

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 017-2024**

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

**WHEREAS** applications for official plan and zoning by-law amendments were filed with respect to the subject lands at 8337, 8341, 8345, 8349, 8353 and 8359 Islington Avenue to permit a 6-storey residential apartment building;

**AND WHEREAS** the application was appealed to the Ontario Land Tribunal as Case No. OLT-22-004629, and the Tribunal has made an order with respect to the appeal;

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

1. THAT the Amendment to City of Vaughan By-law 1-88, as amended, is further amended in accordance with the Ontario Land Tribunal Order dated the 28<sup>th</sup> day of June 2023 (OLT Case No. OLT-22-002104 and OLT-22-004629), as attached hereto as Attachment "2" and is effective April 26<sup>th</sup>, 2023, and is hereby designated as By-Law Number 017-2024.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** June 28, 2023

**CASE NO(S):** OLT-22-004629  
OLT-22-002104

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

**Applicant/Appellant:** Pristine Homes (Pine Grove) Inc.  
**Subject:** Request to amend the Official Plan – Failure to adopt the requested amendment  
**Description:** To permit a 6-storey residential apartment building with 125 dwelling units.  
**Reference Number:** OP.20.004  
**Property Address:** 8337, 8341, 8345, 8349, 8353 and 8359 Islington Avenue  
**Municipality/UT:** Vaughan/York  
**OLT Case No:** OLT-22-004629  
**OLT Lead Case No:** OLT-22-004629  
**OLT Case Name:** Pristine Homes (Pine Grove) Inc. v Vaughan (City)

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

**Applicant/Appellant:** Pristine Homes (Pine Grove) Inc.  
**Subject:** Application to amend the Zoning By-law – neglect to make a decision  
**Reference Number:** Z.20.001  
**Property Address:** 8337, 8341, 8345, 8349, 8353 and 8359 Islington Avenue  
**Municipality/UT:** Vaughan/York  
**OLT Case No:** OLT-22-004630  
**OLT Lead Case No:** OLT-22-004629

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: L. D'Aversa  
 Appellant: A.G.A. Holdings Inc.  
 Appellant: ALM Property Management Inc.; and others  
 Subject: Comprehensive Zoning By-law No. 001-2021  
 Description: Comprehensive Zoning By-law for all lands in the City of Vaughan  
 Municipality: City of Vaughan  
 OLT Case No.: OLT-22-002104  
 OLT Lead Case No.: OLT-22-002104  
 OLT Case Name: D'Aversa v. Vaughan (City)

***PLEASE NOTE: Only the Appeal No. 002680 by Pristine Homes (Pine Grove) Inc. will be addressed as part of this proceeding***".

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Armland Management Inc.  
 Appellant: Blue Water Ranch Developments Inc.  
 Appellant: Centra (BT1) Inc.; and others  
 Subject: Zoning By-law No. 039-2022  
 Description: To replace the transition provisions (Section 1.6) of Comprehensive Zoning By-law No. 001-2021, as adopted by City of Vaughan Council on October 20, 2021  
 Municipality: City of Vaughan  
 OLT Case No.: OLT-22-003554  
 OLT Lead Case No.: OLT-22-002104

OLT Case Name: Armland Management Inc. v. Vaughan (City)

***PLEASE NOTE: Only the Appeal No. 004810 by Pristine Homes (Pine Grove) Inc. will be addressed as part of this proceeding***".

**Heard:** February 7, 2023, and continued on April 26, 2023

**APPEARANCES:**

<b><u>Parties</u></b>	<b><u>Counsel</u></b>
Pristine Homes (Pine Grove) Inc.	Quinto M. Annibale Brendan Ruddick
City of Vaughan	Piper Morley Effis Lidakis

**MEMORANDUM OF ORAL DECISION DELIVERED BY JATINDER BHULLAR ON  
APRIL 26, 2023 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This is the first Case Management Conference (“CMC”) started on February 7, 2023, and continued and completed as a settlement hearing on April 26, 2023. Pristine Homes (Pine Grove) Inc. (the “Applicant/Appellant”) has properties municipally known as 8337, 8341, 8345, 8349, 8353 and 8359 Islington Avenue (Subject Lands) in the City of Vaughan (“City”).

