

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 006-2024

A By-law to amend the Vaughan Official Plan 2010 for the Vaughan Planning Area with Amendment Number 52, as effected by the Ontario Land Tribunal.

WHEREAS an application for Official Plan 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. THAT Amendment Number 52 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as approved by the Ontario Land Tribunal Order dated the 28th day of August, 2023, (OLT File No. OLT-22-003567) is attached hereto as Attachment "1" consisting of the attached text, and Schedules "1", "2", "3" and "4" and Appendices "I" and "II" and is effective on August 28th, 2023.

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

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**AMENDMENT NUMBER 52
TO THE VAUGHAN OFFICIAL PLAN 2010
OF THE VAUGHAN PLANNING AREA**

The following text and Schedules “1”, “2”, “3” and “4” constitute Amendment Number 52 to the Official Plan of the Vaughan Planning Area.

Also attached hereto but not constituting part of the Amendment are Appendices “I” and “II”.

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I PURPOSE

The purpose of this Amendment to the Vaughan Official Plan 2010 ('VOP 2010') is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically, Schedule 1 – Urban Structure, Schedule 2 – Natural Heritage Network, Schedule 13 – Land Use, and Schedule 14-C – Areas Subject to Site Specific Policies and Section 13 – “Site Specific Policies” to permit the development of two, 6-storey residential apartment buildings with a maximum density/Floor Space Index of 3 times the developable area of the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as, “Area Subject to Amendment No. 52” on Schedule “1” attached hereto:

1. redesignate the portion of the Subject Lands identified as “Part A” on Schedule “4” attached hereto, from “Low-Rise Residential” to “Natural Areas” to add lands within the staked stable top-of-bank plus the 10 m vegetation protection zone (“VPZ”), which includes a provincially significant wetland (“PSW”) plus 30 m VPZ, to the existing “Natural Areas” designation.
2. redesignate the portion of the Subject Lands identified as “Part B” on Schedule “4” attached hereto, from “Low-Rise Residential” to “Mid-Rise Residential”.
3. permit two residential apartment buildings, each with a maximum Building Height of 6-storeys exclusive of any rooftop floor space.
4. permit a maximum density/Floor Space Index of 3 times the developable area of the Subject Lands.

II LOCATION

The lands subject to this Amendment, hereinafter referred to as the “Subject Lands”, are located on the east side of Islington Avenue, north of Canada Company Avenue, municipally known as 9681 and 9691 Islington Avenue, being Part of Lots 18 and 19, Concession 8, City of Vaughan, as shown on Schedule “1” attached hereto as “Area Subject to Amendment No. 52.”

III BASIS

The decision to amend City of Vaughan Official Plan 2010 (“VOP 2010”) is based on the following considerations:

1. The Provincial Policy Statement, 2014 (“PPS”) provides policy direction on matters of Provincial interest related to land use planning and development and establishes the framework for regulating the development of land. The PPS is applied province-wide and includes policies that focus growth and development to “Settlement Areas”. The Subject Lands are located within a settlement area as defined by the PPS. The proposed development is consistent with the intent of the intensification and housing policies of the PPS, promotes the efficient use of land, supports a complete and healthy community and contributes to the variety of housing types available. The Subject Lands are located on Islington Avenue and are in the vicinity of retail and service commercial uses, community services and institutional uses. On this basis, the Development is consistent with the PPS.
2. A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) builds on the policies of the PPS to establish a land use planning framework that encourages compact built form, complete communities, diverse land uses, and a range and mix of housing types; and, to direct growth to settlement areas that offer appropriate infrastructure. This Amendment, to permit intensification within the built-up portion of a settlement area, is consistent with the policies of the Growth Plan.

