

February 28, 2022

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

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

Attention: Todd Coles, City Clerk

Mayor Bevilacqua and Members of Council:

**Re: Committee of the Whole, March 1, 2022
City-Wide Comprehensive Zoning By-law 001-2021 (the “New ZBL”)
Transition Provision Amendments, File No. Z.21.052
Submission of Islamic Shia Ithna-Asheri Jamaat of Toronto (“ISIJ”)**

We are counsel to ISIJ, the owner of the lands municipally known as 9000 Bathurst Street, Vaughan (the “Lands”). ISIJ is an Appellant in the Ontario Land Tribunal proceeding concerning the New ZBL.

On behalf of ISIJ, we have reviewed the Staff Report dated March 1, 2022 which recommends that Council repeal and replace the transition provisions of the New ZBL.

Notwithstanding our client’s concerns outlined in the enclosed submission to Committee of the Whole dated January 17, 2022, Staff is recommending that no changes be made to section 1.6.4 relating to the 10-year sunset date for the transition provisions.

As previously noted, by a decision and Order dated October 17, 2019, the then-Local Planning Appeal Tribunal (now continued as the Ontario Land Tribunal or the “OLT”) approved, in principle, applications for Official Plan Amendment and Zoning By-law Amendment to permit, amongst other things, residential and seniors’ housing uses and a private secondary school on the Lands (the “Approvals”). The final Order was withheld pending finalization of the planning instruments, which are currently being refined for final approval by the OLT.

Given this context, our client is also concerned by the apparent effect of sections 1.6.3.3 and 1.6.4 taken together. Even if the proposed development is completed in 10-years, under the proposed ZBL, once the OLT issues final approval of ISIJ’s site-specific redevelopment application, former Zoning By-law No. 1-88 (the “Former ZBL”) would

cease to apply to the Lands, and the Lands would be subject to the New ZBL. The New ZBL does not propose to include reference to the final Approvals resulting in the approved development becoming legal non-conforming.

Thus, for the City to avoid situations of approved developments becoming legal non-conforming, our client respectfully urges the City to rezone the lands in the New ZBL consistent with the Approvals, or in the alternative, provide for a clear mechanism in which the New ZBL incorporates approvals under the Former ZBL.

Accordingly, for the reasons above and as set out in the January 17, 2022 submission, we wish to express our client's continued concern regarding the proposed revisions to the transitional provisions of the New ZBL, specifically with regard to sections 1.6.3 and 1.6.4.

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 truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

MRF:SL

copy: Client
Martin Quarcoopome, Weston Consulting