[2] The Parties informed the Tribunal that they have reached a settlement. They requested that the resumed CMC on April 26, 2023, be converted to a settlement hearing. The Tribunal granted the request and a settlement hearing was conducted.

[3] The Applicant/Appellant proposes to create a six-storey complex primarily for residential dwelling units.

[4] The Tribunal reviewed the Affidavit of Service for the Notice of the CMC sworn by Roberta Green on January 9, 2023. The Affidavit was determined by the Tribunal to have been duly and appropriately executed and was marked as Exhibit 1.

[5] There were no additional Participant or Party requests received and none were granted.

## CONSOLIDATION OF SITE SPECIFIC APPEALS

[6] The Subject Property is also associated with other appeals at the Tribunal. The Parties requested consolidation of the same. Along with case file number OLT-22-004629, a request to amend the City's Official Plan, the case file numbers for these other multi-party appeals at the Tribunal are as follows:

- a. OLT-21-002104
  - An appeal of the City's comprehensive Zoning By-law
- b. OLT-22-003554
  - An appeal against the City's Transition By-law

[7] The Parties jointly informed the Tribunal that they have sought and canvassed all other matters in these proceedings for any objections to move the Subject Property appeals out of those proceedings on a site-specific basis. The Parties informed the Tribunal that they have found no objections to such a proposal.

[8] As a result, the Parties requested of the Tribunal that the following be consolidated with the Case File Number OLT-22-004629:

- a. Appeal No.: 002680 in Case No.: OLT-22-002104; and,
- b. Appeal No.: 004810 in Case No.: OLT-22-003554

[9] The Tribunal, pursuant to Rule 16.1 of the *OLT Rules of Practice and Procedure*, ordered that the cases under Tribunal File Numbers OLT-22-004629, OLT-22-004630, Appeal No.: 002680 in Case No.: OLT-22-002104, and Appeal No.: 004810 in Case No.: OLT-22-003554 are Consolidated for Case Management and Hearing purposes.

## EVIDENCE AND ANALYSIS

[10] At the settlement hearing, the Applicant/Appellant called Rosemarie L. Humphries as a witness. Ms. Humphries was sworn and qualified by the Tribunal to provide opinion evidence in the area of land use planning. Ms. Humphries also was sworn by counsel to confirm that the previously submitted Affidavit, though not originally submitted as a sworn Affidavit, albeit was authored by her and fully represents her opinions. This was marked as Exhibit 2 for the record and was the basis of Ms. Humphries oral testimony before the Tribunal.

[11] In providing the site context information Ms. Humphries enunciated that the Subject Lands are comprised of an assembly of 6 low-rise residential dwellings/lots municipally addressed 8337, 8341, 8345, 8349, 8353 and 8359 Islington Avenue. The subject lands are legally described as Part of lots 1 and 2, Lots 3,4, 5 and 6 Registered Plan M-1111, City of Vaughan, in the Region of York.

[12] Ms. Humphries stated that the Subject Lands are served by 5 individual driveways on Islington Avenue and 1 driveway on Pine Grove Road. Islington Avenue is classified as a Regional Road with a Planned width of up to 30m in the York Region Official Plan and a Major Arterial Road (Regional) in the City of Vaughan Official Plan. Pine Grove Road is classified as a Local Road. The intersection of Islington Avenue and Pine Grove Road is further identified as a Pedestrian Priority Node in the Woodbridge Centre Secondary Plan.

