

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 116-2023

A By-law to designate by Number an amendment to City of Vaughan By-law 1-88, as amended by By-laws 125-2011 and 084-2020, 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-laws 125-2011 and 084-2020, as effected by the Ontario Land Tribunal Order, dated the 27th day of June, 2023 (OLT Case No. OLT-22-004049), attached hereto as Attachment “1”, is hereby designated as By-law Number 116-2023.

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

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by the Order of the Ontario Land Tribunal
Issued June 27, 2023, Case No. OLT-22-004049.
Adopted by Vaughan City Council on January 24, 2023
(Item No.14 of Report No. 1 of the Committee of the Whole).
Adopted by Vaughan City Council on April 25, 2023
(Item No. 3 of Report No. 19 of the Committee of the Whole (Closed Session)).
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 27, 2023

CASE NO(S):

OLT-22-004049

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

Applicant/Appellant:

NJS Developments Inc.

Subject:

Request to amend the Official Plan – Failure to adopt the requested amendment to permit a 348-unit residential apartment building

Description:

Reference Number:

OP.21.023

Property Address:

3836-3850 Major Mackenzie Drive W

Municipality/UT:

Vaughan/York

OLT Case No:

OLT-22-004049

OLT Lead Case No:

OLT-22-004049

OLT Case Name:

NJS Developments Inc. v. Vaughan (City.)

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

Subject:

Application to amend the Zoning By-law – Refusal or neglect to make a decision to permit a 348-unit residential apartment building

Description:

Reference Number:

Z.21.047

Property Address:

3836-3850 Major Mackenzie Drive W

Municipality/UT:

Vaughan/York

OLT Case No:

OLT-22-004050

OLT Lead Case No:

OLT-22-004049

Heard:

June 6, 2023 by video hearing

APPEARANCES:

Parties

NJS Developments Inc.

City of Vaughan

Regional Municipality of York

G Group Major Mackenzie Inc.

Counsel

Steven Ferri

Marc Kemerer
Candace Tashos

Bola Ogunmefun

Matthew Helfand
Andrea Skinner (*in absentia*)

MEMORANDUM OF ORAL DECISION DELIVERED BY C.I. MOLINARI AND S. DEBOER ON JUNE 6, 2023 AND FINAL ORDER OF THE TRIBUNAL

[Link to Final Order](#)

INTRODUCTION AND BACKGROUND

[1] This matter involves an appeal filed by NJS Developments Inc. (“Appellant”) pursuant to s. 22(7) and s. 34(11) of the *Planning Act* (“Act”) against the City of Vaughan’s (“City”) failure to make a decision within the statutory time frame regarding the Appellants’ Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications (“Applications”) for the property municipally known as 3836 and 3850 Major Mackenzie Drive West (“Major Mackenzie”) (“Subject Property”).

[2] The Applications, as revised, propose to amend the City Official Plan 2010 (“COP”), the City Zoning By-law No. 1-88, as amended (“ZBL 1-88”), and the new comprehensive City Zoning By-law No. 001-2021, as amended (“ZBL 1-21”), to facilitate the development of a tiered 4 to 12-storey residential apartment building with a total of 367 units.

[3] The Subject Property is currently vacant and has an area of approximately 8,884 square metres (“sq m”) with a frontage of approximately 90 metres on Major Mackenzie. The site is bounded by Major Mackenzie to the south, Sydney Circle to the west, Sandwell Street to the north, and a planned future public road to the east (“Sunset Terrace”).

[4] The surrounding neighbourhood is characterized by existing and future planned higher-intensity built forms including three-storey townhouses to the west and north, an approved 19-storey high-rise mixed-use building owned by G Group Major Mackenzie Inc. to the east. To the south side of Major Mackenzie is a three-storey mixed-use building and a Ministry of Transportation maintenance yard. The site is served with public transit along two major regional corridors, those being Major Mackenzie and Weston Road to the east.

[5] The Applications were filed with the City on December 7, 2021, and deemed complete as of December 23, 2021. The Appellant filed a revised submission on November 4, 2022, in response to feedback received through the review of the original proposal to address issues related to built-form, massing, site access, indoor amenity space, and public realm design. The revisions included an increase in the number of units from 348 to 367, and a decrease in the total gross floor area from 30,315 sq m to 28,463 sq m.

[6] Subsequent to the appeal of the Applications, the City endorsed the approval of the revised Applications subject to modifications to the building design and the inclusion of a Holding Symbol (“H”). Following discussions between the Parties, final revised OPA and ZBAs were agreed to between the Parties.

[7] The Tribunal received correspondence from the Appellant in advance of the hearing advising that the Parties had settled the issues and requesting that the Tribunal convert the proceedings to a settlement hearing.

[8] In accordance with Rule 12 of the Tribunal's *Rules of Practice and Procedure*, the Tribunal convened the proceedings as a hearing on the terms of the settlement.

