

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2024

Item 7, Report No. 5, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 21, 2024.

7. NEW SITE ALTERATION BY-LAW

The Committee of the Whole recommends approval of the recommendations contained in the following report of the Deputy City Manager, Infrastructure Development, dated February 13, 2024:

Recommendations

1. THAT Council approve the new Site Alteration By-law to Prohibit and Regulate Site Alteration and Movement of Fill in the City of Vaughan (Attachment 1) and repeal Fill By-law 189-96 and all amendments;
2. THAT staff be authorized to complete the necessary tasks to implement the online permit portal and related processes, including the preparation of the Applicant Guide for Site Alteration Permits;
3. THAT Council approve Fees & Charges By-law 224-2023 Schedule K amendments (Attachment 2) to enact new permit and administrative fees; and
4. THAT Council make the Site Alteration By-law a designated by-law under the Administrative Monetary Penalties By-law 063-2019 (Attachment 3) and that non-compliance with the Site Alteration By-law have an Administrative Monetary Penalty of \$1000 for every offence.

Committee of the Whole (2) Report

DATE: Tuesday, February 13, 2024

WARD(S): ALL

TITLE: NEW SITE ALTERATION BY-LAW

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To obtain Council's approval for a new Site Alteration By-law to prohibit and regulate site alteration and the movement of fill in the City of Vaughan. Staff are also seeking approval to complete the necessary administrative tasks to create an Applicant Guide for Site Alteration Permits as well as finalize the implementation of the online portal and new permit processes. Amendments to the Fees & Charges By-law 224-2023 and Administrative Monetary Penalties By-law 063-2019 are also required to enact new permit fees and monetary penalties for non-compliance.

Report Highlights

- New Site Alteration By-law to create a modern regulatory framework for site alteration and movement of fill.
- New permit management and enhanced monitoring, inspection, and enforcement authority to address non-compliance, including Administrative Monetary Penalties.
- New financial measures to provide better cost recovery for repeated and continued non-compliance.
- Summary of city-wide stakeholder engagement campaign.

Recommendations

1. THAT Council approve the new Site Alteration By-law to Prohibit and Regulate Site Alteration and Movement of Fill in the City of Vaughan (Attachment 1) and repeal Fill By-law 189-96 and all amendments;
2. THAT staff be authorized to complete the necessary tasks to implement the online permit portal and related processes, including the preparation of the Applicant Guide for Site Alteration Permits;
3. THAT Council approve Fees & Charges By-law 224-2023 Schedule K amendments (Attachment 2) to enact new permit and administrative fees; and
4. THAT Council make the Site Alteration By-law a designated by-law under the Administrative Monetary Penalties By-law 063-2019 (Attachment 3) and that non-compliance with the Site Alteration By-law have an Administrative Monetary Penalty of \$1000 for every offence.

Background

The current Fill By-law 189-96 has been in effect since 1996. It is out-of-date and does not align with provincial excess soil regulations, industry best practices or current issues. The current by-law also lacks the sufficient authority for the city to effectively monitor, inspect and address repeated and continued non-compliance.

With projected population growth driving development, the expected increase in excess soil generation and the associated challenges of site alteration, it was recognized that the city needed a new approach that:

1. Recognizes a landowner's right to alter land to enhance use or prepare for development.
2. Protects the environment, human health and limit potential impacts to adjacent properties and municipal infrastructure (local roads and stormwater systems).
3. Ensures landowners are held responsible to monitor site alteration on their property.
4. Provides the city with enforcement tools to address repeated and continued non-compliance.
5. Includes permit requirements, processes and administration that align with provincial excess soil regulations and industry best practices.
6. Addresses concerns on the source and quality of excess soil to protect agricultural lands, water, and the natural environment.
7. Limits potential nuisances to the local community.

8. Recognizes when site alteration or placement of fill on agricultural lands is not part of normal farming practices and that the city has tools to address these matters.

The new regulatory framework includes:

- A comprehensive Site Alteration By-law.
- Permit requirements that align with provincial excess soil regulations.
- Delegated authority including permit administration, imposing, or waiving conditions, or requirements, authorizing remedial action, and revoking permits when necessary.
- Enhanced inspection and enforcement authority and procedures to encourage compliance.
- Improved cost recovery mechanisms to provide the city with financial resources to address repeated and continued non-compliance.

On May 31, 2023, staff presented a draft Site Alteration By-law to Committee of the Whole (Working Session) to gather feedback on the new proposed approach. Staff reviewed the new permit requirements, delegated authority, enhanced inspection and enforcement authority and new cost recovery mechanisms. Overall, positive feedback was received from Members of Council. Staff then proceeded with a city-wide stakeholder engagement campaign to gather input from residents, the development community, and members of the public.

The stakeholder engagement campaign included:

- Launch of a [project webpage](#).
- Online survey.
- Presentation to the Development Liaison Committee.
- In-person open house held on September 28, 2023, at Maple Community Centre.

Previous Reports/Authority

[Draft Site Alteration By-law, Committee of The Whole \(Working Session\) May 31, 2023](#)

Analysis and Options

Overview of Draft Site Alteration By-law

Fill By-law 189-96 has been in effect since 1996 and does not align with provincial excess soil regulations or industry best practices. The proposed new Site Alteration By-law will overhaul the city's approach to site alteration and the movement of fill,

including excess soil. Key changes are summarized in the chart below.

Section	Current State	Recommendation	Benefit/Rationale
Definitions	Limited list of terms and definitions.	Add more terms related to site alteration, excess soil, permit requirements, enforcement authority, environmental and natural heritage features.	Expanded list of defined terms to establish clear understanding and scope of site alteration matters. Defined terms are also consistent with other bylaws and regulations.
Authority of the Director	Current Fill By-law has limited language related to Director authority.	New section to include specific authority granted to the Director of Development Engineering or designate, including permit administration, imposing/waiving conditions, or requirements, authorizing remedial action, and revoking permits when necessary.	Delegated authority to the Director allows for the timely administration of permit processes and effective review of site-specific issues and concerns. The delegated authority allows the Director to minimize risks to the city by taking appropriate action as required.
Prohibitions	Standard prohibitions applicable at the time by-law was enacted. Does not include sensitive land zones or protected areas.	Expand prohibitions to restrict or limit site alteration on agricultural lands, lands with natural heritage features, or protected land zones (for ex. Greenbelt, Oak Ridges Moraine, Conservation Authority etc.)	Provides the authority to prohibit site alteration in sensitive or protected areas unless approved as part of development planning or permit application process.
Exemptions	Standard exemptions applicable when by-law was enacted, including areas regulated by conservation authorities (CA) such as the TRCA.	Remove CA land exemption from new Site Alteration By-law.	Will enable the city to enforce complaints, illegal site alteration or permit non-compliance within CA lands. Enforcement powers granted to the TRCA under the <i>Conservations Authorities Act</i> are not as robust as municipal enforcement powers. Municipal enforcement officers have right of entry, remedial action authority and cost recovery mechanisms.

Section	Current State	Recommendation	Benefit/Rationale
	2004 amendment to exempt residential properties from the Fill By-law.	Staff strongly recommend maintaining the residential property exemption.	Residential properties should continue to be exempt from the by-law given homeowner's responsibility to maintain the grading of their property. Where a grading permit is issued as a requirement of a residential building permit, the city completes a grading inspection to ensure compliance with the permit. Any other complaints related to residential grading alteration is considered a civil matter between homeowners. The city will not intervene or conduct any enforcement.
Requirements for Issuance of Permit	Current by-law includes permit requirements.	Remove permit requirements from the By-law and create an Applicant Guide for Site Alteration as main reference for permit requirements and administrative processes.	Any change to permit requirements included in the Site Alteration By-law would trigger a by-law amendment. By creating a supplementary resource for permit requirements, such as the Applicant Guide, this would allow for timely updates without the need to amend the by-law. The Applicant Guide also includes a detailed explanation of permit requirements and administrative processes.

Section	Current State	Recommendation	Benefit/Rationale
Permit Management	Current Fill By-law includes limited permit status or administrative process details.	Introduce different permit status and administration including: <ul style="list-style-type: none"> • Incomplete or abandoned permit applications. • Expired permits • Permit renewal. • Permit amendments. • Permit transfers. • Permit revocation. • Permit closure 	Expanded permit status categories will improve permit files management from submission to issuance through to permit closure; including: <ul style="list-style-type: none"> • Authority to cancel abandoned or incomplete permit applications. • Permit expiry dates for timely completion of work. • New procedures for permit amendments and transfers, when required. • Permit closure process to review for compliance with conditions and orders prior to release of security deposit.
Enforcement and Orders	Current Fill By-law includes minimal details on inspection and enforcement authority or procedures. Some information on the preparation and delivery of orders.	New expanded section detailing: <ul style="list-style-type: none"> • Authority for enforcement. • Entry and Inspection • Duty to Identify • Obstruction • Presumption • Contravention • Order Served • Fines & Special Fines 	Expanded section strengthens city's authority for inspection, investigation, issuance of orders for bylaw contraventions and applicable fines. Introduction of a special fine for contraventions with economic advantage, including scenarios involving contaminated fill.
Administrative Monetary Penalties (AMPs)	No provision for AMPs.	Introduction of an administrative monetary penalty of \$1000 per contravention.	New enforcement tool to encourage compliance. AMPs can be issued for continued and repeated non-compliance.

Section	Current State	Recommendation	Benefit/Rationale
Cost Recovery Unpaid Fines & Penalties	Current Fill By-law does not include provision for cost recovery.	Add new cost recovery mechanisms including: <ul style="list-style-type: none"> • Additional Inspection Fee • Adding debt to municipal tax roll • Authority to request security deposit top-up. 	Implementing cost recovery mechanisms to ensure contravener is held accountable for additional costs incurred by the city to address non-compliance. The added authority helps ensure that the city has the financial resources available to take necessary action to restore site condition, repair damage to municipal infrastructure and recover incurred costs related to non-compliance.
Fees & Security Deposit	Current Fill By-law includes outdated permit fee and security deposit information.	New section detailing: <ul style="list-style-type: none"> • Permit Fee: to cover costs associated with permit administration and regular inspection and monitoring. • Additional Inspection Fee: new fee charged to permit holder to recover costs for deploying staff resources to address both repeated and continued non-compliance. • Administration Fees: new fee for the preparation of compliance and remediation orders for repeated and continued non-compliance. • Security Deposit: details on the calculation, collection, duration, replenishment, and release of security deposit. 	This detailed section outlines permit holder's financial obligations associated with site alteration. Provides the city with the financial resources for permit administration and any necessary recourse to address negative impacts or non-compliance.