[13] Ms. Humphries described the evolution of the proposal from the original application. She opined that the changes were made to the proposal which in part facilitated the settlement with the City. These changes are noted as extracted from Exhibit 2 as follows:

- Reduction in Building Height/Stepping down of the building  
the building height has been reduced from 7 storeys to 6 storeys and incorporates step backs at the 5<sup>th</sup> and 6<sup>th</sup> floors. This has resulted in a reduction of density.
- Increased setbacks from Islington Avenue  
The building was originally setback 1.8m from Islington Avenue where at grade units facing Islington also had private patio spaces. The patio spaces have been removed (sic) but connections are still provided at grade from the street. The setback of the main wall of the building to Islington Avenue has increased to 3m and 2.7m to the columns.
- Elimination of a primary entrance from Islington Avenue  
The former submission proposed a primary entrance to the site from Islington Avenue. This has now been removed with the primary entrance being located internally from the site.
- Reduction in FSI  
The reduction in building height from 7 to 6 storeys has resulted in reduction of the overall density from 2.63 FSI to 2.42FSI.
- Revised Access Arrangements  
The northern access from Pine Grove Road has been revised from an all way access to right in /right out only.
- Increase in unit count  
Due to the removal of a main entrance along Islington Avenue, the internal layout of the building was modified which resulted in the redistribution of unit types and overall slight increase in the total number of units from 122 to 125.

[14] Ms. Humphries opined that the proposal has appropriate regard for matters of Provincial Interest under s. 2 of the *Planning Act*.

[15] Ms. Humphries reviewed the applicable policies in the Provincial Policy Statement 2020 (PPS) and opined that the proposal is consistent with the PPS. In her review, Ms. Humphries considered policies related to compact, efficient use of land and infrastructure (Policies 1.1, 1.4 and 1.6). She added that per Section 1.1 of the PPS, development is encouraged to locate in designated settlement areas, which are intended to be areas where growth is focused, and use patterns within settlement areas should be based on an appropriate range and mix of land uses at densities that make efficient use of available land and existing infrastructure.

[16] Ms. Humphries opined that the proposal conforms with the Growth Plan for the Greater Golden Horseshoe 2019, as amended (the Growth Plan). Ms. Humphries highlighted the following attributes of the proposal which provide the basis for the Growth Plan conformity:

- a. The proposed development is considered desirable as it will intensify the Site in an area intended to accommodate future growth (Policy 1.2.1)
- b. This portion of the City of Vaughan is identified as 'Settlement Area' within the Growth Plan, 2020 and the Site is located within the delineated built boundary. The Site has direct access to municipal water and wastewater infrastructure and will optimize existing assets (Policies 2.2.1, 2.2.2 and 2.2.6)
- c. The Site does not contain, nor is it adjacent to, any cultural heritage or natural features which require preservation. Climate change and conservation will be addressed in detail through the introduction of sustainable components within the project during the site plan application (Chapter 4 Protecting What is Valuable).

[17] Ms. Humphries opined that the proposal conforms with the York Region Official Plan (YROP). She documents key policies considered as part of her Affidavit (Exhibit 2, paragraphs 36-45).

[18] Ms. Humphries reviewed the Vaughan Official Plan 2010 consolidation 2020 (VOP) and opined that the proposal conforms with the VOP. She testified that the VOP directs to the Woodbridge Centre Secondary Plan (WCSP) for detailed policies applicable for the Subject Lands.



[19] Ms. Humphries reviewed the WCSP (Exhibit 2, paragraphs 48-63) and opined that the proposal conforms with the WCSP. She highlighted that:

- Ground units within the project have been designed to have access and patios fronting Islington Avenue (sic) and Pine Grove Road creating an interactive space with the street network.
- There are no existing natural/heritage features on the subject site.
- The building typology already exists in the area, and this project will further provide a diversification to the existing housing stock in terms of unit sizes.
- The front yard setback being proposed along Islington Avenue is similar to that which already exists with the project to the south.
- The site is within 100m of two existing transit stops and 1900m of Highway 7 which is an existing designated rapid transit corridor.

[20] Ms. Humphries provided further analysis with respect to policies on noise, consideration for the Valley and Stream Corridor Management Program under the Toronto Region Conservation Authority where the Subject Lands have been duly assessed through a noise report and do not have direct access or frontage with the Humber River.

[21] Ms. Humphries reviewed the built form policies and testified how the required lot coverage of the proposal either conforms to the policies or is in line with similar development patterns in the neighbourhood.

[22] Ms. Humphries testified that the proposed development is transit supportive and is located within 100 metres of bus stops for buses going both northbound and southbound on Islington Avenue. The site has a sidewalk on both street frontages and short and long term bicycle parking is proposed on site.