LEGISLATIVE FRAMEWORK

[9] When considering appeals filed pursuant to s. 22(7) and 34(11) of the Act, the Tribunal must have regard to the matters of provincial interest as set in s. 2 of the Act. Section 3(5) of the Act requires decisions of the Tribunal affecting planning matters to be consistent with the Provincial Policy Statement, 2020 ("PPS") and, in this case, conform to the Growth Plan for the Greater Golden Horseshoe ("Growth Plan"). The Tribunal must also be satisfied that the Applications conform with the Region of York ("Region") Official Plan ("ROP"), the COP and both of the City Zoning By-laws.

[10] In consideration of the statutory requirements set out above, the Tribunal must be satisfied that the Applications represent good planning and are in the public interest.

SUBMISSIONS

[11] Prior to the commencement of the hearing, the Tribunal received the Affidavit of Ryan Mino-Leahan in support of the settlement. At the hearing, the Parties presented Mr. Mino-Leahan as a professional land use planner and requested the Tribunal qualify him to give expert opinion evidence in oral testimony along with his Affidavit concerning the settlement. The Tribunal qualified Ryan Mino-Leahan on consent to provide expert opinion evidence in the area of land use planning pertaining to this matter.

[12] Mr. Mino-Leahan provided background information on the Subject Property, the surrounding area as well as the history and processing of the Applications.

The Applications

[13] Mr. Mino-Leahan advised the Tribunal that the OPA proposes to redesignate the Subject Property from Low-Rise Mixed-Use and Low-Rise Residential to Mid-Rise Residential, and includes other site-specific provisions to increase the maximum floor space index ("FSI") from 1.5 times the area of the site to 3.25 times the net developable area, and to permit an increase in the maximum building height from four storeys to 12 storeys.

[14] Mr. Mino-Leahan described the proposed site-specific ZBAs in his Affidavit as providing the required permissions for the development of the site with a tiered four to 12-storey residential apartment building with a total of 367 residential dwelling units and with a FSI of 3.25 times the net developable area of the Subject Property. The building will be 'C-shaped' fronting directly on existing and future public roads to the north, east and south. Building height and massing is focused at the southeast corner with terracing in height down to four storeys towards the north and to six storeys towards the west, providing a reduction in scale and massing towards surrounding residential uses. The proposed building will be served by an at-grade amenity area within the central and western portions of the site as well as on the roof at the fifth level at the north end of the building. Access to the at-grade parking and loading areas and the ramp to the two-level underground parking garage will be provided from a private driveway accessing Sunset Terrace. The Proposed Development will provide 418 parking spaces of which 11 are accessible as well as 228 short-term and long-term bicycle parking spaces.

[15] Mr. Mino-Leahan explained that the Holding provisions contained in the ZBAs would require the following conditions to be fulfilled by the Appellant prior to removal:

- a) a Functional Servicing and Stormwater Management Report to be submitted to the satisfaction of the City, and an Agreement to be entered into with the

City in the event infrastructure improvements are required external to the Subject Property;

- b) a peer review of the Noise Study to the satisfaction of the City, and the payment of a surcharge fee if required;
- c) the submission of the Phase Two Environmental Site Assessment and a Reliance Letter to the satisfaction of the City;
- d) the submission of a revised Transportation Mobility Plan to the satisfaction of the City;
- e) the Sunset Terrace extension to be either constructed or for the Appellant to demonstrate through a comprehensive Transportation Impact Study, to the satisfaction of the City, that an alternate interim roadway for the extension can be achieved and for the Appellant to identify and secure any necessary lands to facilitate the interim solution; and
- f) an amending Subdivision Agreement to be executed and registered on title.

[16] Mr. Mino-Leahan reviewed the particulars related to the need for two ZBAs, one to amend ZBL 1-88 and one to amend ZBL 1-21, explaining the timing of the adoption by the City of ZBL 1-21 and subsequent appeal and approval by the Tribunal, relative to the date of submission of the Applications. Mr. Mino-Leahan advised that, as the Applications were processed prior to the Tribunal issuing its order related to ZBL 1-21, the transition provisions of ZBL 1-21 do not apply and the Applications were subject to a dual review under both ZBL 1-88 and ZBL 1-21. Accordingly, both ZBAs are required in order to facilitate the review by the City of the associated Site Development Application under either ZBA.

[17] As described by Mr. Mino-Leahan, the ZBA to amend ZBL 1-88 proposes to rezone the Subject Property from a site-specific 'RR Rural Residential Zone' and a site-specific 'RT1 Residential Townhouse Zone' to a site-specific 'RA3 Apartment Residential Zone' subject to the conditions of the H provision. The site-specific exceptions include the following:

- amend the definitions of Lot, Parking Space, and Front Lot Line,
- amend the minimum parking space requirements,
- reduce the landscaping requirements and add items permitted within the landscape strip,
- increase the maximum building height and mechanical penthouse, and
- amend standards for projections, below-grade parking structures, minimum amenity area, lot area, and setbacks.