City-wide Stakeholder Engagement Campaign

Upon receiving positive feedback on the draft Site Alteration By-law at the May 31, 2023, Committee of the Whole (Working Session), staff engaged with Third Party Public Inc. to design and deliver a city-wide stakeholder engagement campaign.

The stakeholder engagement campaign included:

- Online survey
- Presentation to the Development Liaison Committee,
- In-person open house held on September 28, 2023, at Maple Community Centre.

The stakeholder engagement campaign was promoted through social media, a public service announcement, City and councillor newsletters, roadside signs, the city's digital media platform, direct emails, and information pamphlets for identified key areas.

Campaign Results:

Open House:

An in-person open house was held on September 28, 2023, from 7-9pm at Maple Community Centre. Attendance at the open house was low. Display boards shared at the open house are included in the engagement summary report included as Attachment 4 of this report.

Presentation to Development Liaison Committee:

A presentation of the proposed new approach, including key changes and process improvements was made to the Development Liaison Committee on September 29, 2023. The Development Liaison Committee is a group of representatives from the development industry. No comments or questions were received during the presentation. Attendees were invited to the project webpage to review documents and participate in the online survey.

Online Survey:

The online survey was available on the site alteration project webpage for a period of 32 days (Sept 13 to Oct. 15, 2023). The online participation option received more interest with 33 participants sharing thoughts. Both qualitative and quantitative responses to the survey are included in the engagement summary report included as Attachment 4 of this report.

Overall, there is public support for the development of the new by-law. The general categories of the comments received include:

- need for strong enforcement policies, fines, and penalties.
- protection of agricultural lands and the natural environment.
- concerns over illegal land use.
- ensure that the public understands scope of the by-law.

Staff are confident that the new Site Alteration By-law provides enhanced inspection and enforcement tools, including monetary penalties and cost recovery mechanisms to address non-compliance. As well, updated permit requirements and processes ensure that the proposed site alteration is appropriate and holds project leaders accountable for compliance with provincial excess soil regulations.

Financial Impact

The new Site Alteration By-law provides better cost recovery of incurred expenses or additional staff resources required to address non-compliance and other liabilities. Permit administration process changes may impact staff workload, however, it is not anticipated to affect operational costs.

Operational Impact

Staff from Development Engineering and By-law Property Standards Enforcement have worked to establish coordinated inspection and enforcement procedures for complaints and non-compliance of the Site Alteration By-law and any issued permits. Standard operating procedures, manuals, inspection templates, shared technology, and joint training efforts are currently underway.

Consultation with internal stakeholders has ensured that the proposed regulatory framework and permit workflows are consistent with their processes and/or regulatory obligations. Collaborative work will continue as staff finalize the functions and features of the new online permit portal and administrative processes. Final implementation of online permit portal and updated processes to be completed by end of Q2 2024.

Broader Regional Impacts/Considerations

There are no broader regional implications or considerations as a result of the recommendations of this report.

Conclusion

The new municipal regulatory framework to prohibit and regulate site alteration and movement of fill supports the 2022-2026 Term of Council Service Excellence Strategic Plan for City Building and Environmental Sustainability goals.

In summary, the new approach has been designed to ensure:

1. That residents have confidence in the city's ability to monitor and enforce site alteration and the movement of fill within the City of Vaughan.
2. That landowners and project leaders, as the generators of excess soil, be held accountable for the management of excess soil until it is accepted at the appropriate receiving site, as well as assume full responsibility for compliance with provincial regulations.
3. That receiving sites within the City of Vaughan are appropriate locations to ensure that farmland and environmentally sensitive areas are protected.
4. That the Site Alteration By-law include the appropriate permit requirements, delegated authority and enforcement measures that are consistent and fair while leveraging modern regulatory and compliance approaches.

For more information, please contact: Frank Suppa, Director of Development Engineering.

Attachments

1. Draft Site Alteration By-law
2. Draft Fees and Charges By-law, Schedule K amendment
3. Draft Administrative Monetary Penalties By-law amendment
4. Third Party Public Inc. Site Alteration By-law Engagement Summary report

Prepared by

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Approved by



Vince Musacchio, Deputy City Manager,
Infrastructure Development

Reviewed by



Nick Spensieri, City Manager

THE CITY OF VAUGHAN
BY-LAW

BY-LAW NUMBER XXX-2024

A By-law to prohibit and regulate Site Alteration and Movement of Fill in the City and to repeal by-laws 189-96, 44-2004, 265-2006, and 007-2017.

WHEREAS Sections 8, 9 and 11(2) of the *Municipal Act, 2001*, as amended, (the “*Municipal Act*”) authorizes municipalities to pass by-laws respecting the economic, social, and environmental well-being of the municipality; and,

WHEREAS Section 142 of the *Municipal Act* authorizes local municipalities to require that a permit be obtained for the placement of fill, the removal of topsoil, or the alteration of the grade of land, and to impose conditions to such permits; and,

WHEREAS Section 142 of the *Municipal Act* authorizes the City to enact by-laws to prohibit or regulate the placement of fill, the removal of topsoil, and the site alteration of the grade of property, land, lots in the City.

WHEREAS the *Municipal Act* authorizes a municipality to delegate its powers to an officer, employee, or agent of a municipality; and,

WHEREAS Section 398 of the *Municipal Act* authorizes a municipality to add fees and charges to the tax roll for a property and collect them in the same manner as municipal taxes; and,

WHEREAS Section 425 of the *Municipal Act* permits a municipality to pass by-laws providing that any person who contravenes any by-law the municipality passed under the *Municipal Act*, is guilty of an offence; and,

WHEREAS Section 426(4) of the *Municipal Act* deems that any person that hinders or obstructs, or attempts to hinder or obstruct, any person who is exercising or performing a duty under this By-law created under the *Municipal Act* is guilty of an offence; and,

WHEREAS Section 444(1) of the *Municipal Act* authorizes a municipality to make an order requiring the person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and,

WHEREAS Section 445 of the *Municipal Act* authorizes a municipality to make an order requiring the person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and,

WHEREAS Section 446 of the *Municipal Act* provides that where a person fails to do something that is required under a by-law, the municipality make undertake to do the thing required at the person's expense and the costs may be collected in the same manner as property taxes; and,

NOW THEREFORE the Council of the Corporation of the City ENACTS AS

FOLLOWS:

1.0 Short Title

(1) This By-law shall be known and may be cited as the "Site Alteration By-law."

2.0 Applicability and Scope

(1) This By-law applies to all *Property* in the *City*, unless otherwise exempted.

3.0 Definitions and Interpretations

(1) In this By-law and attached Schedules, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.

(2) That the words "include," "includes" and "including" are not to be read or interpreted as limiting words, phrases or descriptions that precede them.

(3) If any provision or part of a provision of this By-law is found to be invalid or unenforceable for any reason, then that particular provision or part thereof shall be deemed to be severed from the remainder of By-law. All other provisions or parts

of the By-law shall remain in effect and enforceable to the fullest extent permitted by law.

- (4) That any references in this By-law to statutes or statutory provisions may from time to time be amended, extended, re-enacted, or superseded.
- (5) That this By-law and the provisions contained within are intended to be complementary to provincial statutes and other by-laws passed by *Council*. If any other applicable law requires a higher standard than this By-law requires, the higher standard shall apply.
- (6) For the purposes of this By-law:

“Administrative Monetary Penalties By-law” refers to the Administrative Monetary Penalties By-law 063-2019 as amended, or its successor by-law;

“Adverse Effect” means one or more of the following:

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to *Property* or to plant or animal life;
- (c) harm or material discomfort to any *Person*;
- (d) a negative effect on the health of any *Person*;
- (e) impairment of the safety of any *Person*;
- (f) rendering any *Property* or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of *Property*; and
- (h) interference with the normal conduct of business;

“Agricultural Lands” means the use of *Property* or a building on the *Property* for an agricultural purpose, including, but not limited to, animal husbandry, aquaculture, beekeeping, dairying, field crops, forestry, fruit farming, horticulture, market gardening, poultry raising, and the operation of glass or plastic covered greenhouses;

“Agricultural Operation” means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward;

“Applicant” means the *Owner* of the *Property*, where such an *Owner* is an individual, or means any *Person* authorized in writing by the *Owner*, to apply for a *Permit* on the *Owner’s* behalf;

“Applicant Guide” means the applicant guide for *Site Alteration Permits* which is a supplementary document that outlines the *City’s Site Alteration Permit* application requirements and processes;

“Authorized Agent” means a *Person* with authorization to act on behalf of the *Owner(s)*. *Authorized Agent* may also act as the *Project Leader*;

“City” means the Corporation of the City of Vaughan;

“Contaminant” means any solid, liquid, gas, odor, heat, sound, vibration, radiation, or combination of any of them resulting directly or indirectly from human activities that may cause an *Adverse Effect*;

“Council” means the Council for the Corporation of the City of Vaughan;

“Director” means the Director of Development Engineering for the *City* (or any successor job title) designated to have responsibility for this By-law and may include any *Person* authorized by the *Director* to carry out any of the powers or duties of the *Director*, pursuant to this By-law;

“Drainage” means the movement of water to a place of disposal, whether by way of natural characteristics of the ground surface or by an artificial method;

“Erosion Hazard” means the loss of land, due to human or natural processes, which poses a threat to life and *Property*. The *Erosion Hazard* limit is determined using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a one-hundred-year time span), an allowance for slope stability, and an erosion/erosion access allowance;

“Fees and Charges By-law” means the Fees and Charges By-law 224-2023, as amended, or its successor by-law;

“Fill” means any type of material that can be removed from (cut) or placed (in-fill) on land including but not limited to:

- (a) “Aggregate” means a collective term for the mineral materials such as sand, gravel and crushed stone that can be used with a binding medium to form compounds such as concrete. *Aggregates* can either be natural or manufactured and excludes asphalt which can be placed on surface but not below *Grade*;
- (b) “Clean concrete and brick” means concrete, brick, block, and other silica-based construction materials that are free of *Contaminants*;
- (c) “Compost” means a mixture of various decaying organic substances, such as dead leaves or manure, used for fertilizing *Soil*;
- (d) “Excess Soil” means *Soil*, crushed *Rock*, or *Soil* mixed with *Rock* or crushed *Rock*, that has been excavated as part of a project and removed from the project area for the project;
- (e) “Liquid Soil” means *Soil* that has a slump of more than 150 millimetres using the Test Method for the Determination of “Liquid Waste” (slump test) set out in Schedule 9 to *R.R.O.1990, Regulation 347: General – Waste Management*;
- (f) “Rock” means a naturally occurring aggregation of one or more naturally occurring minerals that is 2 millimetres or larger in size or that does not pass the US No. 10 sieve;
- (g) “Sod” means the upper stratum of *Soil* bound by grass and plant roots into a thick mat (turf);
- (h) “Soil” means unconsolidated naturally occurring mineral particles and other naturally occurring materials resulting from the natural breakdown of *Rock* or organic material by physical, chemical or biological processes that are smaller than 2 millimetres in size or that pass the US No. 10 sieve;

- (i) “Topsoil” means those horizons in a *Soil* profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;

“Flood Hazard” means the inundation of areas adjacent to a shoreline or a river or stream system not ordinarily covered by water. Along river, stream and small inland lake systems, the *Flood Hazard* is flood produced by the Hurricane Hazel storm event or the 100-year flood, whichever is greater;

“Grade” means ground surface elevation of the land as it relates to:

- (a) “Approved Grade” means the final elevation of the ground surface following the *Site Alteration* as approved by the *Director* in accordance with this By-law;
- (b) “Existing Grade” means the elevation of the existing ground surface prior to any *Site Alteration* including the natural *Grade* prior to human activities or any previously *Approved Grade*;
- (c) “Proposed Grade” means the proposed elevation of the ground surface of land upon which *Site Alteration* is proposed; and
- (d) “Unapproved Grade” means the elevation of the ground that is not an *Existing Grade* or *Approved Grade*.