[23] Ms. Humphries, in conclusion with respect to the WCSP, opined that;

- Transit infrastructure is in place along Islington Avenue to serve the development. Short term outdoor parking is proposed at grade in the

project which will enhance the experience for future residents and their visitors to use transit.

- All service, loading and parking areas are located away from the node area at the rear of the project thereby enhancing the experience and safety of pedestrians.

[24] The Tribunal notes that the opinion evidence presented by Ms. Humphries was uncontroverted and unopposed. The parties have worked together to create a settlement that the Tribunal finds has due regard for the Provincial Interest, is consistent with the PPS; conforms with the Growth Plan, the YROP, and, except for the required amendment, conforms with the Vaughan Official Plan and represents good land use planning.

## **ORDER**

[25] **THE TRIBUNAL ORDERS THAT** the Appeals are allowed in part and the Official Plan of the City of Vaughan is amended as set out in Attachment 1 to this Order.

[26] **THE TRIBUNAL ORDERS THAT** the appeals are allowed in part and the Zoning By-law No. 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.

[27] **THE TRIBUNAL ORDERS THAT** the appeals are allowed in part and the Zoning By-law No. 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.

[28] Pursuant to Rule 24.3 of the Tribunal's Rules of Practice and Procedure, this **ORDER** shall be, and was, effective as of the date of the hearing of this Appeal, and the delivery of the Oral Decision and Order of the Tribunal, on April 26, 2023.

*"Jatinder Bhullar"*

JATINDER BHULLAR  
MEMBER

DRAFT

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://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 2

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## Attachment 2

***THE CITY OF VAUGHAN******BY-LAW*****BY-LAW NUMBER 017-2024**

**A By-law to amend City of Vaughan By-law 1-88, as amended.**

**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;

**AND 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;

**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 “E-1682” attached hereto as Schedule “1” from R2 Residential Zone to RA3(H) Apartment Residential Zone, with the Holding Symbol (H), and subject to site-specific Exceptions 9(1551), in the manner shown on the said Schedule “1”.
  - b) Adding the following paragraphs to Section 9.0 “EXCEPTIONS”:

- “(1551) A. The following provisions shall apply to all the lands zoned RA3(H) Apartment Residential Zone with the Holding Symbol as shown on Schedule “E-1682”:
- a) Lands zoned with the Holding Symbol “(H)” shall be used only for the production of field crops or a use legally existing as of the date of the enactment of this By-law.
  - b) The Holding Symbol “(H)” shall remain on the RA3(H) Apartment Residential Zone of the Subject Lands until such time as the following conditions are met:
    - i. Water and sanitary servicing capacity shall be identified for the Subject Lands and allocated by Vaughan Council;
    - ii. The Owner shall take all reasonable steps to secure an access easement over the private common element road of the abutting lands to the south in favour of the Subject Lands in order to create a shared access onto Islington Avenue. In the event that both the Owner and the City are unable to obtain the easement, this condition shall be deemed to have been automatically satisfied;
    - iii. The Owner shall address all comments to the satisfaction of the TRCA;
    - iv. The Owner shall submit and obtain approval of a Site Development Application to facilitate the Development, which shall also address all outstanding comments

provided through Official Plan Amendment File OP.20.004 and Zoning By-law Amendment File Z.20.011; and

- v. The Owner shall address all Noise Feasibility Study comments to the satisfaction of the Development Engineering Department.

“(1551) B. Notwithstanding the provisions of:

- a) Subsection 3.8 a) and g) respecting Parking Requirements and Minimum Driveway Width;
- b) Subsection 3.13 respecting Minimum Landscaped Area requirements;
- c) Subsection 3.17 respecting Portions of Buildings Below Grade requirements;
- d) Subsection 4.1.6 respecting Minimum Amenity Area requirements; and
- e) Schedule “A” respecting the zone requirements in the RA3 Zone.

