

January 17, 2022

By E-Mail Only to *clerks@vaughan.ca*

Communication : C 14
Committee of the Whole (1)
January 18, 2022
Agenda Item # 3

His Worship Mayor Maurizio Bevilacqua and Members of Council
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attention: Mr. Todd Coles, City Clerk

Your Worship and Members of Council:

Re: Committee of the Whole (Public Meeting), January 18, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Inconsistencies and Administrative Amendments
Submission of Zepco Holdings Inc. (“Zepco”)

We are counsel to Zepco, owner of the property known municipally as 3500 King Vaughan Road and legally described as Part of Lot 1, Concession 5, Reference Plan 65R-26586, in the City of Vaughan, in the Regional Municipality of York. Zepco is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL. Zepco’s appeal has been assigned Appeal No. 55.

On behalf of Zepco, we have reviewed the proposed modifications to the New ZBL, as contained in two separate Staff Reports dated January 18, 2022, respectively addressing transition provisions and technical revisions.

The purpose of this letter is to express our client’s concern regarding the proposed revisions to the transitional provisions of the New ZBL (the “**Proposed Amendments**”).

Our client’s concerns regarding the Proposed Amendments relate to the following issues:

Zoning By-law Amendments and Concurrent Applications

The proposed changes in s.1.6.3.3.1 do not clarify whether a zoning by-law amendment deemed complete as of October 20, 2021 would amend Zoning By-law 1-88 (the “**Former ZBL**”), or the New ZBL, or both.

If the intent is to amend the Former ZBL, there is a conflict with the Preamble to the transition provisions, which indicates that assessments of transition issues will be determined under the Former ZBL “as it read on October 20, 2021”, which would negate an approval obtained after that date.

There seems to be an intent to allow certain applications that implement a zoning by-law amendment filed on or before October 20, 2021, but not yet approved, to be assessed under the Former ZBL (see s. 1.6.3.3.2). However, that flexibility does not apply where a related application is filed concurrently with a zoning by-law amendment application prior to October 20, 2021, as is the case here.

Furthermore, the flexibility is again negated by the requirement to comply with the Former ZBL “as it read on October 20, 2021”. Similarly, Section 1.6.3.3.5, which allows for approval of applications filed on or before October 20, 2021, omits Official Plan and Site Plan approvals, which should be included, and is also affected by the “as it read on October 20, 2021” issue.

Related and Future Applications

The transition provisions seem to allow applications (excluding Official Plan Amendments) that implement a zoning approval to be assessed under the Former ZBL under certain conditions as provided for in s. 1.6.2.8.1 of the New ZBL.

However, this provision does not function as intended because building permit applications arising from applications transitioned under s. 1.6.2.8.1 will still be subject to the Former ZBL “as it read on October 20, 2021”. This limiting language is also found in the Preamble to the transition provisions.

Ten Year Time Limit

The proposed revisions in s.1.6.4.2, which as written repeals the transition provisions of the New ZBL after 10 years, do not address the fundamental problem of indeterminate liability for property owners and are arbitrary. Our client urges the City to adopt a more measured approach by converting the 10-year sunset date to a *review* of the transition provisions in 10 years.

Conclusion

Zepco has been participating in the ADR process with City staff and looks forward to the opportunity to continue to work toward the satisfactory resolution of these issues with staff in that process, prior to Committee’s consideration of the recommended follow-up staff report currently contemplated in March 2022.

We thank you for the opportunity to provide comments and kindly request confirmation of receipt of these written submissions, along with, notice of all future steps in this matter.

Yours sincerely,

DAVIES HOWE LLP



Michael Melling

MWM: rm

copy: Ms. Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor
Ms. Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate
Ms. Candace Tashos, Legal Counsel
Mr. Nick Spensieri, City Manager
Mr. Haiqing Xu, Deputy City Manager, Planning and Growth Management
Mr. Brandon Correia, Manager of Special Projects, Planning and Growth Management
Mr. Elvio Valente, Building Standards, Manager, Zoning Services and Zoning Administrator