“Hydrological Feature” as defined by Vaughan Official Plan and Greenbelt Plan (2017), as amended or superseded;

“Inspector” means a *Person* employed as a *City* as a Municipal Services Inspector to carry out observations and inspections for compliance with this By-law or where a *Permit* has been issued and includes an *Officer*.

“Lot” means a parcel of land fronting on a street separate in ownership from any abutting land to the extent that a consent contemplated by section 50 of *the Planning Act, R.S.O. 1990, c.P.13*, as amended would not require for its conveyance;

“Natural Heritage Features” means lands containing sensitive and/or significant natural features and functions as defined by the Greenbelt Plan (2017), as amended, or superseded;

“Normal Farm Practice” means any activity undertaken in accordance with the *Farming and Food Production Protection Act 1998, S.O. 1998, c. 1*, that is part of an *Agricultural Operation*, and is conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar *Agricultural Operations* under similar circumstances, and may make use of innovative technology in a manner consistent with advanced farm management techniques, but does not include the *Removal of Topsoil* for sale, exchange or other disposition;

“Officer” means a By-law Enforcement Officer, *Inspector*, or other individual authorized by the *City* to enforce this By-law and may include his/her designate, a peer review consultant or other technical specialists, if designated by the *Director* under this By-law;

“Owner” includes:

- (a) the *Person* having the right, title, interest, or equity in the land, or his or her agent authorized in writing;
- (b) the *Person* for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the *Person's* own account or as agent or trustee of any other *Person*, or who would receive the rent if the land and premises were let; and/or
- (c) a lessee or occupant of the *Property* who, under the terms of a lease, is required to repair and maintain the *Property*;

“Permit” means a formal authorization issued by the *City* under this By-law and includes a *Site Alteration Agreement*;

“Permit Holder” means a *Person* who has been issued a *Permit* pursuant to this By-law. *Permit Holder* can be the *Owner*, *Authorized Agent*, or *Project Leader*;

“Person” means an individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representatives of such person, to whom the context can apply according to the law;

“Placement” means the movement and depositing of *Fill* in a location other than where the *Fill* was excavated and includes the movement and depositing of *Fill* from one location on a *Property* to another location on the same *Property*;

“Ponding” means the accumulation of surface water in the area not having *Drainage* therefrom and where the lack of *Drainage* is caused by the *Placement* of *Fill* or altering the *Grade* of land;

“Project Leader” means the *Person* or *Persons* who are ultimately responsible for making decisions related to the planning and implementation of the *Site Alteration* as set out in *O. Reg 406/19: On-Site and Excess Soil Management*;

“Property” means the land including all buildings and structures on the land, also referred to as *Site*;

“Removal” means excavation or extraction of any *Fill* which lowers the *Existing Grade* and includes *Soil* stripping;

“Site” means the *Lot* or *Lots* of a *Property* altered or proposed to be altered by means of a *Site Alteration*;

“Site Alteration” means the *Placement* of *Fill* on land, the *Removal* of *Topsoil* from land or the alteration of *Grade* of land by any means, including the *Removal* of vegetation cover, the compaction of *Soil* or the creation of impervious surfaces, or any combination of these activities;

“Site Alteration Agreement” means an agreement entered into between the *City* and *Owner* setting out certain requirements and conditions relating to *Site Alteration* at a *Site*;

“Site Alteration Management Plan (SAMP)” means a Site Alteration Management Plan required as a condition of a *Permit* pursuant to this By-Law, in accordance with the *Applicant Guide*, and approved by the *Director*;

“TRCA” refers to the Toronto and Region Conservation Authority;

“Vegetation Protection Zone” means an area of land adjacent to a *Natural Heritage Feature* and/or *Hydrological Feature* which serves to alleviate negative impacts from surrounding uses. The size of the *Vegetation Protection Zone* varies depending on the location and type of feature, as set out in the Vaughan Official Plan, Oak Ridges Moraine Conservation Plan and Greenbelt Plan.

4.0 Authority of The Director

- (1) The *Director* is authorized and has the delegated authority to:
 - (a) determine and deem a *Permit* application as abandoned, expired, and closed;
 - (b) revise and update the *Applicant Guide* and *Site Alteration Agreement*;
 - (c) execute *Site Alteration Agreements*;
 - (d) waive certain *Permit* requirements as listed in the *Applicant Guide* and *Site Alteration Agreement* after taking into consideration the proposed works and the anticipated impacts to the *Property*, adjacent *Properties*, and surrounding environment;
 - (e) impose *Site-specific* conditions to a *Permit* and/or *Site Alteration Agreement* based on anticipated impacts of the *Site Alteration* and related activities to protect the economic, social, and environmental well-being of the *City* including the health and safety of all affected *Persons*;
 - (f) approve, exempt/waive, issue, revoke, transfer, extend, renew, amend, or close a *Permit*;
 - (g) require, approve, and coordinate any remediation works;
 - (h) amendments to *Site Alteration Management Plans*;

- (i) ensure compliance with this By-law, *Permit* conditions and terms of the *Site Alteration Agreement* by conducting inspections including requiring appropriate testing and documentation;
- (j) appoint a peer review consultant or other engineering, scientific and technical experts to fulfill the role or duties of an *Officer* for the purposes of this By-law;
- (k) require or exempt certain works from provisions of this By-law;
- (l) perform enforcement functions as required; and,
- (m) authorize and/or hire agents, contractors, and other *Persons* to perform work, as required.

5.0 Prohibitions

- (1) No *Person* shall conduct, undertake, cause, permit or carry out a *Site Alteration* on any *Property* within the *City* without first obtaining a *Permit*, unless otherwise exempt as set forth in this By-law.
- (2) No *Person* shall have or allow storage of *Fill* on that *Person's Property* that is not approved through a *Permit*, *City's Zoning By-law*, municipal business licenses and applicable laws.
- (3) No *Person* shall conduct, undertake, cause, permit or carry out *Site Alteration* unless the activity is in accordance with the:
 - (a) *City's Zoning By-law*, as amended or its successor by-law;
 - (b) *City's Noise By-law*, as amended or its successor by-law;
 - (c) *City's Property Standards By-law*, as amended or its successor by-law;
 - (d) Greenbelt Plan;
 - (e) Oak Ridges Moraine Conservation Plan (ORMCP);
 - (f) requirements of a Conservation Authority; and
 - (g) all other statues, regulations, policies, and by-laws.
- (4) No *Person* shall conduct, undertake, cause, permit or carry out *Site Alteration*:

- (a) on any *Agricultural Lands* zoned as per *City's Zoning By-law* for unless it is demonstrated that the *Site Alteration* will result in maintaining or improving the overall fertility of the *Agricultural Lands*;
 - (b) within or adjacent to a *Natural Heritage Feature* and/or *Hydrologic Feature* and its associated *Vegetation Protection Zone* without consent or approval from the *Director* and *TRCA*;
 - (c) within any *Flood Hazard* or *Erosion Hazard* lands without consent or approval from the *Director* and *TRCA*;
 - (d) within the boundaries of the Oak Ridges Moraine Conservation Plan Area, Greenbelt Plan Area except in accordance with the provisions of the approved Plans, this By-law, the *City's Zoning By-law*, and Official Plan policies;
 - (e) which may result in injury and/or destruction of public or private *Property* trees protected under the *City's* or Region of York Tree Protection By-laws and Tree Protection Protocols without approval from the Development Planning Department or Region of York, as part of a Tree Protection Agreement; or
 - (f) which may result in injury and/or destruction of archaeological resources protected under the *Heritage Act* without approval from the Development Planning Department.
- (5) No *Person* shall cause, permit, or perform any *Site Alteration* on *Property* other than in compliance with this By-law and the terms and conditions of a *Permit*.
- (6) No *Person* shall cause, permit, or perform any *Site Alteration* on *Property* that are subject to an approved *Site* plan, draft plan of subdivision or a consent under section 41, 51 or 53 respectively of the *Planning Act*, as amended, without a *Site* plan, pre-servicing agreement, subdivision agreement or consent agreement entered under those sections.
- (7) No *Person* shall permit the temporary storage of *Fill* unless identified as a requirement in the *Site Alteration Permit* application, approved by the *Director* and

included in *Permit* conditions. The period of temporary storage will be based on the project requirements and *Site* location and will not exceed the time limit set out by *O. Reg 406/19: On-site and Excess Soil Management*.

- (8) No *Person* shall cause, permit, or perform, any *Site Alteration*, or permit a *Site* condition to remain, and no *Permit* shall be issued for any *Site Alteration* that will result in:
- (a) *Soil* erosion;
 - (b) blockage of a stormwater *Drainage* or management system;
 - (c) blockage of a natural *Drainage* system or water course;
 - (d) siltation or pollution in a *Drainage* system or water course;
 - (e) flooding or *Ponding* caused by a watercourse overflowing its banks;
 - (f) flooding or *Ponding* or *Adverse Effect* on adjacent lands;
 - (g) an unacceptable level of nuisance;
 - (h) *Adverse Effect* on any environmental protection areas or *Natural Heritage* and *Hydrological Features* as identified by *TRCA*, the Province, the Region, or the *City*;
 - (i) any *Adverse Effect* on any archeological, cultural heritage or historically significant features; and/or
 - (j) contamination of or the degradation of the environmental quality of land which includes *Soil*, groundwater, and sediment.