The following provisions shall apply to the lands shown as “Subject Lands” on Schedule “E-1682”:

- ai) The following minimum residential and visitor parking space rates shall apply for an apartment building:
  - i. 1 residential parking space per unit
  - ii. 0.24 visitor parking spaces per unit
- a ii) A minimum driveway width of 6.0 m shall be required;

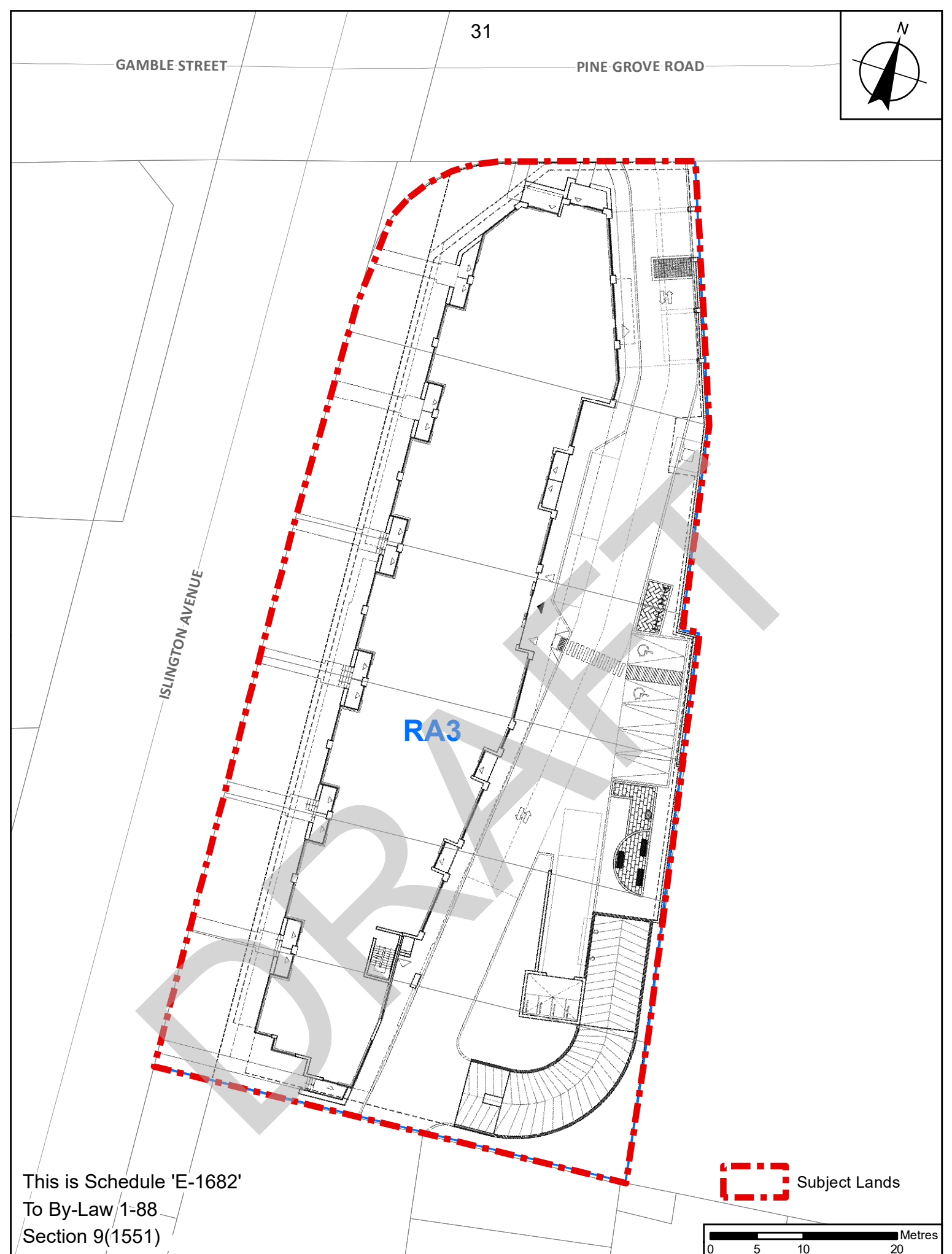
- aiii) Bicycle parking shall be required, and the following minimum rates shall apply for an apartment building:
  - i. 0.5 long-term bicycle parking spaces per unit
  - ii. 0.1 short-term bicycle parking spaces per unit
- bi) The following minimum landscape strips, along lot lines which abut a street line and shall be used for no other purpose other than landscaping, other than driveways, shall apply:
  - i. 1.5 m in width abutting the Front Yard
  - ii. 2.7 m in width abutting the Exterior Side Yard
  - iii. 0.17 m in width at the Sight Triangle
- ci) The minimum setback from a lot line to the nearest part of a building below finished grade shall be 0.6 m;
- di) A minimum amenity area of 12.8 m<sup>2</sup> / unit shall be provided;
- ei) The minimum lot area per unit shall be of 31 m<sup>2</sup>;
- eii) The minimum required yards shall be:
  - i. Front Yard = 1.5 m
  - ii. Exterior Side Yard = 2.7 m
  - iii. Rear Yard = 1.15 m
  - iv. Sight Triangle = 0.17 m
  - v. Interior Side Yard = 0.0 m (architectural columns) and 4.4 m (building wall)
- eiii) The maximum building height shall be 22 m.

