

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 004-2024

A By-law to amend City of Vaughan By-law 1-88, as effected by the Ontario Land Tribunal.

WHEREAS an application for Zoning By-law Amendment was filed with respect to the lands at 9681 and 9691 Islington Avenue;

AND WHEREAS the application was appealed to the Ontario Land Tribunal as File No. OLT-22-003567 and the Tribunal made an order with respect to the appeal;

NOW THEREFORE the Ontario Land Tribunal **ORDERS AS FOLLOWS:**

1. The City of Vaughan By-law 1-88, as amended, is further amended in accordance with the Ontario Land Tribunal Order dated the 28th day of August 2023 (OLT File No. OLT-22-003567), as attached hereto as Attachment "1", and is effective on August 28th, 2023, and is hereby designated as By-law Number 004-2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 28, 2023

CASE NO.:

OLT-22-003567
(formerly PL170836)
OLT-22-002104
(Appeal No. 002724)
OLT-22-003554
(Appeal No. 004781)

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

Applicant and Appellant: Gatehollow Estates Inc.
Subject: Request to amend the Official Plan - Failure of City of Vaughan to adopt the requested amendment

Existing Designation: Community Areas – Low Rise Residential
Proposed Designation: To Be Determined
Purpose: To permit a mixed-use development
Property: 9681 Islington Avenue
Address/Description:
Municipality: City of Vaughan
Approval Authority File No.: OP.16.010
OLT Case No.: OLT-22-003567
Legacy Case No. PL170836
OLT Lead Case No.: OLT-22-003567
Legacy Lead Case No.: PL170836
OLT Case Name: Gatehollow Estates Inc. v. Vaughan (City)

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

Applicant and Appellant: Gatehollow Estates Inc.
Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of City of Vaughan to make a decision

Existing Zoning: Agricultural (A)
Proposed Zoning: To Be Determined
Purpose: To permit a mixed-use development

Property 9681 Islington Avenue
Address/Description:
Municipality: City of Vaughan
Municipality File No.: Z.16.039
OLT Case No.: OLT-22-003568
Legacy Case No.: PL170837
OLT Lead Case No.: OLT-22-003567
Legacy Lead Case No.: PL170836

BEFORE:

SHARYN VINCENT) Monday, the 28th day of
VICE CHAIR)
) August, 2023

THESE MATTERS having come on for a written hearing on August 11, 2023;

AND THE TRIBUNAL having before it a request by Gatehollow Estates Inc. on consent of the City of Vaughan ("**City**") to:

- i. Review and vary the written decision of the Tribunal issued on October 16, 2019 with respect to OLT Case No. OLT-22-003567 (formerly PL170836) and issue an Order revising Official Plan Amendment No. 52 ("**OPA 52**") to permit indoor rooftop amenity area;
- ii. Allow the appeal by Gatehollow Estates Inc., in part, and approve an amendment to the City of Vaughan Zoning By-law 1-88 with respect to the property municipally known as 9681 and 9691 Islington Avenue, City of Vaughan, to allow for the development of two 6-storey residential apartment buildings with a maximum Floor Space Index ("**FSI**") of 3;
- iii. Allow the appeal by Gatehollow Estates Inc., in part, to the City of Vaughan Comprehensive Zoning By-law 001-2021 passed by the City on October 20, 2021 ("**CZBL**") (bearing OLT Appeal No. 002724 in these proceedings) by amending,

and approving as amended, the CZBL as it applies to the property municipally known as 9681 and 9691 Islington Avenue, City of Vaughan to allow for the development of two 6-storey residential apartment buildings with a maximum FSI of 3; and

- iv. Dispose of the appeal by Gatehollow Estates Inc. of the City of Vaughan Zoning By-law 039-2022, being a by-law to replace the transition provisions (section 1.6) of the CZBL, passed by the City on March 22, 2022 ("**Transition By-law**") (bearing OLT Appeal No. 004781 in these proceedings);