[18] As described by Mr. Mino-Leahan, the ZBA to amend ZBL 1-21 proposes to rezone the Subject Property from a site-specific 'RE Estate Residential Zone' and a site-specific 'RT Townhouse Residential Zone' to a site-specific 'RM3 Multiple Unit Residential Zone' subject to the conditions of the H provision. The site-specific exceptions include the following:

- amend the definitions of Lot and Front Lot Line,
- reduce the landscaping requirements and add items permitted within the landscape strip,
- increase the maximum building height and mechanical penthouse,
- remove podium, tower and angular plane requirements,
- reduce stacked bicycle parking space dimensions, and,
- amend standards for projections, intake shafts, below-grade parking structure, minimum amenity area, lot area, and setbacks.

[19] Mr. Mino-Leahan advised that for both ZBAs, the H will require fulfillment of the conditions prior to removal. He confirmed that the H provisions are identical for both ZBAs.

[20] Mr. Mino-Leahan further advised that the proposed OPA and ZBAs provide enough flexibility for the finalization of the Site Development Application that was submitted to the City on December 19, 2022 and that will be revised in the near future.

[21] Mr. Mino-Leahan described the built form of the proposed development as directing the height and density to the southeast corner of the Subject Property with the terraced building design graduated to the west and north resulting in 12 storeys at the southeast corner, six storeys at the southwest corner and four storeys at the north end fronting on Sandwell Street.

POLICY FRAMEWORK

The Planning Act

[22] With respect to the policy and regulatory context, Mr. Mino-Leahan opined that the Applications have regard to the applicable matters of provincial interest pursuant to s. 2 of the Act, and in particular:

- the orderly development of safe and healthy communities,
- the adequate provision of a full range of housing, including affordable housing,
- the appropriate location of growth and development,
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians, and

- the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

PPS

[23] Mr. Mino-Leahan opined that the Applications are consistent with the PPS, and in particular the policies that direct the management of land uses to achieve efficient and resilient development and land use patterns, including policy 1.1.1 which promotes efficient development and land use patterns, policy 1.1.3.1 which requires that settlement areas be the focus of growth and development, policy 1.1.3.2 which encourages densities and mix of land uses that efficiently use land and resources, and policy 1.4.3 which directs municipalities to provide for an appropriate range and mix of housing options and densities. He referred the Tribunal to his Affidavit, in which he notes that, the PPS is “supportive of intensification that is planned and coordinated within built-up areas that have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities”.

Growth Plan

[24] It was Mr. Mino-Leahan’s opinion that the Applications conform with the Growth Plan, and in particular policy 2.2.1.2 that requires the vast majority of growth to be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. The policy requires that, within settlement areas, growth is to be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit, with a priority on higher order transit and areas with planned public service facilities. He noted that the Subject Property is located within a designated greenfield area of a settlement area and is currently served by full municipal services and higher-order transit. His Affidavit further notes that the development “conforms to

the policy framework of the Growth Plan, as the built form would efficiently and appropriately intensify the Subject Lands at a density supportive of Growth Plan objectives with respect to directing growth to Settlement Areas”.

ROP

[25] The Subject Property is designated ‘Urban Area’ in the ROP. It was Mr. Mino-Leahan’s opinion that the Applications conform to the ROP, and in particular policies in sections 5.2 and 5.3 that focus growth in urban areas and encourage intensification within the built boundary and development that maximizes efficiencies in infrastructure delivery, supports active and public transportation uses and provides for a wide range of housing.

[26] Mr. Mino-Leahan noted that the Region has a new Official Plan (“ROP 2022”) that was approved on November 4, 2022. Although the Applications are not subject to the ROP 2022, he reviewed the Applications in the context of its policies and it is his opinion that the Applications conform to both the ROP and the ROP 2022.

COP

[27] Mr. Mino-Leahan opined that the Applications implement the overall policy direction and intent of the COP and therefore conform to the COP, notwithstanding the policies being modified through the OPA. He noted that the east portion of the Subject Property is located within the Vellore Centre ‘Local Centre’ which, as identified in section 2.2.5 and Schedule 1 of the COP, is identified as an ‘Intensification Area’. He advised that ‘Local Centres’ are the focus for “multi-family developments” and may permit mid-rise and high-rise buildings as appropriate.

[28] Mr. Mino-Leahan advised that the west portion of the Subject Property is located within a 'Community Area' which are predominantly comprised of low-rise residential development, but that limited intensification is permitted provided it is compatible with the character, form, and planned function of the surrounding context as per policy 2.2.3.3.

[29] For development immediately adjacent to 'Community Areas', including the east portion of the Subject Property, Mr. Mino-Leahan noted that COP policy 2.2.3.4 requires appropriate transition in scale, intensity, and use, and the mitigation of adverse noise and traffic impacts, while fulfilling the objectives of 'Intensification Areas'.

[30] In his opinion, the OPA brings the Subject Property into a consistent land use designation and has regard for the intensification strategy in the COP and therefore conforms to the policy intent of the COP.

ZBL 1-88 and ZBL 001-2021

[31] In Mr. Mino-Leahan's opinion, the requested amendments for both ZBL 1-88 and ZBL 001-2021 allow the applications to conform to the general intent and purpose of both ZBLs. The holding provisions included in the applications allow the City to ensure that the applications maintain the built form as presented.