2. Adding Schedule "E-1682" attached hereto as Schedule "1".



3. Deleting Key Map 7B and substituting therefor the Key Map 7B attached hereto as Schedule "2".
4. Schedules "1" and "2" shall be and hereby form part of this By-law.

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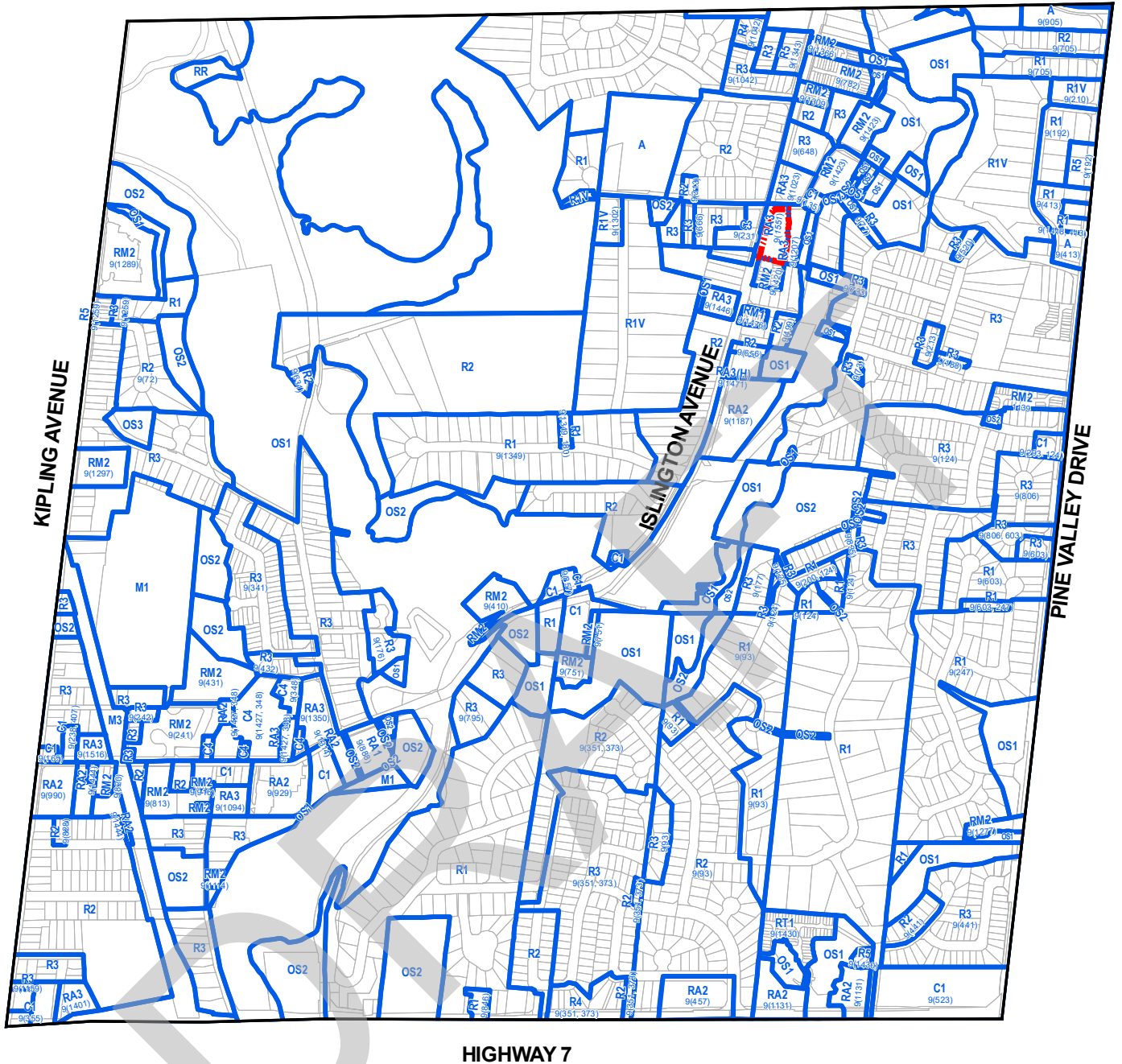
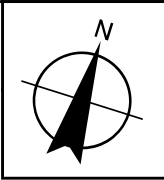