3. The York Region Official Plan 2010 (“YROP”) designates the Subject Lands “Urban Area”. The YROP encourages a broad range of housing types within efficient and mixed-use compact communities. The proposed development will provide ownership apartment units in close proximity to a variety of community services and facilities within the Woodbridge community. The proposed development conforms with YROP policies.
4. York Region considered Official Plan Amendment File OP.16.010 and determined that the Amendment is a matter of local significance as the proposal does not adversely affect Regional interests. On November 17, 2016, York Region exempted this Amendment from approval by the Regional Planning Committee and Council, in accordance with Regional Official Plan Policy 8.3.8.
5. The Subject Lands are designated “Low-Rise Residential” and “Natural Areas” by VOP 2010 and are located within a “Community Area” and “Natural Areas and Countryside” as identified on Schedule 1 – Urban Structure, of VOP 2010. The “Low-Rise Residential” designation permits low-rise built form including single detached, semi-detached and townhouse dwellings with no prescribed density and a maximum building height of three (3) storeys. The Vaughan Official Plan 2010 provides a policy framework with respect to the development of mid-rise buildings and the relationship of such buildings to stable Community Areas. The Amendment would permit intensification of the lands through an appropriately scaled, compatible, mid-rise residential development on a site with unique locational characteristics.
6. The statutory Public Hearing was held on February 7, 2017. The Recommendation of the Committee of the Whole to receive the Public Hearing report of February 7, 2017, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Vaughan Council on February 21, 2017. Vaughan Council, on May 23, 2018, ratified the May 8, 2018, Committee of the Whole recommendation, to refuse Official Plan Amendment File OP.16.010 (together with Zoning By-law Amendment File Z.16.039). The applicant subsequently revised the development proposal in accordance with this Official Plan Amendment and on September 24, 2019, a Settlement Hearing was held before the Local Planning Appeal Tribunal for Official Plan and Zoning By-law Amendment Files OP.16.010 and Z.16.039 (Gatehollow Estates Inc.) in respect of the Subject Lands. An amendment to VOP 2010 was approved by the Local Planning Appeal Tribunal pursuant to Section 17(50) of the *Planning Act*, R.S.O. 1990, c.P.13 on September 24, 2019 (LPAT File No. PL170836) (“OPA 52”). Subsequently, the Ontario Land Tribunal (previously known as the Local Planning Appeal Tribunal), pursuant to Section 23 of the *Ontario Land Tribunal Act* and Rule 25 of the Tribunal’s Rules of Practice and Procedure, approved this Amendment as a revision to OPA 52 to permit only rooftop indoor and outdoor amenity space and access to same, above the 6th storey.

IV DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

The Vaughan Official Plan 2010 (“VOP 2010”) is hereby amended by amending the following Schedules and Sections of VOP 2010:

1. Amending Volume 1, Schedule 1 – “Urban Structure” of VOP 2010, attached hereto as Schedule “2”, to redesignate a portion of the Subject Lands identified as “Part A” on Schedule “2” attached hereto, from “Community Areas” to “Natural Areas and Countryside”.
2. Amending Volume 1, Schedule 2 – “Natural Heritage Network” of VOP 2010, attached hereto as Schedule “3”, to identify a portion of the Subject Lands identified as “Part A” on Schedule “3” attached hereto, as “Core Features”.
3. Amending Volume 1, Schedule 13 – “Land Use” of VOP 2010, to redesignate the portion of the Subject Lands identified as “Part A” on Schedule “4” attached hereto, from “Low-Rise Residential” to “Natural Areas” to add lands within the staked

stable top-of-bank and a provincially significant wetland (“PSW”) with their respective required vegetation protection zones (10 m and 30 m) to the existing “Natural Areas” designation.

4. Amending Volume 1, Schedule 13 – “Land Use” of VOP 2010, to redesignate the portion of the Subject Lands identified as “Part B” on Schedule “2” attached hereto, from “Low-Rise Residential” to “Mid-Rise Residential” and identify a Maximum Building Height (“H – Height”) of 6-storeys and a maximum density/Floor Space Index (“D – Density”) of 3 times the developable area of the Subject Lands.
5. Amending Volume 1, Schedule 14-C – “Areas Subject to Site Specific Policies” of VOP 2010, to add the Subject Lands identified on Schedule “1” to this Amendment attached hereto municipally known as 9681 and 9691 Islington Avenue, identified on Schedule 14-C as Item 50.
6. Amend Volume 2, Section 13.1 – “Lands Subject to Site Specific Policies” of VOP 2010, to add the following policy, to be renumbered in sequential order:

“(OPA 52) 13.1.1.50 The lands known as 9681 and 9691 Islington Avenue are identified on Schedule 14-C as Item 50 are subject to the policies set out in Section 13.51 of this Plan.”