Conclusions

[32] Mr. Mino-Leahan opined that the proposed zoning standards will ensure an appropriate built form and transition to the existing developments to the west and north, with the majority of the massing being focused at the southeast portion of the site and the height and intensity terraced down to the west and north. He further opined that the

proposed OPA and ZBAs represent good land use planning and that their approval is in the public interest.

[33] Mr. Mino-Leahan concluded that the Applications are consistent with the PPS, conform to the Growth Plan and to both the ROP and the COP. He recommended that the Tribunal approve the OPA and ZBAs as submitted.

PARTICIPANT STATEMENTS

[34] Mr. Mino-Leahan advised the Tribunal that the issues in the Participant Statements filed in response to the appeal, and those of the members of the public involved at the public meeting, centered mostly around traffic, height, and density. Mr. Mino-Leahan advised that these issues formed part of the technical review of the Applications by the City and that, resulting from the technical review, the H attached to the ZBAs requires a further traffic study to address traffic concerns but he noted that the current traffic study supports the development from a traffic perspective. With respect to height and density, Mr. Mino-Leahan advised that the terracing of the building heights to the west and north ensures compatibility with, and appropriate transitioning to, surrounding development and that the ZBAs regulate a maximum of four storeys at the north end of the Subject Property.

[35] With respect to the Participant concern related to the Vellore Village District Core Study Review, Mr. Mino-Leahan advised that it was his understanding that the study was identified by the City but that no such study was undertaken.

ANALYSIS AND FINDINGS

[36] The Tribunal accepts the uncontroverted testimony and evidence of Mr. Mino-Leahan.

[37] The Tribunal finds that the proposed development will fit harmoniously with the existing and planned built form context and will enhance the area by providing intensification in an area which is well served with municipal infrastructure and transit while ensuring compatibility with the surrounding existing and planned developments. The development will be an efficient use of the land and will support the achievement of the PPS and Growth Plan policy directions promoting intensification within a built-up urban area.

[38] The Tribunal accepts the submission of Mr. Mino-Leahan that the proposed development will not create unacceptable built form impacts on nearby properties. Further, the Tribunal is satisfied that the built form will create a high-quality addition to the area, in the context of the terracing of the building from 12 storeys at the southeast portion of the property down to six storeys to the west and four storeys to the north.

[39] In consideration of the submissions of Mr. Mino-Leahan and the revisions to the proposal resulting in the settlement of the appeals, the Tribunal is satisfied that the Applications have sufficient and proper regard for the applicable matters of provincial interest as set out in s. 2 of the Act. The Tribunal finds that the Applications are consistent with the PPS, conform to the policies of the Growth Plan, and conform to the policies of the ROP and the COP.

[40] The Tribunal finds that the applications as presented conform to the general intent and purpose of both ZBL 1-88 and ZBL 001-2021. The Tribunal finds that the provisions included with the holding symbols are appropriate for the applications.

ORDER

[41] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and the Official Plan of the City of Vaughan is amended as set out in Attachment 1 to this Order.

[42] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and Zoning By-law 1-88 of the City of Vaughan is amended as set out in Attachment 2 to this Order. The Tribunal authorizes the municipal clerk of the City of Vaughan to assign a number to this By-law for record keeping purposes.

[43] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and Zoning By-law 001-2021 of the City of Vaughan is amended as set out in Attachment 3 to this Order. The Tribunal authorizes the municipal clerk of the City of Vaughan to assign a number to this By-law for record keeping purposes.

"C. I. Molinari"

C. I. MOLINARI
MEMBER

"S. deBoer"

S. deBOER
MEMBER

Ontario Land Tribunal

Website: www.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 116-2023

A By-law to amend City of Vaughan By-law 1-88, as amended by By-laws 125-2011 and 084-2020, as effected by the Ontario Land Tribunal.

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) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto from RT1 Residential Townhouse Zone, subject to site specific exception 9(1498) and RR Rural Residential Zone, subject to site specific exceptions 9(105), 9(294), 9(1359) to RA3 Apartment Residential Zone with the Holding Symbol “(H)”, subject to site specific zone exceptions, in the manner shown on the said Schedule “1”.
 - b) Deleting Exceptions 9(105), 9(294) and 9(1359) in their entirety from Section 9.0 “EXCEPTIONS” and substituting therefor the following:

“(105) A. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E-109”, until the

Holding Symbol “(H)” is removed pursuant to Subsection 36(1) or (3) of the *Planning Act*:

- i) Notwithstanding anything in this By-law to the contrary, lands zoned with the Holding Symbol “(H)” shall be used only for the production of field crops, or a use legally existing or a use permitted 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; and
 - b. Below-grade parking structure including shoring, excavation and servicing work for a use permitted under the RA3 zone, including site-specific exceptions permitted therein.
- ii) The removal of the Holding Symbol “(H)” from the Subject Lands is contingent on satisfying the following conditions to the satisfaction of the respective department:
 - a. Submit a revised Functional Servicing and Stormwater Management Report which addresses all outstanding comments and includes the following information to the satisfaction of the Development Engineering Department:
 - i. Short-term construction and long-term dewatering information and recommendations provided in the

Geotechnical Investigation prepared by Terraprobe Inc., dated August 31, 2021 and the Hydrogeological Assessment prepared by Terraprobe Inc., dated September 8, 2021.

