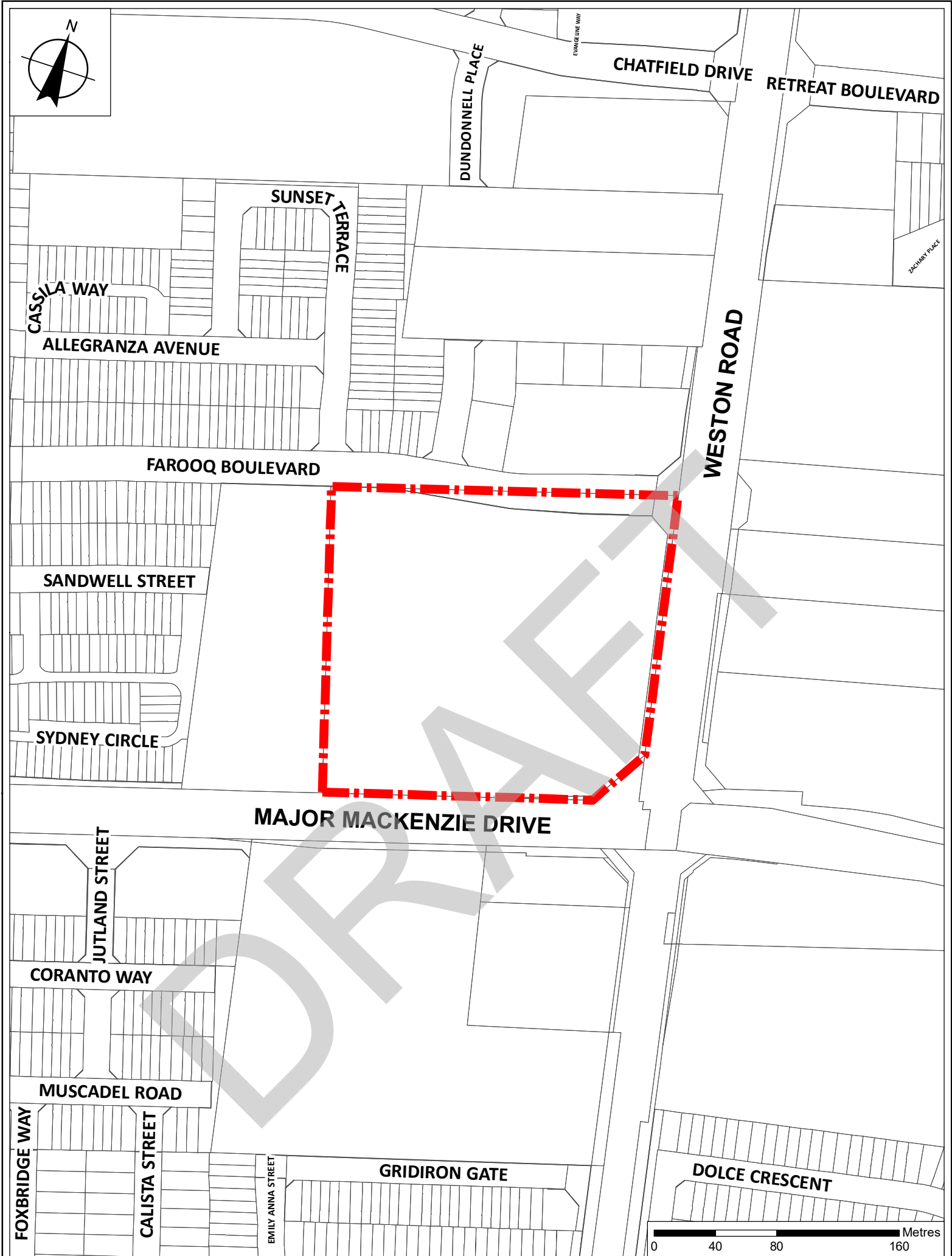
The purpose of this by-law is to amend the RA3 Residential Apartment Zone with the Holding Symbol “(H)” and OS2 Open Space Park Zone, subject to Exception 9(1351), to permit a mixed-use development consisting of eight (8) residential/mixed-use buildings, ranging in height from 4 to 19 storeys, containing a total of approximately 2,400 residential dwelling units, space devoted to commercial uses, office uses, a day nursery, and community facilities, and two Urban Squares (i.e. Privately Owned Public Spaces) that are 3,000 m<sup>2</sup> and 1,000 m<sup>2</sup> each. A 4,900 m<sup>2</sup> Public Park is also provided on the Subject Lands.

The Holding Symbol “(H)” has been placed on the Subject Lands and shall not be removed from the Subject Lands or any portion thereof, until the conditions have been satisfied.

The Ontario Land Tribunal is the approval authority for this By-law.

DRAFT





# LOCATION MAP TO BY-LAW 114-2023

**FILE:** Z.21.040  
**RELATED FILE:** OP.21.019  
**LOCATION:** Part of Lot 21, Concession 6  
3812 Major Mackenzie Drive West  
**APPLICANT:** G Group Major Mackenzie Inc.  
**CITY OF VAUGHAN**