This is Schedule 'E-1682'  
 To By-Law 1-88  
 Section 9(1551)

**This is Schedule '1'  
 To By-Law 017-2024**

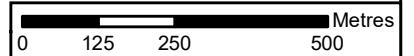
**File:** Z.20.011  
**Related File:** OP.20.004  
**Location:** Part of Lots 9 and 10, Concession 7  
**Applicant:** Pristine Homes (Pine Grove) Inc.  
**City of Vaughan**

Signing Officers  
**OLT CASE NO. OLT-22-002104  
 and OLT-22-004629  
 APRIL 26th, 2023**



 Subject Lands

**KEY MAP 7B**  
**BY-LAW NO. 1-88**



This is Schedule '2'  
To By-Law 017-2024

**File:** Z.20.011  
**Related File:** OP.20.004  
**Location:** Part of Lots 9 and 10, Concession 7  
**Applicant:** Pristine Homes (Pine Grove) Inc.  
**City of Vaughan**

**PLANNING OFFICERS**  
**and OLT-22-004629**  
**APRIL 26th, 2023**

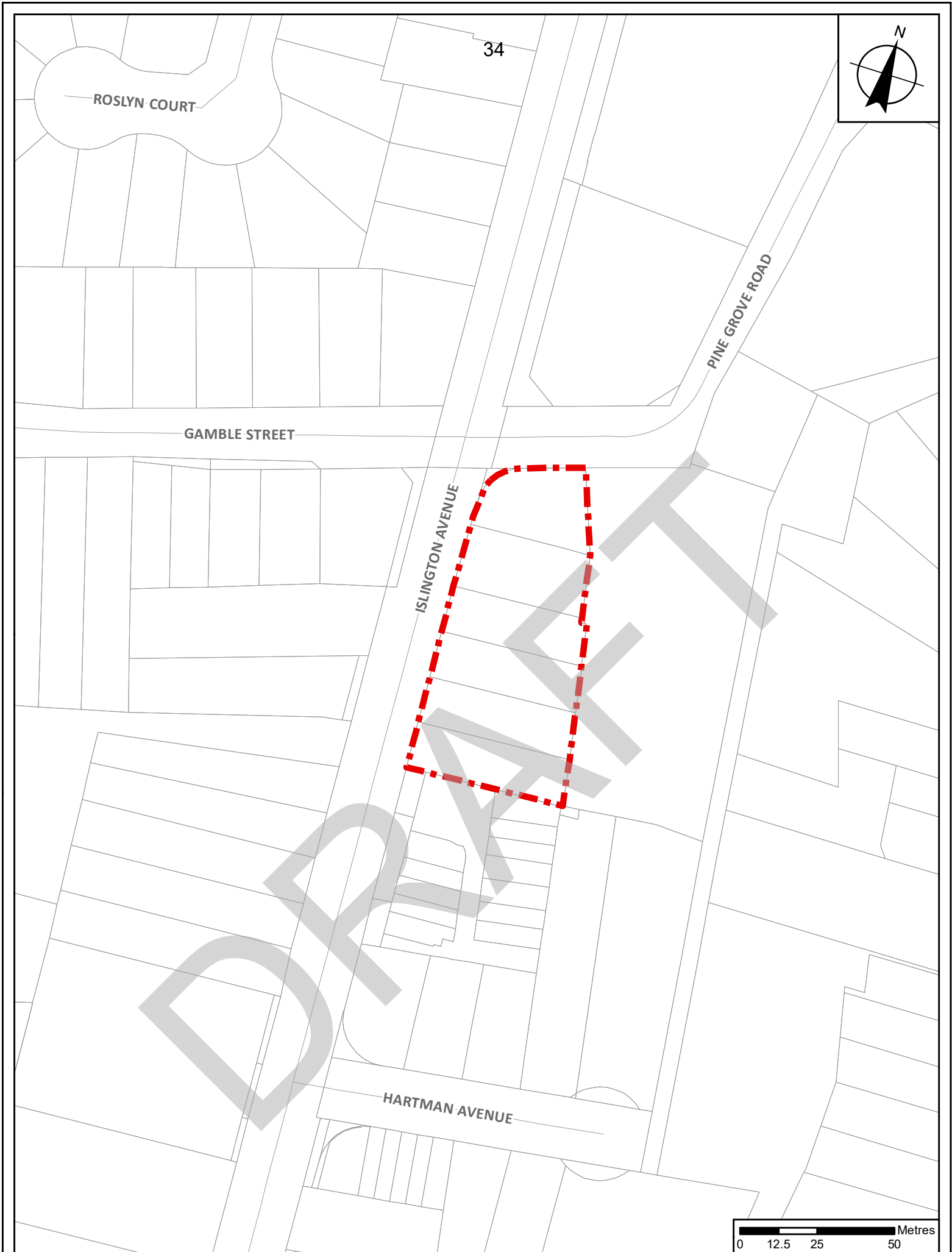
### **SUMMARY TO BY-LAW 017-2024**

The lands subject to this By-law are located on the southeast corner of the intersection of Islington Avenue and Pine Grove Road, municipally known as 8337, 8341, 8345, 8349, 8353 and 8359 Islington Avenue being Part of Lots 9 and 10, Concession 7, City of Vaughan, Regional Municipality of York.

The purpose of this by-law is to rezone the lands subject to this By-law from R2 Residential Zone to RA3(H) Apartment Residential Zone, subject to site-specific Exceptions 9(1551) and with the Holding Symbol "(H)". The amendment will permit the development of a 6-storey residential apartment building with 125 units and a Floor Space Index of 2.42 times the area of the lot.

The removal of the Holding Symbol "(H)" is contingent upon the following conditions being satisfied:

- a) Water and sanitary servicing capacity shall be identified for the Subject Lands and allocated by Vaughan Council;
- b) The Owner shall take all reasonable steps to secure an access easement over the private common element road of the abutting lands to the south in favour of the Subject Lands in order to create a shared access onto Islington Avenue. In the event that both the Owner and the City are unable to obtain the easement, this condition shall be deemed to have been automatically satisfied;
- c) The Owner shall address all comments to the satisfaction of the TRCA;
- d) The Owner shall submit and obtain approval of a Site Development Application to facilitate the Development, which shall also address all outstanding comments provided through Official Plan Amendment File OP.20.004 and Zoning By-law Amendment File Z.20.011; and
- e) The Owner shall address all Noise Feasibility Study comments to the satisfaction of the Development Engineering Department.



## Location Map To By-Law 017-2024

**File:** Z.20.011

**Related File:** OP.20.004

**Location:** Part of Lots 9 and 10, Concession 7

**Applicant:** Pristine Homes (Pine Grove) Inc.

**City of Vaughan**



Subject Lands