- ii. Unit count information for approved and proposed development applications within the immediate vicinity of the Subject Lands, including the following, to identify and required wastewater and/or water infrastructure improvements, to service the Development: Vaughan NW RR Propco LP – OP.20.008, Z.20.016, DA.20.022, G Group Major Mackenzie Drive Inc. – 3812 Major Mackenzie Drive West (Files OP.21.019 & Z.21.040), 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). Should any infrastructure improvement be identified external to the Subject Lands, as required to service the development, the Owner shall enter into an Agreement with the City to secure for the construction and conveyance of the identified improvements to the satisfaction of the City, including an Agreement by the City and/or Region for any applicable Development Charge credit for any infrastructure improvement including front-ended infrastructure.

- b. A peer review of the Noise Report prepared by Valcoustics Canada Ltd., shall be undertaken to determine the feasibility of the Class 4 acoustical area designation for the Subject Lands, to the satisfaction of the Development Engineering Department. Should the Subject Lands be designated as a Class 4, the Owner shall pay the surcharge fee in accordance with the fees and charges by-law and the noise by-law shall be amended to reflect the Class 4 designation for the Subject Lands.
- c. Submit the Phase Two Environmental Site Assessment ('ESA') report used to file RSC #232453 entitled "Phase Two Environmental Site Assessment Update, 3850 Major Mackenzie Drive West, City of Vaughan", dated May 5, 2022, prepared by Soil Engineers Ltd., and a letter of Reliance for their ESA reports, to the satisfaction of the Development Engineering Department.
- d. Submit a revised Transportation Mobility Plan ('TMP') prepared by Crozier Consulting Engineers, addressing the outstanding comments to the satisfaction of the Development Engineering Department;
- e. As the Subject Lands require the future 'Sunset Terrace extension' to be constructed with G Group Major Mackenzie Drive Inc. – 3812 Major Mackenzie Drive West (Files OP.21.019 & Z.21.040), the "H" is to only be lifted under one of

the following two scenarios:

- i. The 'Sunset Terrace extension' is constructed by the Owner or adjacent landowner to the east 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 the 'Sunset Terrace extension' 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.
- f. An amending Subdivision Agreement has been executed and registered on title to the Subject Lands (without clearing of conditions of Draft Plan Approval or Plan Registration) to facilitate the creation of Block 1 (being the Subject Lands) and Block 7 of Plan of Subdivision File 19T-17V004 (being the westerly portion of Sunset

Terrace), the removal of the hammer-head turn around and the release of the associated easement, noted as Parts 4 and 5 on Plan 65R-40113.

(105) B. Notwithstanding the provisions of:

- a) Subsection 2.0 respecting the Definition of “Lot”, “Parking Space” and “Front Lot Line”;
- b) Subsection 3.8, Paragraphs a), c) and g) respecting the Parking Requirements;
- c) Subsection 3.13 respecting the Minimum Landscaped Area;
- d) Subsection 3.14 respecting Permitted Yard encroachments and restrictions;
- e) Subsection 3.17 respecting the Portions of Buildings Below Grade;
- f) Subsection 4.1.6 respecting Minimum Amenity Area;
- g) Schedule “A” respecting the zone standards in the RA3 Apartment Residential Zone;

the following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-109”:

- ai) For the purposes of this By-law, the following definitions shall apply:
 - i) FRONT LOT LINE – Means the lot line of the Subject Lands that abuts the Major Mackenzie Drive West street line.
 - ii) PARKING SPACE - Means a rectangular area measuring at least 2.7 metres by 5.7 metres, exclusive of any aisles or ingress and egress lanes, used for the temporary parking of motor vehicles, and shall include a private garage or carport and private driveway leading

thereto. Including parallel parking spaces.

- iii) LOT – For the purposes of zoning conformity, 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.

- 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 – 1.0 space per dwelling unit
- b. Apartment Dwelling Visitor – 0.2 spaces per dwelling unit

- ii) The minimum driveway width for a two way driveway shall be 6 metres

- ci) A strip of land not less than:

- 1 metre abutting Sandwell Street,
- 0.6 metre abutting Sunset Terrace and at the sight triangle between Major Mackenzie Drive West and Sunset Terrace,
- 1 metre abutting Major Mackenzie Drive West and at the sight triangle of Sunset Terrace and Sandwell Street,

shall be used for no other purpose than landscaping. Bicycle parking, hard and soft landscaping such as raised planters, patio stones, and walkways, intake shafts and transformers will be permitted in the landscape strip;

