



PARENTE ◦ BOREAN  
BARRISTERS AND SOLICITORS

May 12, 2022

Lawyer Direct Dial: (905) 850-6068

Email: [gborean@parenteborean.com](mailto:gborean@parenteborean.com)

Associate: (905) 850-6066 ext. 234

Email: [cpresenza@parenteborean.com](mailto:cpresenza@parenteborean.com)

**DELIVERED VIA EMAIL:** [cofa@vaughan.ca](mailto:cofa@vaughan.ca)

City of Vaughan  
Office of the City Clerk – Committee of Adjustment  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Dear Secretary Treasurer, Committee of Adjustment,

**Re: Committee of Adjustment File No. A037/22**  
**Hearing Date: Thursday, May 12, 2022; Item No. 6 (1)**  
**Address: 17 Winterlude Court, Kleinburg (the “Property”)**  
**Notice of Objection**

---

Please be advised that we are the lawyers for Humberplex Developments Inc. (“Humberplex”) regarding the application by Luigi Guarascio and Loredana Guarascio (collectively the “Applicant”) for a number of minor variances for the Property.

Humberplex opposes and objects to the Applicant’s application for the minor variances for the Property as set out in File No. A037/22 (the “Application”).

### **The Parties**

Humberplex is a residential property developer of a subdivision in the City of Vaughan, Ontario, which subdivision includes the Property.

The City of Vaughan is the municipality having jurisdiction for subdivision control and property standards with respect to the Property, and the City of Vaughan continues to hold security with respect to Humberplex’s development of the subdivision within which the Property is located.

The Applicant, as purchaser, purchased the Property from Humberplex, as vendor, pursuant to an agreement of purchase and sale (the “APS”). In the APS, Humberplex is referred to as the “Vendor” and the Applicant is referred to as the “Purchaser”.

### **The APS**

The APS includes, among other things, provisions that require Humberplex's Architect, consulting engineer and landscape architect to approve all matters related to construction and grading of the Property.

The Applicant's proposed variances, and the Application itself, is in direct conflict with numerous terms and provisions of the APS between the parties, which impose strict obligations and covenants on the Applicant in favour of Humberplex. The Application should therefore be denied, or in the alternative, adjourned until such time as the Applicant is in compliance with its obligations and covenants under the APS.

### **The Proposed Variances**

Given that there are twenty-five (25) variances being sought, it is imperative that a comprehensive review take place by Humberplex's consultants with respect to all of the variances being sought. It is noteworthy that as of today, the City's Development Planning Department has not commented with respect to the variances being sought.

Notwithstanding that Humberplex takes issue with the multitude of variances being sought. This Committee is well aware that Humberplex has diligently sought to ensure that there be no reduction to the soft landscaping requirement and that the soft landscaping standard be stringently maintained.

The variance being sought, specifically with respect to soft landscaping, if granted, shall dramatically reduce the soft landscaping for the area of the rear yard and not be in keeping with the development. This reduction in the soft landscaping is not minor in nature and accordingly, should not be granted by the Committee of Adjustment.

Humberplex has concerns about existing landscaping in the rear yard of the Property, specifically, the excessive amount of hard landscaping which taxes the stormwater management system design for the entire subdivision. The stormwater management system for the subdivision has been designed based on a runoff coefficient factor of 0.50, or a ratio of 50% impermeable surface to permeable surface coverage. By reducing the soft landscape areas (permeable surfaces), and correspondingly increasing the hard surface areas (impermeable surfaces), the Applicant will significantly increase the volume of runoff from the Property, far exceeding the allowable runoff for the subdivision. The Application is therefore unacceptable, as it may damage the stormwater management system for the entire subdivision.

### **The Proposed Variances are Not Minor in Nature**

Given the significant number of variances being sought, and given the proposed reduction in soft landscaping for the Property, and the adverse impacts of same on the stormwater management system for the entire subdivision, the variance sought by the Applicant is not minor in nature.

Additionally, the Applicant has failed to comply with its obligations and covenants in the APS, most notably, failing to obtain Humberplex's consent to the Application in question. Should the

Committee intend to proceed with hearing the Application, it should, at the very least, adjourn this matter to allow the Applicant to seek Humberplex's consent and ensure that the Applicant is in compliance with his obligations and covenants under the APS.

I also attach hereto the Request to Speak Form.

All of which is respectfully submitted on behalf of Humberplex this 12<sup>th</sup> day of May, 2022.

Yours truly,

***PARENTE, BOREAN LLP***

Per:

*Gerard C. Borean* \*

\*Executed pursuant to the *Electronic Commerce Act*

23932342.1

*Encl.*