6.0 Exemptions

- (1) In accordance with section 142 of the *Municipal Act*, this By-law does not apply to:
- (a) activities or matters undertaken by a municipality or a local board of a municipality;
 - (b) the placing or dumping of *Fill*, *Removal of Topsoil* or alteration of the *Grade* of land imposed after December 31, 2002, as a condition to the approval of a *Site* plan, a plan of subdivision or a consent under section 41, 51 and 53, respectively of *the Planning Act* or as a requirement of a

Site plan agreement or subdivision agreement entered into under those sections;

- (c) the placing or dumping of *Fill, Removal of Topsoil* or alteration of the *Grade* of land imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of *the Planning Act* or as a requirement of an agreement entered into under that regulation;
- (d) the placing or dumping of *Fill, Removal of Topsoil* or alteration of the *Grade* of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of *the Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (e) the placing or dumping of *Fill, Removal of Topsoil* or alteration of the *Grade* of land undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under *the Aggregates Resources Act*;
- (f) the placing or dumping of *Fill, Removal of Topsoil* or alteration of the *Grade* of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
- (g) that has not been designated under the *Aggregates Resources Act* or a predecessor of that Act, and
- (h) on which a pit or quarry is permitted land use under a by-law passed under section 34 of *the Planning Act*;
- (i) the placing or dumping of *Fill, Removal of Topsoil* or alteration of the *Grade* of land undertaken as part of an incidental part of drain construction under *the Drainage Act* or *the Tile Drainage Act*;
- (j) the *Removal* or replacement of *Topsoil* from *Agricultural Lands* as part of *Normal Farm Practice* such as *Sod-farming*, greenhouse operations and

nurseries for horticultural productions. This exemption does not include the *Removal of Topsoil* for sale, exchange, or other disposition.

- (2) This By-law also does not apply to:
- (a) the use, operation, establishment, alteration, enlargement, or extension of a waste disposal *Site* within the meaning of, and subject to the requirements set out in, Part V of the *Environmental Protection Act*,
 - (b) on any *Lot* containing one or more occupied residential dwellings, but not including an occupied dwelling on *Agricultural Lands* where *Site Alteration* is not part of *Normal Farm Practices*;
 - (c) when *Fill* is placed, moved, or deposited in an excavation to the elevation of *Existing Grade* following the demolition or *Removal* of a building or structure.

7.0 Requirements for Issuance of Permit

- (1) Any *Person* applying for a *Permit* shall complete an application package as outlined in the *Applicant Guide* including applicable fees. The *Permit* application review will not commence until the submission is deemed to be complete.
- (2) Notwithstanding any other provisions of this By-law, the *Director* may waive certain *Permit* requirements listed in the *Applicant Guide* after taking into consideration the proposed works and the anticipated impacts to the *Property*, adjacent *Properties*, and surrounding environment.
- (3) The *Director* may impose *Site-specific* conditions to a *Permit* based on anticipated impacts of the *Site Alteration* activities to protect the economic, social, and environmental well-being of the *City* including the health and safety of any and all affected *Persons*.
- (4) Prior to *Permit* issuance, *Applicants* are required to enter into a *Site Alteration Agreement* with the *City*.
- (5) Notwithstanding any other provision of this By-Law, no *Permit* shall be issued until the *Director* is satisfied that all requirements included in the *Applicant Guide* have been submitted and approved.

- (6) The *City* does not in any way guarantee the approval of any *Permit* application submitted under this By-law. The *Director* has the authority to refuse a *Permit* application, and, in those instances, written reasons shall be provided. For greater certainty, the *Director* may refuse to issue a *Permit* under this By-law if the *Applicant* is not in compliance with any other *City* By-law.

8.0 Incomplete or Abandoned, Expired, Renewal, Amendment, Transfer, Revocation, and Closure of Permits

Incomplete or Abandoned Application

- (1) An application for a *Permit* will be deemed incomplete or abandoned and file closed where a period of six (6) months has elapsed during which:
 - (a) the *Applicant* has not provided all required documents, fees or security deposit as required by the *Director*, or
 - (b) the *Applicant* has not resolved deficiency or deficiencies identified during the *City's* technical review.
- (2) Once a file is closed, it cannot be re-opened. The *Applicant* is required to submit a new application package including payment of applicable fees.
- (3) The *Applicant* will be notified in writing of the closed *Permit* application.
- (4) Where an application for a *Permit* has been deemed to be incomplete or abandoned and upon written request by the *Owner*, the *Director* will determine if any amount of the *Permit* application fee is refundable.

Expired Permit

- (5) All *Permits* will be valid for a period of one (1) year from the date of issuance, unless otherwise specified by the *Director*.
- (6) In the event the *Permit* has expired, all *Site Alteration* work must stop.
- (7) In the event of expired *Permit*, the *Permit Holder* and *Owner* remain responsible to satisfy all *Permit* conditions and resolve any complaints or matters of non-compliance.
- (8) Notwithstanding section 8.0(5), should the *Site Alteration* not commence within ninety (90) days of *Permit* issuance, the *Permit* is deemed to be expired.

Renewal

- (9) An *Applicant* may submit a written request to the *Director* for a one-time renewal of an expired *Permit* subject to the following:
- (a) the request must be made within three (3) months prior to the *Permit* expiry date or up to three (3) months following the *Permit* expiry date. The *Director* has the discretion to extend these timelines;
 - (b) should the renewal request include significant changes from the original application, the *Director* may require that a new application be submitted; and
 - (c) renewal requests are subject to a fee of fifty percent (50%) of the original application fee, as per the *Fees and Charges By-law*.

Amendment

- (10) An *Applicant* may submit a written request to the *Director* to amend an approved *Permit*:
- (a) should the amendment request include significant changes from the original application, the *Director* may require a new application be submitted; and
 - (b) amendment requests are subject to a fee of fifty percent (50%) of the original application fee, as per the *Fees and Charges By-law*, as amended or its successor by-law.

Transfer

- (11) A *Permit* shall be revoked upon transfer of ownership of the *Property* unless the new *Owner*:
- (a) applies to have the *Permit* transferred and agrees to comply with all original *Permit* conditions;
 - (b) executes a new *Site Alteration Agreement* with the *City*;
 - (c) provides the necessary security deposit and liability insurance as per the *Applicant Guide*, at which time any security deposit and liability insurance provided by the original *Permit Holder* shall be released; and
 - (d) pays all required administrative fees as per the *Fees and Charges By-law*.

Revocation

- (12) The *Director* may revoke an issued *Permit* at any time and without notice for any the following reasons:
- (a) the *Permit* was obtained based on mistaken, false, or incorrect information;
 - (b) the *Permit* was issued in error;
 - (c) the *Owner* or *Permit Holder* submits written request that the *Permit* be revoked;
 - (d) the *Permit Holder* has failed to comply with *Permit* conditions or terms of the *Site Alteration Agreement*;
 - (e) the *Permit Holder* is in non-compliance of an order issued under this By-Law;
 - (f) ownership of the *Property* has changed, and the new *Owner* has not applied to have the *Permit* transferred as per section 8.0(11) of this By-law;
 - (g) to protect the safety, health, and well-being of the community; and/or
 - (h) to minimize any financial impact to the *City*.
- (13) Where a *Permit* has been revoked, the *Permit Holder* must stop all *Site Alteration* work immediately.
- (14) If a *Permit* has been revoked the *Owner* and *Permit Holder* shall each be held jointly responsible for the restoration of the *Property* to its original condition or stabilize the *Property* to the satisfaction of the *Director* prior to the final release of any remaining security deposit.

Closure

- (15) A *Permit* will be closed when:
- (a) *Site Alteration* works are complete;
 - (b) all required inspection clearances are obtained, and *Permit* conditions fulfilled to the satisfaction of the *Director*, and
 - (c) any orders are resolved to the satisfaction of the *Director*.

9.0 Enforcement, Orders and Right of Access

Officers and Director

- (1) This By-law may be enforced by *Officers* and/or the *Director*. Without limiting/restricting any other power, duty or function granted by the By-law, *Officers* and/or the *Director* may:
 - (a) give verbal or written direction;
 - (b) issue an order to discontinue or to perform work; and
 - (c) enter the *Property* and/or carry out and direct whatever inspections are reasonably required to determine compliance with this By-law.
- (2) An *Officer* and/or the *Director* may issue an Order under this By-law to any *Person* believed to be contravening or have contravened any provision of this By-law.
- (3) An Order may include, but is not limited to, the following:
 - (a) immediately desist from the activity constituting or contributing to the contravention;
 - (b) leave the *Property* and cease the contravening activity immediately; and/or
 - (c) take immediate action to mitigate and/or remediate the impacts of the activity.

Entry and Inspection

- (4) An *Inspector* or *Officer* may at any reasonable time:
 - (a) enter a *Property* for the purpose of an inspection, and/or investigation to determine compliance with the provisions of this By-law, or any condition of a *Permit*, or order issued under this By-law. This power of entry does not allow entry into any dwelling;
 - (b) alone or in conjunction with a *Person* possessing special or expert knowledge, collect information, take photographs, videos, measurements, readings, and samples (ex. air, surface water, groundwater, *Soil*, materials etc.), necessary for the purposes of the inspection;

- (c) require the production of copies or reports, manifests, or other documentation for the purposes of auditing the *Site Alteration* or compliance with the conditions of a *Permit*, agreement, or order; and
- (d) require the production of documents for inspection or things relevant to the inspection, inspect and remove documents or things relevant to the inspection for the purposes of making copies or extracts.

Duty to Identify

- (5) During an inspection and/or investigation, the *Inspector*, *Officer*, or *Director* must display or produce on demand, their identification.
- (6) Where an *Officer* has reasonable grounds to believe that an offence has been committed by a *Person*, the *Officer* may require the name, address, and proof of identity of that *Person*, and the *Person* shall supply the required information.

Obstruction

- (7) No *Person* shall hinder or obstruct or attempt to obstruct the *Director* or *Officer*, or *Person* in the discharge of duties under this By-law as required by the *Director* or *Officer* in order to bring a *Property* into compliance with this By-law or an order issued under this By-law.
- (8) No *Person* shall provide false information in any statement, whether orally, in writing or otherwise, made to an *Officer* or the *Director*.
- (9) No *Person* shall hinder or obstruct, or attempt to hinder or obstruct, any *Officer* or *Director* who is exercising a power or performing a duty under this By-law.

Presumption

- (10) Where any *Site Alteration* occurs, is undertaken, caused, or permitted on any *Property*, the *Owner* of the *Property* is presumed to have undertaken, caused, or permitted the *Site Alteration* to occur, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

Contravention

- (11) If an *Inspector* or *Officer* is satisfied that a contravention of the provisions of this By-law, the conditions of a *Permit* and/or an agreement pursuant to this By-law

has occurred, the *Officer* may issue an order requiring work to be done to correct the contravention.