7. Adding the following policies to Volume 2, Section 13 – “Site Specific Policies”, and renumbering in sequential order, including a location map of the Subject Lands shown on Schedule “1” attached hereto:

“(OPA #52) 13.51 9681 and 9691 Islington Avenue

13.51.1 General

13.51.1.1 The following policies shall apply to the lands identified on Map 13.51.A

13.51.1.2 Notwithstanding the Mid-Rise Residential Policy 9.2.2.3.c.

i) A Mid-Rise Building to a maximum height of 6-storeys is permitted, with no residential unit(s) (or portion thereof) permitted above the 6th storey. Only rooftop indoor and outdoor amenity space and access to same, shall be permitted above the 6th storey.

13.51.1.3 Notwithstanding the Mid-Rise Residential Policy 9.2.2.3.d.

i) A Mid-Rise Building to a maximum building height of 6-storeys and a maximum density/Floor Space Index of 3 times the developable area of the Subject Lands, is a permitted building type on a street that is not an arterial street or Major Collector street (i.e. Canada Company Avenue). For the purposes of calculating the density/Floor Space Index for this Amendment, the developable lot area is 0.67 hectares.”

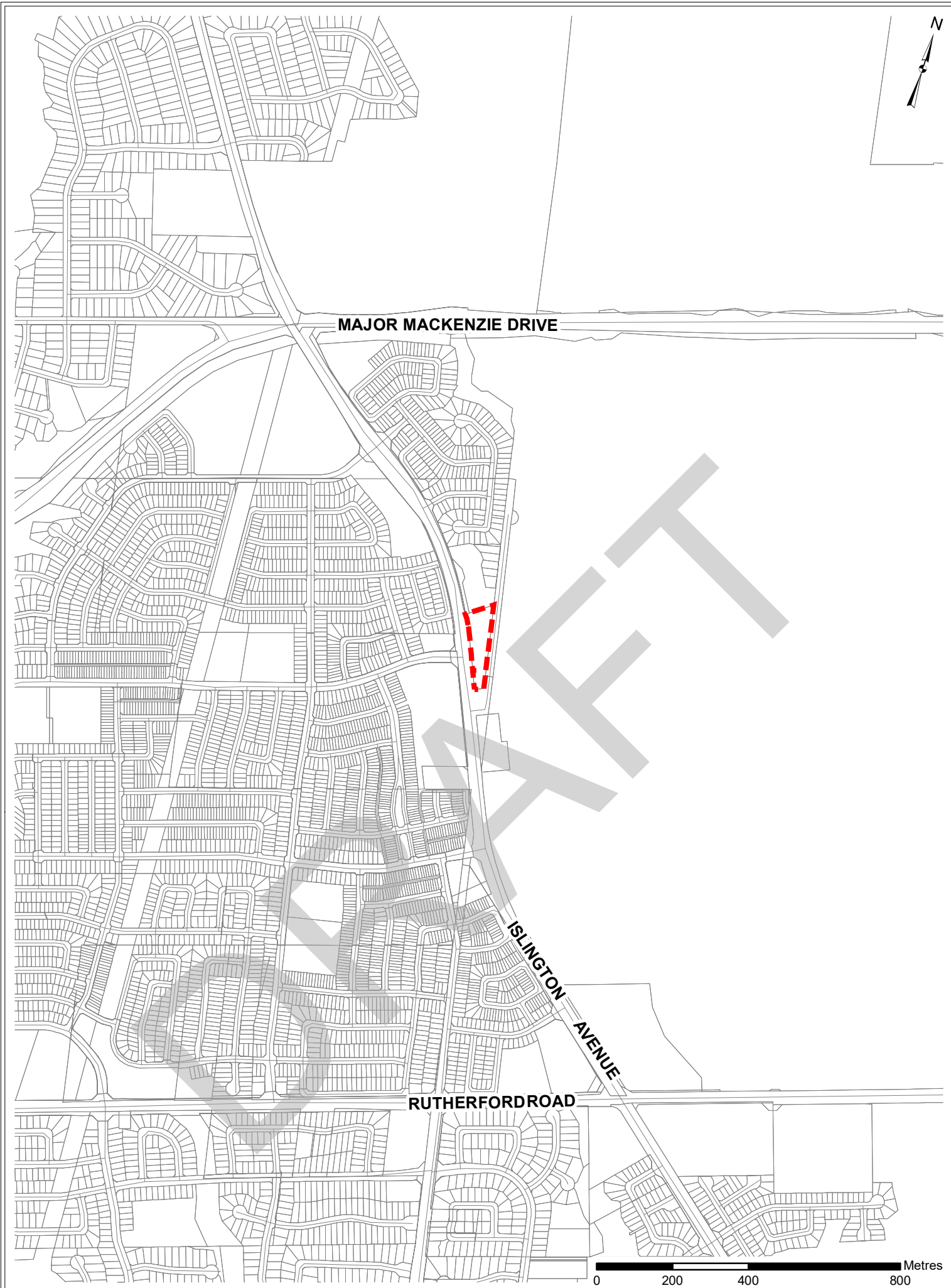
V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands shall be implemented by way of an amendment to the City of Vaughan Comprehensive Zoning Bylaw 1-88, and Site Development Approval, pursuant to the Planning Act.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that Plan shall apply with respect to this Amendment.