- di) Sills, air conditioners other than central air conditioning units, belt courses, cornices, eaves, gutters, canopies, chimney pilasters and windows shall not project more than 1.25 metres into a required yard;
 - ei) The minimum setback from any lot line to the nearest part of a building/underground parking structure below finished grade shall be 0.0 metres, after any road widenings;
 - fi) The total minimum amenity area requirement shall be 2,200 m²;
 - gi) The minimum front yard setback shall be 5.0 metres, 0.6 metres at a sight triangle and 1.0 metre to an intake shaft;
 - gii) The minimum rear yard setback shall be 2.6 metres and 1.0 metres at sight triangle;
 - giii) The minimum exterior side yard setback shall be 5.0 metres, 1.0 metres to a sight triangle and 0.6 m from an intake shaft;
 - giv) The minimum interior side yard setbacks shall be 5.0 metres;
 - gv) The minimum total lot area shall be 8,800 m²;
 - gvi) The maximum building height shall be 45 metres or 12 storeys, except within 10 metres of the northern property line where the maximum building height shall be 16.5 metres or 4 storeys abutting Sandwell Street as shown on Schedule “1”;
 - gvii) A rooftop mechanical penthouse shall be permitted to exceed the maximum height required by this By-law to a maximum of 5.7 metres. Rooftop mechanical equipment or a rooftop mechanical penthouse shall not be considered a storey for the purposes of this By-law.
- c) Deleting Schedules “E-109”, “E-299”, “E-1487” and “E-1629” and substituting therefor Schedule “E-109” attached hereto as Schedule “1”.

d) Deleting the following exceptions in their entirety from Exception 9(1498) and substituting therefor the following paragraphs:

aii) The Minimum Lot Area shall be 148 m² for Blocks 4, 5, 6 and 7;

aiii) The Minimum Rear Yard shall be 5 m for Blocks 4, 5, 6 and 7;

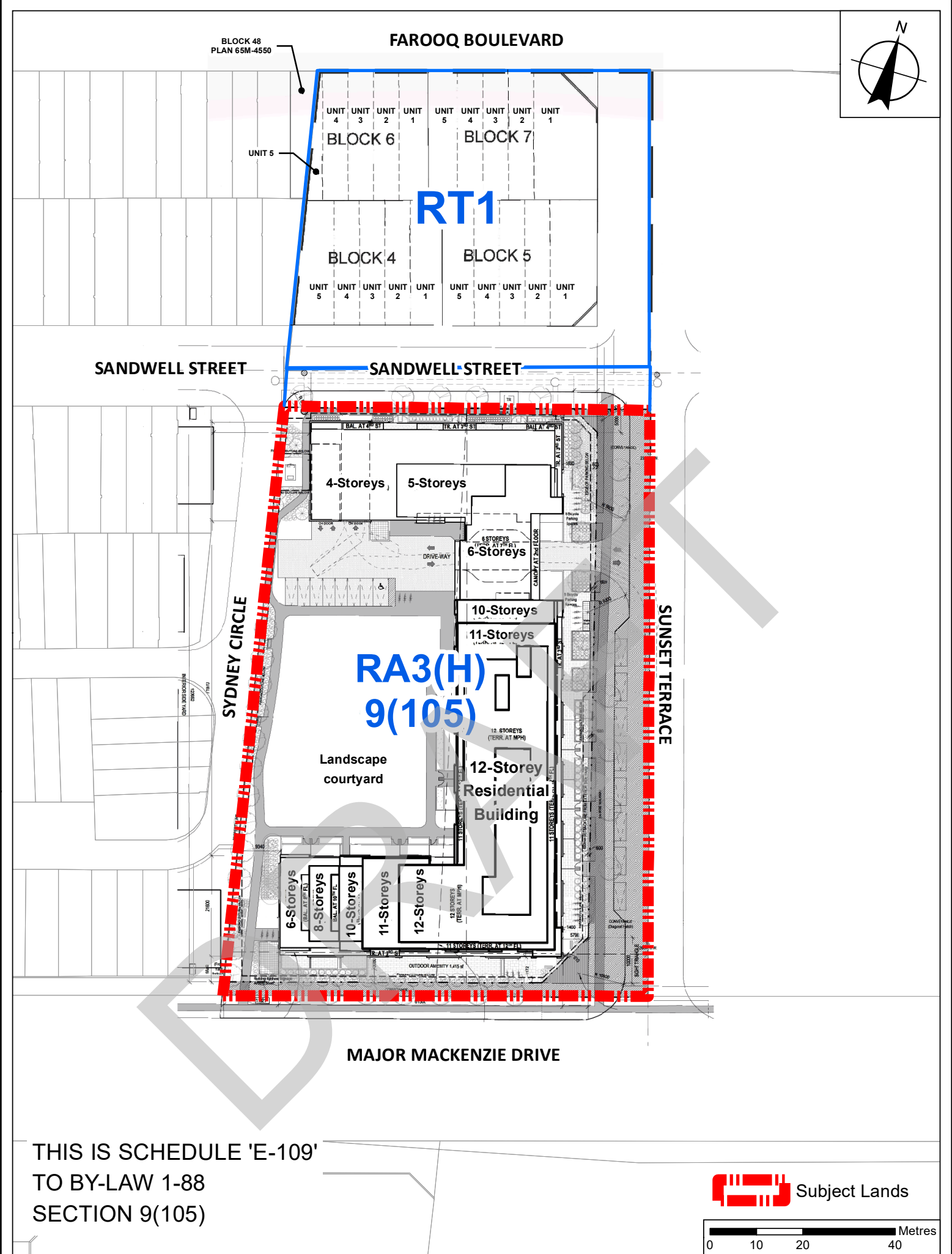
av) The Minimum Exterior Side Yard shall be 3 m for Unit 1 in Block 5;

avi) Deleted

e) Deleting Key Map 6E and substituting therefor Key Map 6E attached hereto as Schedule "2".