- (12) Orders issued shall contain the municipal address and/or the legal description of the *Property* and shall set out:
- (a) reasonable particulars of the contravention, the work to be done, any work or action required to cease or be undertaken to rectify the contravention, and the period within which there must be compliance with the order; and
 - (b) notification that if the work or action is not done, or ceased, in compliance with the order within the period specified, the *City* may have the work done at the expense of the *Owner* and seek penalties as outlined in this By-law.

Order Served

- (14) Orders issued by an *Officer* under this By-law shall be served as follows:
- (a) personally, or by prepaid registered mail to the last known address of the *Owner*, the *Permit* holder, and any other *Person* to whom the order is issued; or
 - (b) if the *City* is unable to effect service on the *Owner*, a placard containing the terms of the order may be placed in a conspicuous place on the *Property* and the placing of the placard shall be deemed service of the order.
- (15) If an order is served to a *Person* by registered mail, it shall be deemed served on the *Person* on the 5th day after mailing of the order, which deemed service may be rebutted by the *Person* proving, on a balance of probabilities, that they did not receive the order.
- (16) An order may also be issued to a new *Owner* in any case where ownership of the *Property* has changed but the offence continues or remains.

10.0 Fines

- (1) Every *Person* who is guilty of an offence under this By-law, may be subject to a fine under the *Municipal Act*, such that:
- (a) a minimum fine shall not exceed five hundred dollars (\$500) and a maximum fine shall not exceed one hundred thousand dollars (\$100,000);

- (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed five hundred dollars (\$500) and a maximum fine shall not exceed ten thousand dollars (\$10,000), however the total of all the daily fines for the offence is not limited to one hundred thousand dollars (\$100,000); and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed five hundred dollars (\$500) and a maximum fine shall not exceed ten thousand dollars (\$10,000), however the total of all fines for each included offence is not limited to one hundred thousand dollars (\$100,000).
- (2) A special fine may be imposed in addition to a fine imposed under section 10.0(1) in circumstances where there is economic advantage or gain from the contravention of this By-law and the maximum amount of the special fine may not exceed one hundred thousand dollars (\$100,000).
- (3) A special fine shall be calculated based on:
- (a) ten dollars (\$10.00) for each cubic metre of *Fill*:
 - (i) deposited in excess of the amount allowed in a *Permit*, or
 - (ii) deposited beyond the geographic limits of the *Permit*, or
 - (iii) deposited without first having obtained a *Permit*,
 - (b) where the *Fill* is found to contain *Contaminant* levels that exceed Table 2 Standards from the *Soil* and Groundwater and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act* as prescribed in this By-law, greater fines of not less than one hundred dollars (\$100) per cubic metre may be imposed.

11.0 Administrative Monetary Penalties

- (1) Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law or failure to comply with a notice to comply under this By-law, an *Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.

- (2) If a *Person* is required to pay an administrative monetary penalty under section 11.0(1), no charge shall be laid against that same *Person* for the same contravention.
- (3) The amount of the administrative monetary penalty for a contravention under this By-law is one thousand dollars (\$1,000).
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the *Administrative Monetary Penalties By-law*, as amended or its successor By-law.
- (5) An administrative monetary penalty imposed on a *Person* that becomes a debt to the *City* under the *Administrative Monetary Penalties By-law*, as amended, or its successor By-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes.

12.0 Recovery of Expenses

- (1) Where the *City*, its employees or *Authorized Agents* have performed the work required to bring the *Property* into compliance with this By-law, all expenses incurred by the *City* in doing the work including any related administrative fees, shall be deemed a debt to the *City* and may be collected by the *City*, and/or drawn from the security deposit, and/or added to the tax roll for the *Property* and collected in the same manner as municipal taxes.
- (2) The treasurer of a municipality may add any unpaid fine or administrative monetary penalty to the tax roll for any *Property* in the local municipality for which all the *Owners* are responsible for paying the fine and collect in the same manner as municipal taxes.

13.0 Fees and Security Deposit

Permit Fees

- (1) The fee for the processing, administration, and inspection of a *Permit* shall be charged and collected in accordance with the *Fees and Charges By-law*.
- (2) *Permit* renewals, amendments and transfers are subject to additional fees in accordance with the *Fees and Charges By-law*.

Additional Inspection Fees

- (3) The prescribed fees for the regular and on-going inspection of *Site Alteration Permits* are included in the *Permit* fees as set out in the *Fees and Charges By-law*.
- (4) Any additional inspections required to address non-compliance of this By-law, the terms and conditions of a *Permit*, Agreement or an order and where remedial work is required will be subject to additional inspections fees as set out in the *Fees and Charges By-law*.
- (5) The preparation and issuance of *Site Alteration* compliance or remediation order(s) will be subject to administrative fees as set out in the *Fees and Charges By-law*.

Security Deposit

- (5) An irrevocable letter of credit, certified cheque or bank draft held by the *City* to secure performance of the *Owner* and *Permit Holder* obligations pursuant to this By-law, *Permit* and agreement, including as needed, stabilizing and/or returning the *Site* to its original condition, carrying out work under the *Permit* and complying with all other provisions of the By-law.
- (6) The amount of the security deposit is determined by the *Director* as per the *Applicant Guide* including any additional amounts based on scope of *Site Alteration* and *Site*-specific conditions.
- (7) The security deposit must remain in effect for the full duration of the *Permit*. Any letter of credit and subsequent renewals shall contain a clause stating that thirty (30) days written notice must be provided to the *City* prior to its expiry or cancellation.
- (8) The security deposit must be replenished to one hundred percent (100%) of the original amount within thirty (30) days of the *City's* request to remain in compliance with the *Permit*.
- (9) The *Permit Holder* must submit a request to the *City* to carry out the necessary final inspections to obtain clearances that all By-law, terms and conditions or *Permit*, agreement and any orders have been satisfied.

- (10) When all relevant provisions, terms and conditions have been completed to the satisfaction of the *Director*, the balance of the security deposit shall be released.
- (11) If the *Permit* has expired or is revoked, the security Deposit is to remain in effect until the *Site* is restored or stabilized to a condition acceptable to the *Director*.

14.0 Appeals

- (1) A *Person* who considers themselves aggrieved by an order made by an *Officer* may appeal the order to the *Director* within twenty (20) days from the date on which the order is made. The appeal shall be in writing and shall contain the *Person's*:
 - (a) name;
 - (b) address;
 - (c) email address and phone number;
 - (d) reasons for appealing the order; and
 - (e) requested remedy.
- (2) An appeal shall be served by prepaid, ordinary, registered mail, courier or email addressed to the attention of the *Director*.
- (3) An appeal will be heard only if filed and received as per the above-mentioned time period and all applicable fees paid.
- (4) The appeal shall be heard in writing. The *Director* may also arrange for an oral hearing to be held if the *Director* considers it necessary to do so, at their sole discretion.
- (5) An appeal does not stay the operation of the order appealed from, but the *Director* may stay the operation of the order until the disposition of the appeal.
- (6) On an appeal, the *Director* may request and require production of any further documents, reports and information to be provided by the *Person* appealing the order, from the *Officer* who issued the order, and from any other *Person* who may have knowledge or information relevant to the order. The *Director* may consider relevant to the issuance of the order, including legal issues and interpretation of the By-law, and may consult with legal counsel in determining the validity of the order.

- (7) The *Director* may affirm, vary, or rescind the order and/or take any other action that the *Director* considers the *Person* ought to take in accordance with this By-law and for this purpose, the *Director* may substitute his/her opinion for that of the *Officer*. Any decision made by the *Director* shall be made in writing and shall be delivered by ordinary, prepaid registered mail, courier or email to the *Person* appealing the order and the *Officer* who issued the order.

15.0 Liability and Indemnification

- (1) The provisions of this By-law do not limit the responsibility or liability of any *Person* who has lawfully or unlawfully undertaken *Site Alteration* from any personal injury, including injury resulting in death or *Property* damage resulting from such *Site Alteration* or from acts or omissions of such *Person*, or his or her agents, employees, or contractors.
- (2) Likewise, provisions of this By-law shall not be construed as acceptance by the *City*, its officers, employees, or agents of any responsibility or liability whatsoever by reason of allowing such *Site Alteration*, approving the request for permitting such *Site Alteration*, or activities related to the *Site Alteration*.
- (3) The *City* is not responsible for any damages, losses or injuries caused as a result of any *Site Alteration*.
- (4) The *Permit Holder* and *Owner* shall be jointly and severally responsible to indemnify the *City*, its officers, employees, and agents from all losses, damages, costs, expenses, claims, demands, actions, lawsuits, or other proceedings of every nature and kind arising from, and in consequence of activities related to *Site Alteration*.

16.0 Transition

- (1) Notwithstanding the repeal of By-law 189-96, 44-2004, 265-2006, and 007-2017 and all amendments thereto, those by-laws shall continue to apply to act, omission or occurrences and to any offences that took place prior to the enactment of this By-law.

- (2) Any *Permit* valid and binding at the date of enactment of this By-law shall not require further authorization pursuant to this By-law until the *Permit* expires or is otherwise terminated.
- (3) The *Director* shall not permit any extension or renewals of *Permits* issued under the predecessor By-law 189-96, as amended.
- (4) Any charges laid under a previous repealed by-law remains valid.

17.0 Repeal and Amendment of Other By-laws

- (1) Schedule 1 of the *Administrative Monetary Penalties By-law* is hereby amended by including this By-law as a Designated By-law.
- (2) By-laws 89-96, 44-2004, 265-2006, and 007-2017 are hereby repealed.

18.0 Force and effect

- (1) This By-law shall come into force and effect on the date it is enacted.

Voted in favour of by the City of Vaughan Council this XXth day of XXXX, 2024.

Hon. Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. [REDACTED] of Report No. [REDACTED] of the Committee of the Whole(2).
Report adopted by Vaughan City Council on February 13, 2024.

City Council voted in favour of this by-law on February 21, 2024.
Approved by Mayoral Decision MDC XXX-2024 dated February 21, 2024.
Effective Date of By-Law: February 21, 2024

Attachment 2 – Proposed Fees and Charges By-law Schedule K amendment

Item	Fee or Charge		HST
	2024	2025	
Site Alteration Permits			
Cut & Fill Operation	\$11,033.00	\$11,033.00	E
Export Soil Import (Receiving Site)	\$11,033.00	\$11,033.00	E
Excess Soil Export (Source Site)	\$11,033.00	\$11,033.00	E
Non-Development	\$11,033.00	\$11,033.00	E
Permit Renewal	50% of original permit fee	50% of original permit fee	E
Permit Amendment	50% of original permit fee	50% of original permit fee	E
Additional Inspection Fee for non-compliance	\$333.00	\$343.00	E
Administrative fee to issue remediation order, per order	\$185.00	\$185.00	E
Administrative fee for remedial works	15% of remediation costs	15% of remediation costs	E

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 000-2024

A By-law of The Corporation of the City of Vaughan to amend the Administrative Monetary Penalties By-law 063-2019, as amended, to add the Site Alteration By-law to the list of by-laws for which an Administrative Monetary Penalty may be imposed.