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This is Schedule '1'
To Official Plan Amendment No. 52

File: OP.16.010

Related Files: Z.16.039

Location: Part of Lots 18 and 19, Concession 8

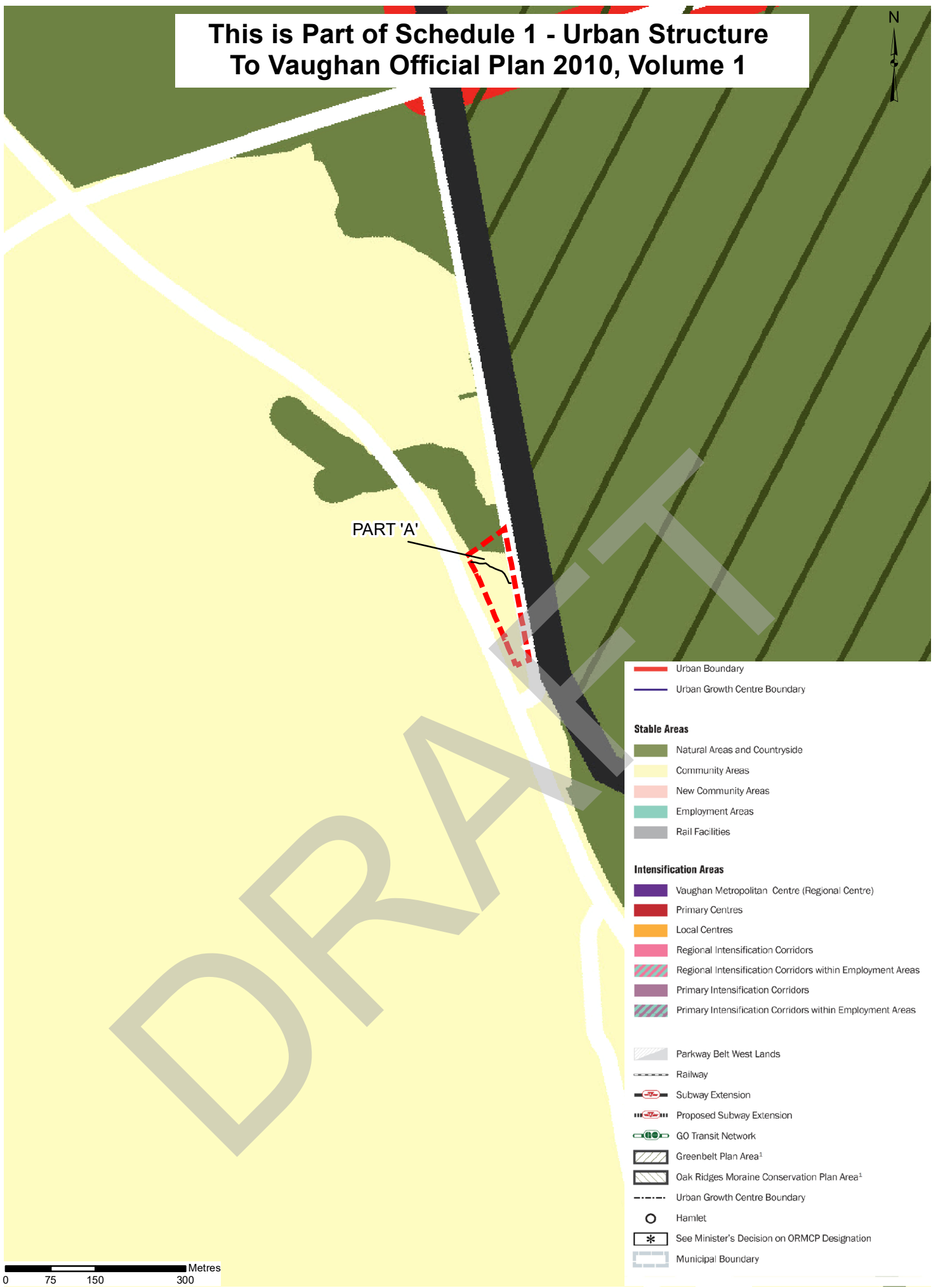
Applicant: Gatehollow Estates Inc.