2. Schedules "1" and "2" shall be and hereby form part of this By-law.

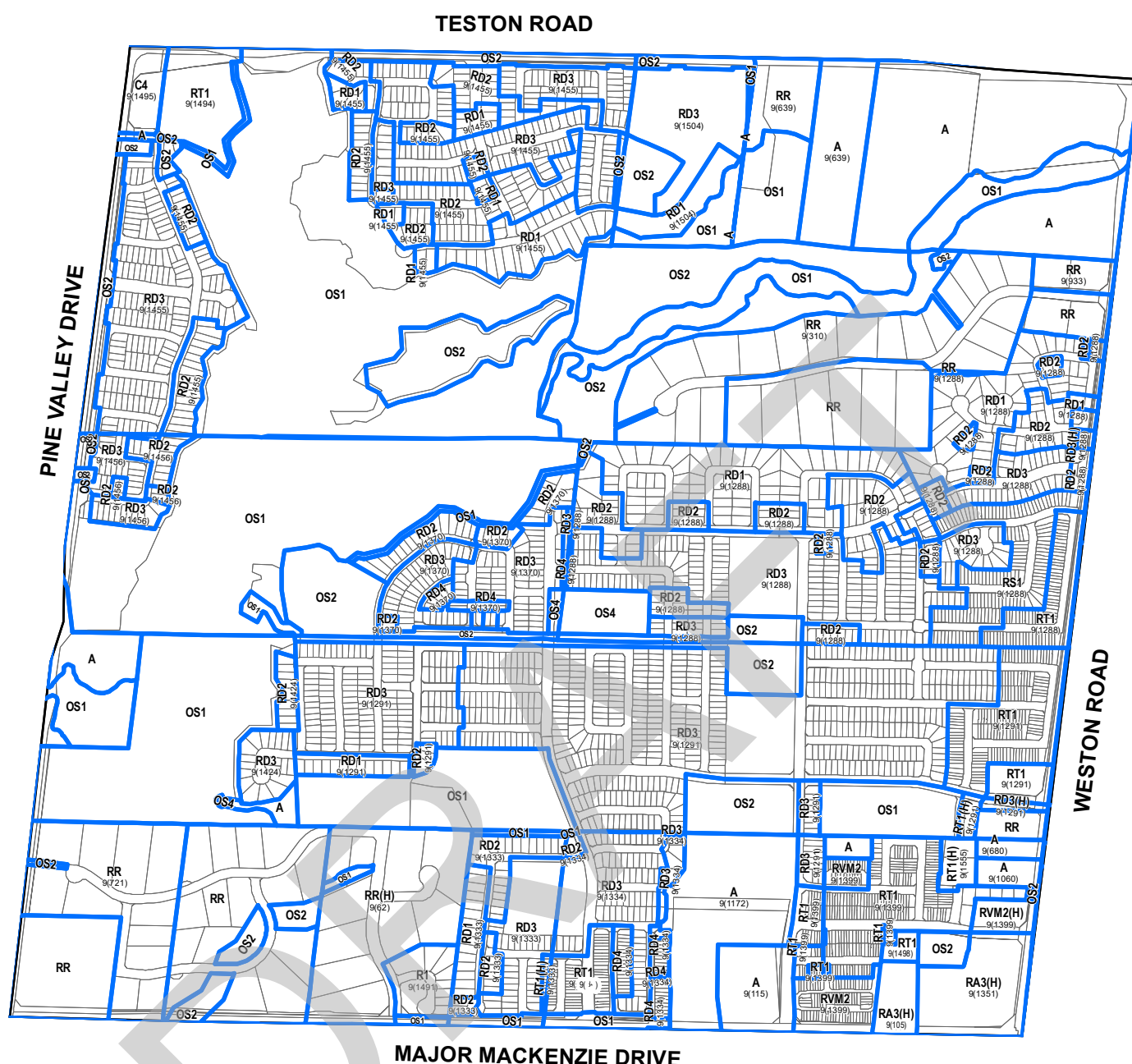
DRAFT



THIS IS SCHEDULE '1'
TO BY-LAW 116-2023
PASSED THE 26TH DAY OF SEPTEMBER, 2023

FILE: Z.21.047
LOCATION: Part of Lot 21, Concession 6
3836 and 3850 Major Mackenzie Drive West
APPLICANT: NJS Developments Inc.
CITY OF VAUGHAN