WHEREAS section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (“*Municipal Act, 2001*”), provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate, and enhance its ability to respond to municipal issues;

AND WHEREAS section 102.1 of the *Municipal Act, 2001*, as amended, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with any bylaws respecting the parking, standing or stopping of vehicles;

AND WHEREAS section 434.1 of the *Municipal Act, 2001*, as amended, provides that a municipality may require a person to pay an Administrative Monetary Penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS section 434.2 of the *Municipal Act, 2001*, provides that an Administrative Monetary Penalty imposed by the municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS the City of Vaughan considers it desirable to have a consolidated Administrative Monetary Penalty By-law that sets out a unified process for all regulatory by-laws to which administrative penalties may apply;

AND WHEREAS the City of Vaughan considers it desirable to have the option to issue Administrative Monetary Penalties for Site Alteration By-law infractions;

NOW THEREFORE the Council of the Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That Administrative Monetary Penalties By-law 063-2019, as amended, be further amended by adding the following to Schedule 1 – Designated By-laws:

XXX-2024	Site Alteration By-law	Part 11.0
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Voted in favour by City of Vaughan Council this XXth day of February, 2024.

Hon. Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. ____ of Report No. ____ of the Committee of the Whole(2).
Report adopted by Vaughan City Council on February 13, 2024.
City Council voted in favour of this by-law on February 21, 2024.
Approved by Mayoral Decision MDC XXX-2023 dated _____.
Effective Date of By-Law: February 21, 2024



Summary

City of Vaughan

Site Alteration By-law Engagement Summary

October, 2023

Overview

The engagement process to seek public feedback on the Draft Site Alteration By-law included two components, an in-person public Open House held on Thursday, Sept. 28 from 7 to 9 p.m. at the Maple Community Centre (10190 Keel St.) and an online survey.

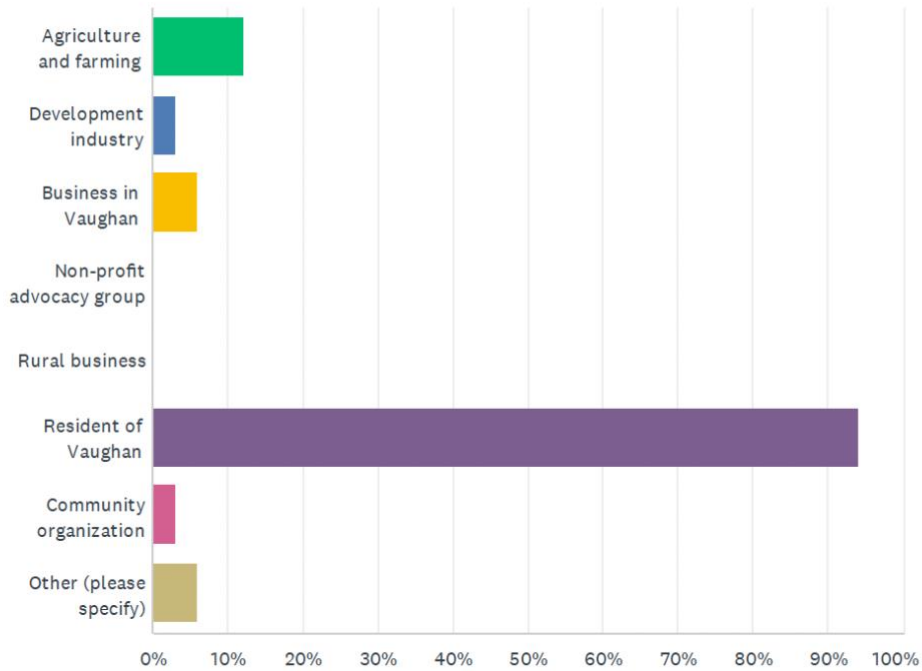
Attendance at the Open House was light, with two people stopping by to engage with the display boards and staff team. There was interest in the new by-law and questions related to what site alteration is and why the new by-law is being proposed. One person signed up to receive email updates from the City. The display boards shared at the Open House are included as Attachment 1.

The online option for participation received more interest, with 33 participants sharing their thoughts from Sept. 13 and October 15, 2023 (32 days). The survey asked eight questions and was hosted on Survey Monkey. Links to the survey were made available to the community through a pamphlet (included as Attachment 2) distributed by the City of Vaughan in residential areas that had previously expressed interest in site alteration issues. The survey was also promoted through social media, a public service announcement, City and councillor eNewsletters, roadside signs, community centre televisions and direct emails from City staff. Quantitative and qualitative responses to the online survey are provided in this report.

Summary of Feedback

Q1 What sector and/or community(ies) are you a part of? Select all that apply.

Answered: 33 Skipped: 0

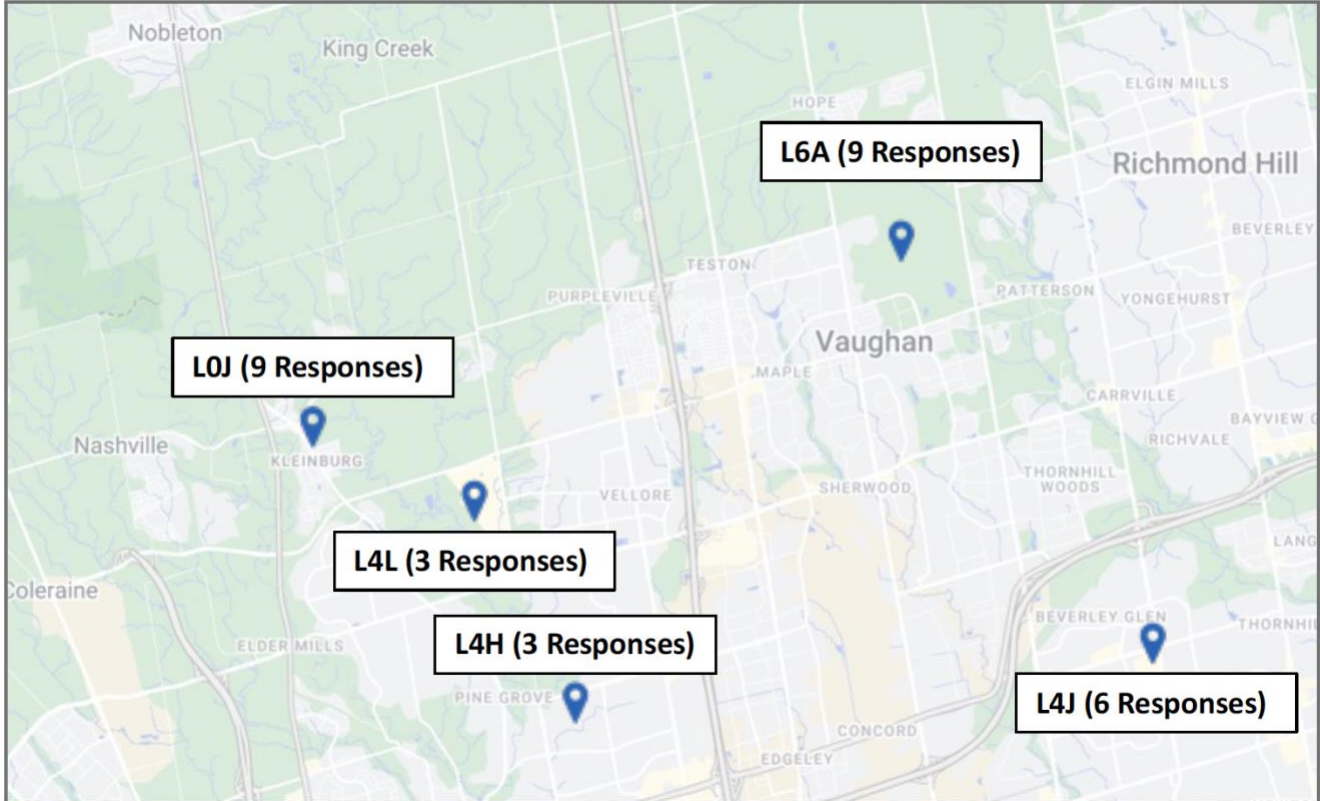


ANSWER CHOICES	RESPONSES
Agriculture and farming	12.12% 4
Development industry	3.03% 1
Business in Vaughan	6.06% 2
Non-profit advocacy group	0.00% 0
Rural business	0.00% 0
Resident of Vaughan	93.94% 31
Community organization	3.03% 1
Other (please specify)	6.06% 2
Total Respondents: 33	

#	OTHER (PLEASE SPECIFY)	DATE
1	Visitor	10/10/2023 1:08 PM
2	municipal employee	9/13/2023 2:36 PM

Q2 What are the first three digits of your postal code?

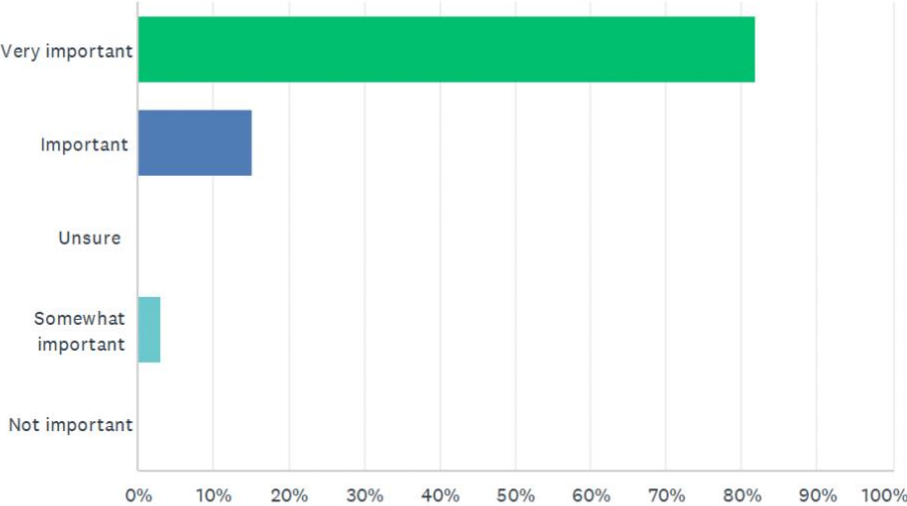
Answered: 33 Skipped: 0



All participants were asked the first three digits of their postal codes. The highest number of participants, nine each, said L0J and L6A; six participants said L4J, five participants said L4H, and three participants said L4L.