City of Vaughan



Lands Subject to
Amendment No. 52

**This is Part of Schedule 1 - Urban Structure
To Vaughan Official Plan 2010, Volume 1**



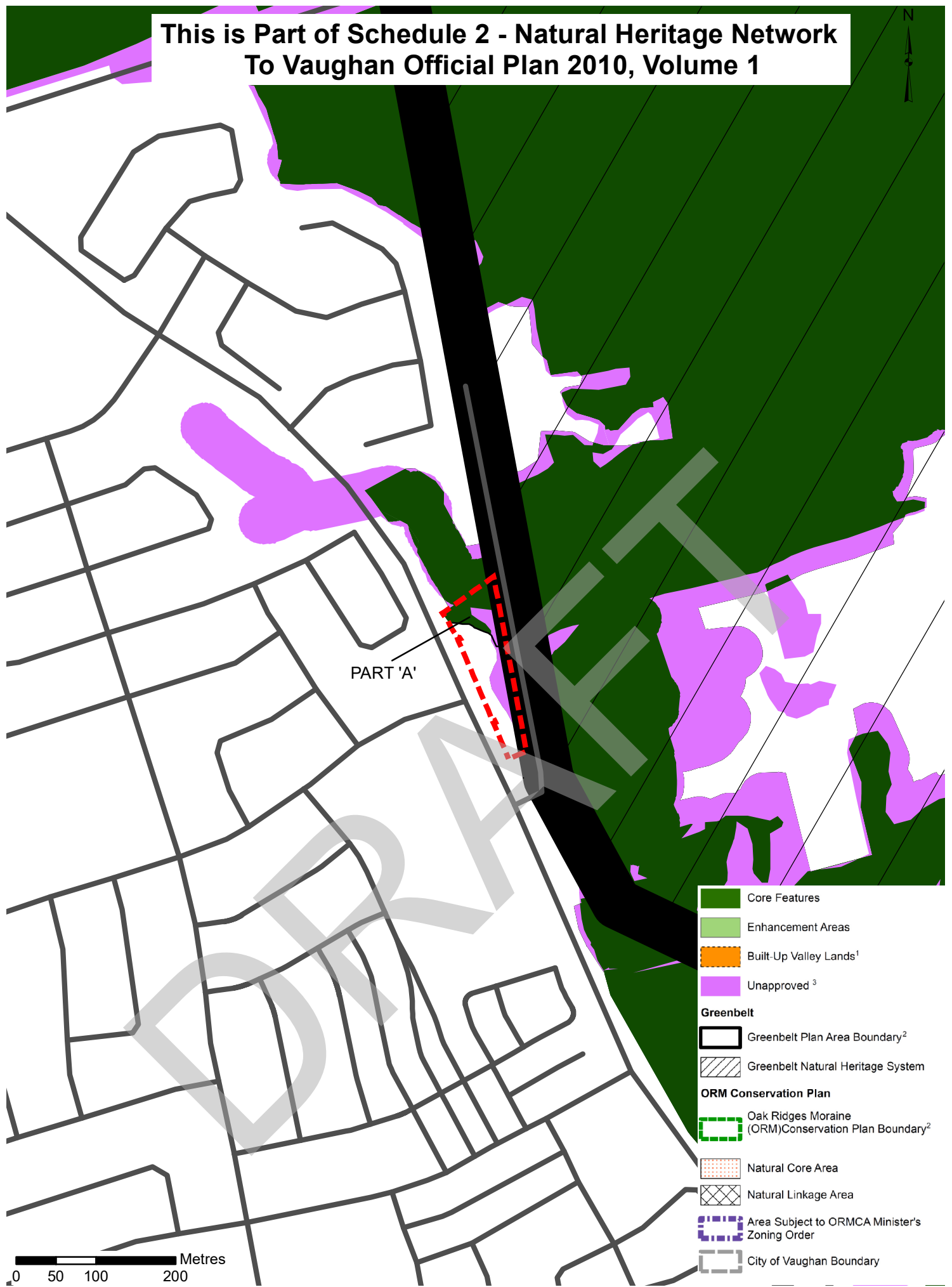
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**This is Schedule '2'
To Official Plan Amendment No. 52**