AND THE TRIBUNAL having reviewed the submissions of counsel for the City and for Gatehollow Estates Inc., and having considered the planning evidence of Wendy Nott regarding proposed amendments to OPA 52, Zoning By-law 1-88, and the CZBL as set out in Schedules "B", "C" and "D" hereto, pertaining to the lands municipally known as 9681 and 9691 Islington Avenue, City of Vaughan, Ontario;

THE TRIBUNAL ORDERS that in accordance with subsection 23 of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6, as amended, and subsection 34(26) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended:

- i. The request that the Tribunal review the written decision issued on October 16, 2019 with respect to OLT Case No. OLT-22-003567 (formerly PL170836) is hereby granted. A copy of this written decision is attached as Schedule "A" for convenience purposes.
- ii. OPA 52 is hereby modified for the lands at 9681 and 9691 Islington Avenue in accordance with Schedule "B" to this Order.
- iii. The City of Vaughan Zoning By-law No. 1-88 is hereby amended for the lands at 9681 and 9691 Islington Avenue in accordance with Schedule "C" to this Order.
- iv. The CZBL is hereby amended by adding a new Section 14 Zone Exception in the form attached to this Order as Schedule "D" for the lands at 9681 and 9691

Islington Avenue, and is approved as amended.

THE TRIBUNAL FURTHER ORDERS that:

- v. Gatehollow Estates Inc.'s CZBL appeal is resolved in full, and the balance of the appeal is hereby dismissed.
- vi. Gatehollow Estates Inc.'s Transition By-law appeal is hereby dismissed.
- vii. This Order and the approval of portions of the CZBL as attached hereto in Schedule "D" is without prejudice to the disposition of any other appeal of the CZBL and any unapproved portions of the CZBL, 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 the CZBL on the basis that such amendments deviate from or are inconsistent with the amendment attached hereto as Schedule "D" as brought into force by this Order. However, this does not affect the City's right to assert that the CZBL as amended by Schedule "D" hereto, to the extent brought into force by this 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.
- viii. Notwithstanding this Order, the Tribunal retains jurisdiction to consider and approve amendments to the CZBL as amended herein, as may be appropriate to dispose of any of the outstanding appeals before the Tribunal.

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ACTING REGISTRAR

5 OLT-22-003567 (formerly PL170836)
OLT-22-002104 (Appeal No. 002724)
OLT-22-003554 (Appeal No. 004781)

Ontario Land Tribunal

Website: 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 004-2024

A By-law to amend City of Vaughan By-law 1-88.

WHEREAS the matters herein set out are in conformity with the Official Plan of the Vaughan Planning Area, which is approved and in force at this time;

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 A Agricultural Zone to OS1 Open Space Conservation Zone and RA3(H) Residential Apartment Zone with the Holding Symbol “(H)”, in the manner shown on the said Schedule ‘1’.
 - b) Adding the following Paragraphs to Section 9.0 “EXCEPTIONS”:

“9(1572) A. The following provisions shall apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E - 1729” until the Holding Symbol “(H)” is removed pursuant to Subsections 36(1) or (3) of the *Planning Act*;

 - i) The lands zoned with the Holding Symbol “(H)” shall be used only for a use legally existing as of the date of the enactment of this By-law or the production of field crops. 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 Zoning By-law 1-88.
 - ii) The removal of the Holding Symbol “(H)” is contingent

upon Vaughan Council adopting a resolution for the appropriate allocation of water and sewage servicing capacity for the proposed development on the Subject Lands.