Q3 How important is it to you that the City of Vaughan support responsible development?

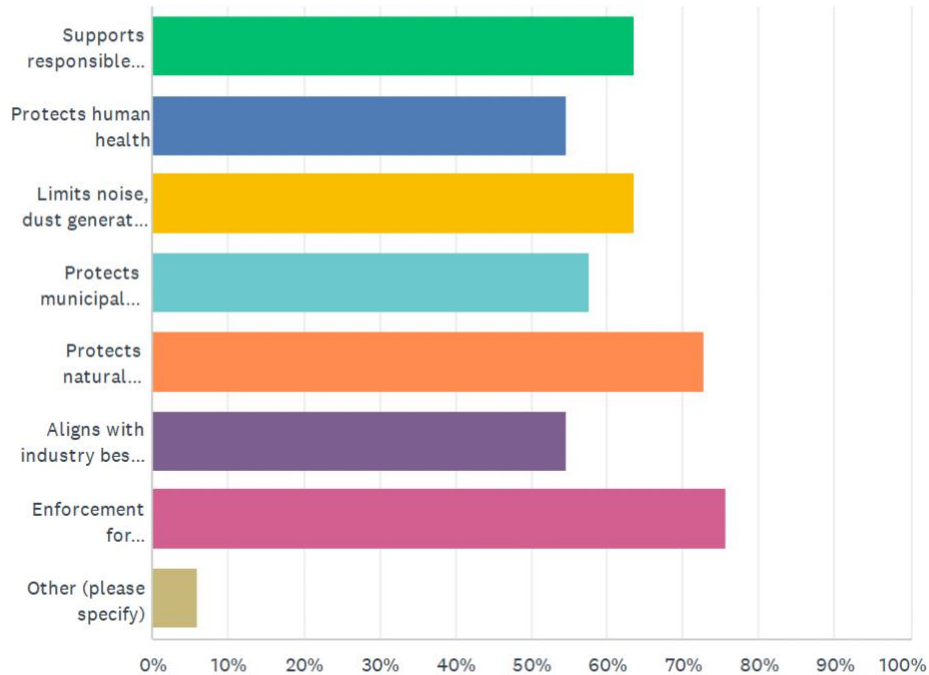
Answered: 33 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very important	81.82%	27
Important	15.15%	5
Unsure	0.00%	0
Somewhat important	3.03%	1
Not important	0.00%	0
TOTAL		33

Q4 What improvements supported by the new Site Alteration By-law are of most interest to you? Select all that apply.

Answered: 33 Skipped: 0

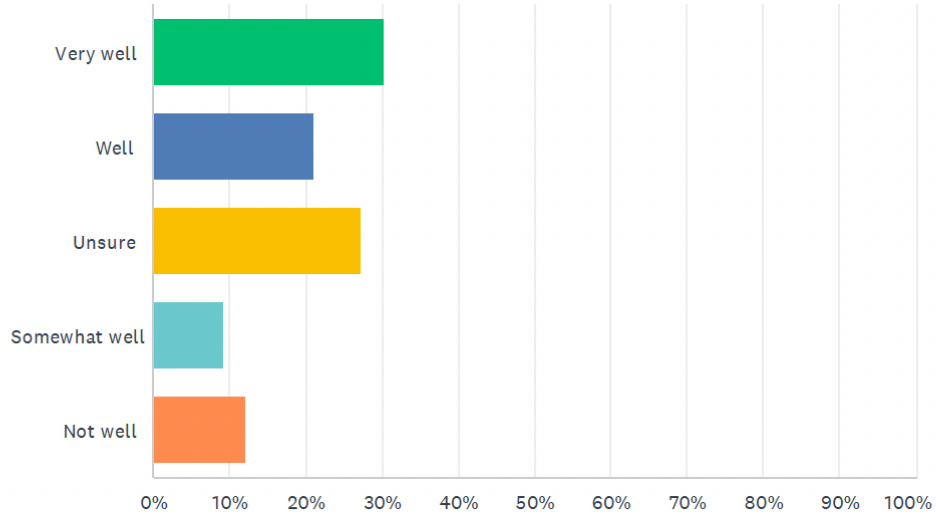


ANSWER CHOICES	RESPONSES
Supports responsible development	63.64% 21
Protects human health	54.55% 18
Limits noise, dust generated by increased truck traffic	63.64% 21
Protects municipal infrastructure (e.g. roads)	57.58% 19
Protects natural heritage and the environment	72.73% 24
Aligns with industry best practices	54.55% 18
Enforcement for non-compliance	75.76% 25
Other (please specify)	6.06% 2
Total Respondents: 33	

#	OTHER (PLEASE SPECIFY)	DATE
1	TRAFFIC!!!!	9/21/2023 10:31 AM
2	This plan to create a by-law under the guise of "protecting" the environment is the first step in impeding citizens' ability to garden/farm (food security). This is following the WEF plan.	9/13/2023 10:36 AM

Q5 How well does the proposed Site Alteration By-law address the issues and/or opportunities that are of most interest to you?

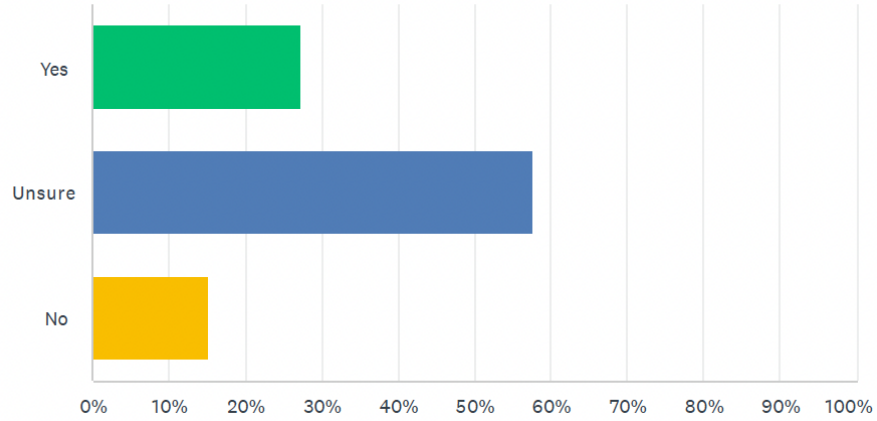
Answered: 33 Skipped: 0



ANSWER CHOICES	RESPONSES
Very well	30.30% 10
Well	21.21% 7
Unsure	27.27% 9
Somewhat well	9.09% 3
Not well	12.12% 4
TOTAL	33

Q6 Is there anything major that's missing or off-base in the proposed new Site Alteration By-law?

Answered: 33 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	27.27%	9
Unsure	57.58%	19
No	15.15%	5
TOTAL		33

Q7 If any, what final refinements would you like to see the City consider to address your concerns?

Answered: 20 Skipped: 13

Twenty of the 33 participants answered this question, with a summary of the feedback provided below.

- **Ensure that the public understands what's included in the by-law.** The by-law needs to be written so that residents and businesses better understand the DOs and DONTs included in the by-law. Suggestions included simplifying the language of the by-law and making instructional videos available online.
- **Ensure early planning and stronger enforcement.** The amendments in the by-law are useful only if enforced properly. A participant suggested: a) enforcing through by-law officers and/or regional police force; b) ensuring that trucks over the weight limit are not able to use secondary roads; c) cutting of hydro connections to sites that are in violation of the designated land use; d) removing culverts used by trucks to bring in or remove fill from these sites. There were also concerns that monetary fines are not enough and fines should include revoking building permits as well.
- **Ensure that development is not hindered due to this by-law.** There was a concern that too much overhead and regulations might hinder building affordable housing. There was a suggestion to ensure the by-law is reasonable in what it requires from the developer, and easy to comply with.
- **Ensure that greenspaces are preserved.** Suggestions included stopping construction and aggregate companies from existing in greenspaces and agricultural areas. There was also a suggestion to ensure there is support and retention for healthy soil. A participant also said it should be ensured that the changes do not lead to flooding.
- **Fill should be tested for contamination and be approved before use.** There should also be higher penalties for contaminated fill.
- **Monetary fines are not enough, consider including fines like revoking business permits.** There were concerns that the fines, including the Administrative Monetary Penalties are inadequate may be considered cost of doing business by some offenders, and suggestions that there should be special compounding fines for repeat offenders.
- **Participants expressed concerns about container trucks, near greenspaces and wetlands.** They said the trucks make the traffic unsafe, specially in residential areas, and harm the properties and wildlife.

Language-specific refinement suggestions included:

- Consider adding a reference in the by-law that acknowledges that the alteration of any particular site has the potential to also impact adjacent sites, especially natural features and tree canopies. For example, the existing statement in the draft by-law reads “recognize a landowner’s right to alter land to prepare it for development”, which does not prompt developers to consider impacts on adjacent sites. A participant said grade and natural features should be carefully assessed, monitored and restricted.

- A participant had concerns about the definition of the term “development” under section 2.0, the participant said the term “paved storage areas” in this definition may be used as a loophole by offenders to evade compliance. For example, reference to “paved” could mean that the by-law would then permit the storage of heavy equipment and shipping containers on unpaved areas (such as gravel fill) on recently altered land.

Some suggestions for Section 5.0 Exemptions, included:

- City should be held to the same standards.
- Land not designated under the Aggregate Resources Act must not be exempt.
- Waste disposal sites must not be exempt, since there is a high risk of toxic runoff.
- Need for clarity on why there is an agricultural exemption.

Participant questions included:

- Will the Ministry of Environment be involved? Who are the professional experts and engineers that will oversee and enforce this?
- How is Vaughan protected from site alteration on activities next door and outside of Vaughan jurisdiction? Participant noted the significant site alteration on Diana Drive, King City next to Highway 27.
- Are fines mentioned in section 9.0 one-time fines?

Additionally, there was also a concern about this by-law being abused by the City to impact or impede the residents' ability to garden or farm.

Q8 Do you have any other comments or advice for staff as they prepare to take the proposed new Site Alteration By-law to Vaughan Council?

Answered: 19 Skipped: 14

19 of the 33 respondents answered this question. The detailed feedback is below:

- **Need for stronger enforcement policies.** Participants said there should be higher penalties and deterrents like revocation of building permits for those that don't follow the by-law. Suggestions included having systems to identify and stop illegal activities in initial stages and charging the developers for cost of removing culverts.
- **Ensure and confirm that the public understands what the by-law means.** The by-law should clarify what the proposed key changes mean in practice. There was also a suggestion to establish metrics to measure and confirm that residents and businesses understand the by-law.
- **Create a process to check that sites are cleaned after the development is wrapped up.** Debris left over after a development is over can be a hazard and may block traffic or emergency lanes. After every construction project, the City should do a drive-by and check that sites are cleaned.
- **Create safe dumping grounds,** where the soil and other environmental items cleared from development sites can be delivered and processed by appropriate environmental organizations.
- **Review and compare the draft Site Alteration By-law with similar by-laws from neighbouring municipalities,** and ensure all aspects covered by these by-laws are considered in the amended by-law for Vaughan.