File: OP.16.010
Related Files: Z.16.039
Location: Part of Lots 18 and 19, Concession 8
Applicant: Gatehollow Estates Inc.
City of Vaughan

**Lands Subject to
Amendment No. 52**

**This is Part of Schedule 2 - Natural Heritage Network
To Vaughan Official Plan 2010, Volume 1**



**This is Schedule '3'
To Official Plan Amendment No. 52**


File: OP.16.010

Related Files: Z.16.039

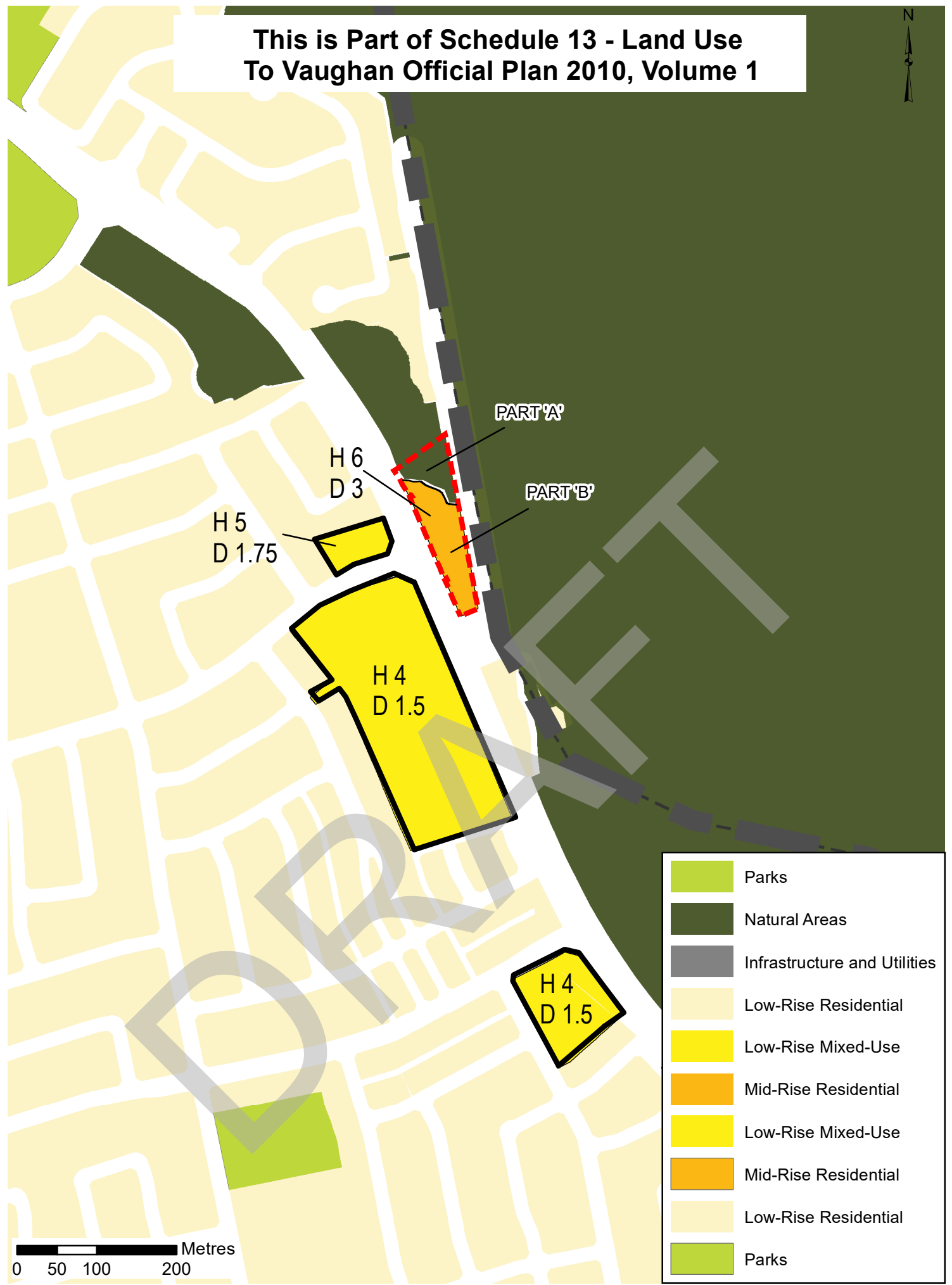
Location: Part of Lots 18 and 19, Concession 8