B. Notwithstanding the provisions of:

- a) Subsection 2.0 respecting Definitions;
- b) Subsection 3.8 respecting minimum parking requirements;
- c) Subsection 3.13 respecting minimum landscaping requirements;
- d) Subsection 3.17 respecting portions of buildings below grade;
- e) Subsection 4.1.6 respecting minimum Amenity Areas;
- f) Subsection 4.12 respecting the Residential Apartment Zone Requirements, Permitted Uses, and Schedule "A" respecting the zone standards in the RA3 Residential Apartment Zone;

The following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E - 1729":

- ai) For the purpose of this By-law, the following definitions shall apply:

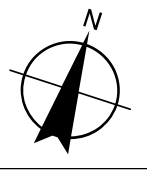
STOREY – Means the portion of a building other than the cellar, basement or unfinished attic, which lies between the surface of the floor and the surface of the next floor above, and if there is no floor above it, then the surface next above it, provided its height is not less than 2.3 metres. A storey shall not include rooftop access stair enclosures, mechanical room, or indoor amenity areas located on a roof up to a maximum gross floor area of 406 m² for Building A and 389 m² for Building B.

PARKING SPACE - Means a rectangular area measuring at least 2.7 metres by 5.8 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;

- bi) The minimum required residential parking shall be 1.37 spaces per unit;
 - bii) The minimum required visitor parking shall be 0.2 spaces per unit;
 - ci) A minimum landscape strip of 0.0 m shall be required along a lot line which abuts a street line;
 - di) The minimum setback from the front lot line and the exterior lot line to the nearest part of a building below finished grade shall be 0.8 m and 0.2 m respectively;
 - ei) The minimum required amenity area shall be 35.0 m² per unit;
 - fi) The minimum lot area shall be 36.92 m² per unit;
 - fii) The minimum front yard setback shall be 0.0 m;
 - fiij) The minimum rear yard setback shall be 0.0 m;
 - fiv) The minimum interior side yard shall be 0.0 m;
 - fv) The minimum exterior side yard shall be 1.5 m;
 - fvi) A maximum building height of 26 m (6-storeys) shall be permitted;
 - fvij) The maximum height of an enclosed rooftop amenity area shall be 5.0 m; and
 - fvij) No dwelling unit shall be permitted above the 6th storey.
- c) Adding Schedule "E - 1729" attached hereto as Schedule '1'.
 - d) Deleting Key Map 8D and substituting therefor the Key Map 8D attached hereto as Schedule '2'.

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



ISLINGTON AVENUE

CANADA COMPANY AVENUE

NAPA VALLEY AVENUE

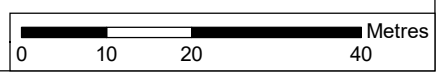
OS1

RA3(H)

BUILDING 'A'
PROPOSED
6-STOREY
RESIDENTIAL
BUILDING

BUILDING 'B'
PROPOSED
6-STOREY
RESIDENTIAL
BUILDING

 Subject Lands



THIS IS SCHEDULE 'E-1729'
TO BY-LAW 1-88
SECTION 9(1572)

THIS IS SCHEDULE '1'
TO BY-LAW 004-2024

FILE: Z.16.039
RELATED FILES: OP.16.010, DA.20.054
LOCATION: 9681 and 9691 Islington Avenue
Part of Lots 18 and 19, Concession 8
APPLICANT: Gatehollow Estates Inc.
CITY OF VAUGHAN