SIGNING OFFICER
MAYOR
CLERK
TRIBUNAL ORDER:
CASE NO. OLT-22-004049
JUNE 27, 2023



0 125 250 500 Metres

TRIBUNAL ORDER:
CASE NO. OLT-22-004049
JUNE 27, 2023

SUMMARY TO BY-LAW 116-2023

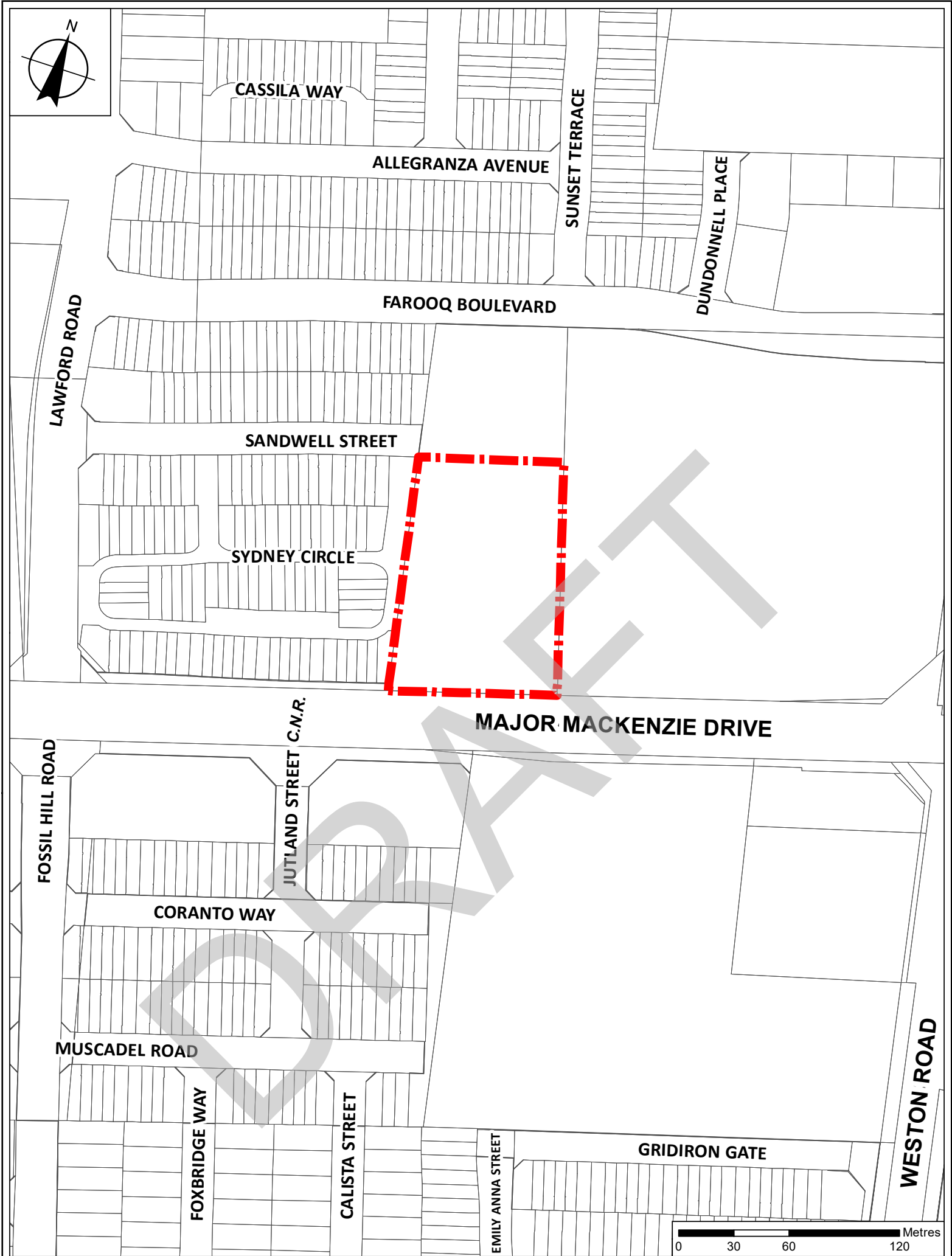
The lands subject to this By-law are located on the north side of Major Mackenzie Drive West, west of Weston Road, being in Part of Lot 21, Concession 6, City of Vaughan.

The purpose of this by-law is to rezone the Subject Lands from RR Rural Residential Zone, subject to site-specific exceptions 9(105), 9(299) and 9(1359) and RT1 Residential Townhouse Zone, subject to site-specific exception 9(1498) to RA3 Residential Apartment Zone with the Holding Symbol “(H)”, subject to Exception 9(105), to permit a mid-rise residential apartment building with a total of 345 dwelling units, a maximum building height of 12 storeys and a maximum FSI of 3.25.

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 116-2023

FILE: Z.21.047
LOCATION: Part of Lot 21, Concession 6
3836 and 3850 Major Mackenzie Drive West
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