Applicant: Gatehollow Estates Inc.

City of Vaughan

 **Lands Subject to
Amendment No. 52**

**This is Part of Schedule 13 - Land Use
To Vaughan Official Plan 2010, Volume 1**



**This is Schedule '4'
To Official Plan Amendment No. 52**

File: OP.16.010

Related Files: Z.16.039

Location: Part of Lots 18 and 19, Concession 8

Applicant: Gatehollow Estates Inc.

City of Vaughan



Lands Subject to
Amendment No. 52

APPENDIX I

The Subject Lands are located on the east side of Islington Avenue, north of Canada Company Avenue, being Part of Lots 18 and 19, Concession 8, in the City of Vaughan.

The purpose of this Amendment is to amend the provisions of the Official Plan of the Vaughan Planning Area, specifically to redesignate the Subject Lands from “Low-Rise Residential” to “Natural Areas” and “Mid-Rise Residential” and to add site-specific policy 13.51 “9681 and 9691 Islington Avenue” to facilitate the development of two, 6-storey residential apartment buildings with a maximum density/Floor Space Index of 3 times the developable area of the Subject Lands.

The Owner submitted Official Plan and Zoning By-law Amendment Application Files OP.16.010 and Z.16.039 to the City of Vaughan on September 8, 2016. On July 25, 2017, the Owner appealed the Applications to the Local Planning Appeal Tribunal (the “Tribunal”), citing non-decision by the City on these Applications pursuant to Sections 22(7) and 34(11), respectively, of the *Planning Act*.

Vaughan Council, at the Special Council Meeting of September 17, 2019, resolved to advise the Tribunal that it is supportive, in principle, of the redevelopment of the Subject Lands for the above-noted development.

The Amendment was presented to the Tribunal on September 24, 2019 and approved in its final form by the Tribunal on September 24, 2019 (“OPA 52”). Subsequently, the Ontario Land Tribunal (previously known as the Local Planning Appeal Tribunal), pursuant Section 23 of the *Ontario Land Tribunal Act* and Rule 25 of the Tribunal’s Rules of Practice and Procedure, approved this Amendment as a revision to OPA 52 to permit only rooftop indoor and outdoor amenity space and access to same, above the 6th storey.



Appendix II Existing Land Uses Official Plan Amendment No. 52

File: OP.16.010

Related Files: Z.16.039

Location: Part of Lots 18 and 19, Concession 8

Applicant: Gatehollow Estates Inc.

City of Vaughan

Lands Subject to
Amendment No. 52