SIGNING OFFICERS

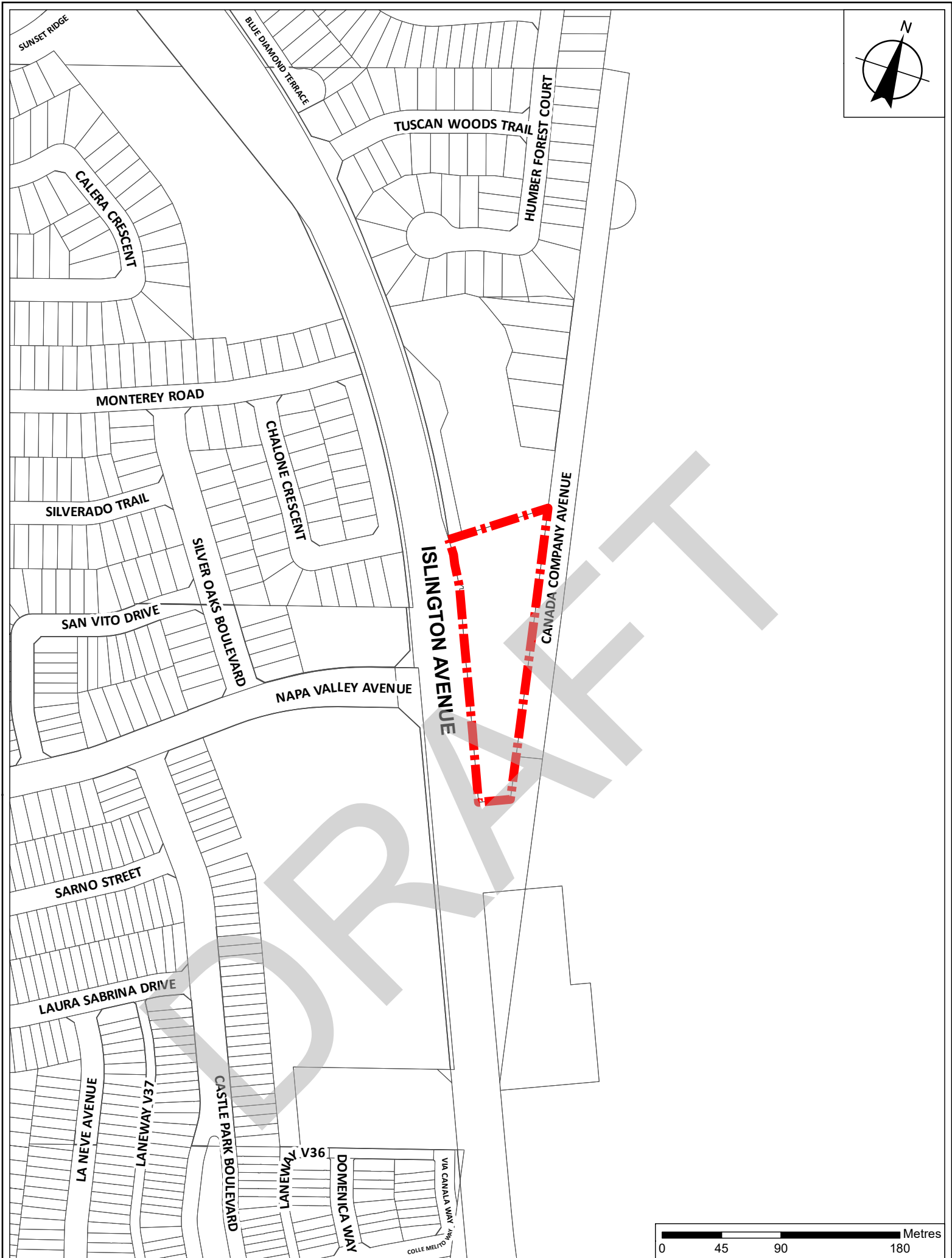
FOR
OLT CASE NO. OLT-22-003567
AUGUST 28, 2023

SUMMARY TO BY-LAW 004-2024

The lands subject to this By-law are located east of Islington Avenue, south of Major Mackenzie Drive West, municipally known as 9681 and 9691 Islington Avenue, being Part of Lots 18 and 19 Concession 8, City of Vaughan.

The purpose of this By-law is to rezone the Subject Lands from 'A Agricultural Zone' to 'OS1 Open Space Zone' and 'RA3 Residential Apartment Zone', with site-specific zoning exceptions, to facilitate the development of the Subject Lands with two 6-storey residential buildings.

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LOCATION MAP TO BY-LAW 004-2024

FILE: Z.16.039

RELATED FILES: OP.16.010, DA.20.054

LOCATION: 9681 and 9691 Islington Avenue
Part of Lots 18 and 19, Concession 8

APPLICANT: Gatehollow Estates Inc.

CITY OF VAUGHAN



SUBJECT LANDS