Other feedback included:

- Need to implement the by-law quickly to ensure illegal activity is stopped soon.
- Consider properties on Vaughan boundaries that are negatively impacting Vaughan.
- Take traffic into consideration – including industrial traffic going through residential areas.
- Keep greenspaces intact and preserve the beauty of the city.
- Ensure a responsible approach to development especially in residential areas.
- Ensure there are clear exemptions in place for farming, and protect people's ability to garden/farm on their property.
- Need for clarity on whether soil and fill samples will be tested and who will be responsible for determining the impact of drainage and grading.

Attachment 1. Pamphlet

A new Site Alteration By-law is proposed for Vaughan.

We want to hear from you!



Example of a site in Vaughan undergoing alteration in preparation for development

There are three ways to share your feedback



Attend the Open House
Thursday, Sept. 28
7 to 9 p.m. (drop-in)
Maple Community Centre



Take the online survey
vaughan.ca/SiteAlteration



Call or email
(see back of this pamphlet for details)



Example of a site in Vaughan undergoing alteration in preparation for development

What is Site Alteration?

Site alteration is one way to describe a change to a property. For the purposes of the new proposed by-law, these changes include:

- placing or dumping of soil, also known as fill, on land (fill is used in development to fill low areas in the ground, change the height of the ground, build berms, etc.).
- topsoil removal.
- when the grade of the land is changed (e.g. to make land level or create a slope).

Why is a new by-law needed?

Vaughan's current Fill By-law 189-96 was created in 1996 and has been updated several times since then. It is now out of date and not aligned with current policies, industry best practices and the needs of Vaughan.

Who is this relevant to?

In addition to the City of Vaughan, the Province of Ontario and the Toronto and Region Conservation Authority, this new by-law is also relevant to:



the farming community and rural landowners whose properties often receive excess fill and soil, sometimes illegally.



the development industry as the building of new housing and infrastructure often generates excess soil.



residents of Vaughan who experience both the benefits of new development and challenges like noise and dust from trucks moving soil and fill.

What changes does the new by-law introduce?

Four key changes include:

- expanding the scope to align with new provincial policies and industry best practices.
- clarifying the process, roles, rights and responsibilities.
- clarifying monetary responsibilities and enforcement.
- clarifying terminology.

What improvements will the new Site Alteration By-law bring?

- ✓ Supports responsible development
- ✓ Protects natural heritage and the environment
- ✓ Protects human health
- ✓ Strengthens the City's ability to enforce non-compliance
- ✓ Limits noise and dust generated by increased truck traffic
- ✓ Protects municipal infrastructure (e.g. roads)
- ✓ Aligns with industry best practices

When will a decision be made and by whom?

A staff report will be coming forward at a public meeting in early 2024 recommending that Vaughan Council repeal the existing Fill By-law and adopt the proposed new Site Alteration By-law.



Example of a site in Vaughan undergoing alteration in preparation for development

Information from you that will help the City finalize the proposed new by-law:



1. How important is it to you that the City of Vaughan support responsible development?
2. What improvements supported by the new Site Alteration By-law are of most interest to you?
3. How well does the proposed Site Alteration By-law address the issues and/or opportunities that are of most interest to you?
4. Is there anything major that's missing or off-base in the proposed new Site Alteration By-law? If so, what final refinements would you like to see the City consider to address your concerns?
5. Do you have any other comments or advice for staff?

If you are you interested in receiving email updates about this project, please sign up on the project website.

vaughan.ca/SiteAlteration

Vaughan is planning to strengthen rules to control:

- placing or dumping of fill.
- removal of topsoil.
- alteration of the grade of land.
- other activities that alter sites within the City of Vaughan.

Interested in learning more and sharing your thoughts?

Participate in the public consultation by attending the Open House, completing the survey or contacting us directly!

The deadline for feedback is Sunday, Oct. 15, 2023. After the consultation, staff will finalize the proposed new by-law for consideration by Vaughan Council in early 2024.

For more information visit:
vaughan.ca/SiteAlteration

Project contact:
Antonella Brizzi, Business Analyst,
Development Engineering department,
City of Vaughan,
905-832-8585, ext. 8364
Antonella.Brizzi@vaughan.ca

Attachment 2. Display Boards from Open House

Welcome!

Site Alteration By-law Open House




At today's Open House:

-  Learn more about the new Site Alteration By-law
-  Ask questions and share your feedback





What is the Site Alteration By-law

What is site alteration?




Site alteration refers to the placement of fill (soil) on land, the removal of topsoil or the alteration of the slope, or grade, of a piece of land. Site alteration is primarily undertaken to improve drainage, create noise berms, stabilize slopes or prepare land for development, as well as enhance natural features or improve the use of agricultural lands.

What site alteration isn't




The Site Alteration By-law does not apply to private residential landscaping or construction projects such as flower gardens or installing a patio. The by-law also does not apply to normal farming practices that includes the removal or replacement of topsoil on agricultural lands.


What is excess soil?



It's the excess soil generated on a development to the requirements of a development site after excavation. This excess soil is no longer needed at the source site and must be moved to a new location known as the reuse or receiving site. Improper management can negatively impact water quality, the natural environment and agricultural lands, and create local nuisance issues like noise, dust, increased truck traffic, road damage and soil erosion.




What improvements will the new by-law bring



Vaughan's current Fill By-law 189-96 was created in 1996 and has been updated several times since then. It is now out of date and not aligned with current policies, industry best practices, and the needs of Vaughan. The new by-law is being created with the following intent:

- To continue supporting responsible development.** Vaughan is growing rapidly. The new by-law reflects the City's commitment to support responsible development by providing expanded guidelines for development that includes site alteration. The new by-law will streamline the application process for activities with minimal impacts and introduce more rigorous controls, where required.
- To align with provincial policies and industry best practices.** The new by-law aligns with new provincial guidelines and regulations on the disposal of excess soil and reflects updates around site alteration and excess soil management that have been adopted by several Ontario municipalities.
- To better protect the natural environment and human health.** The new by-law includes stronger considerations for protecting the natural environment and human health for the residents of Vaughan, and includes considerations around soil quality, increased protection of natural heritage areas, drinking water, noise pollution and dust.
- To provide expanded guidelines around site alteration.** The new by-law provides more clarity on roles and responsibilities of the different stakeholders – including the City, the landowner, and the applicant - along with guidelines around permits, regulations, monitoring and enforcement.
- To provide the City with the ability to recover costs incurred when addressing issues of non-compliance.**



What is the process to change the by-law


A lot of research, learning, collaboration and coordination went into developing the proposed new Site Alteration By-law. This work started in 2020 and key activities included:

- Consultation within the City, including staff and elected officials that have received public and stakeholder feedback related to site alteration issues and opportunities.
- Review of resources provided by the Ontario Ministry of Environment, Conservation and Parks.
- Attendance at a range of webinars focused on updating fill by-laws from the perspective of different sectors, including those hosted by the Canadian Urban Institute, the Urban Land Institute (development perspective), Stantec (engineering perspective), Aird & Berlis (legal perspective) and the Ontario Ministry of Environment, Conservation and Parks.
- Review of site alteration by-laws in other municipalities.
- Review of information from the Ontario Soil Regulation Task Force and the Excess Soil Regulation Working Group (a group of municipalities sharing information on site alteration by-laws and implementation of excess soil regulations on capital works).

WE ARE HERE

Now we want to consult with you. It is important that we share information about the proposed Site Alteration By-law and seek your feedback before moving forward with a staff report to Vaughan Council.

A staff report will be coming forward at a public meeting in early 2024 recommending that Vaughan Council repeal the existing Fill By-law and adopt the proposed new Site Alteration By-law.



Who's involved and how is the proposed Site Alteration By-law relevant to them?

There are many different interests that the City pays attention to when developing new by-laws. Those interests are identified below along with a short description of their primary role related to site alteration:

Province of Ontario creates and enforces provincial regulations, including those related to environmental protection, land use and soil management.

Farming community and rural landowners whose lands often receive excess fill and soil, sometimes illegally.

City of Vaughan has a responsibility to:

- facilitate responsible development that supports growth.
- protect human health, including drinking water.
- maintain and manage City infrastructure, including minimizing damage to roads.
- protect agricultural land and normal farming practices.
- protect natural heritage areas and the natural environment.
- minimize local nuisance issues like noise, dust, and increased truck traffic.
- limit adverse impacts to adjacent properties.

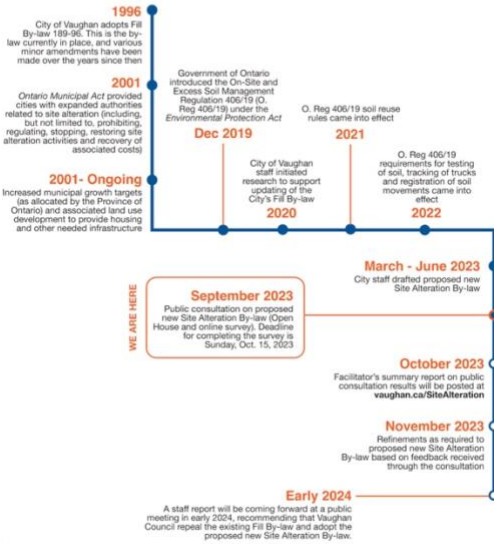
The development industry as the building of new housing & infrastructure often generates excess fill and soil.

Residents of Vaughan who experience both the benefits of new development and challenges like noise and dust from trucks moving soil & fill.

Toronto and Region Conservation Authority (TRCA) is an important partner to Vaughan. Under the provincial *Conservation Authorities Act*, the TRCA has a mandate to enhance the region's natural environment and protect our land, water and communities from the impacts of flooding and increasingly extreme weather events. In collaboration with the TRCA, the City will be responsible for enforcement of the new by-law on conservation authority lands.

How did we get here?

Below is a brief timeline of the different processes involved in the development of the proposed new Site Alteration By-law, since the adoption of Fill By-law in 1996.



What is changing in the by-law?

There are four major types of changes being introduced with the new by-law. The table below identifies what's currently in place (with the Fill By-law from 1996) and what is now being proposed in the Site Alteration By-law.

Impact area	Current by-law (Fill By-law)	Proposed new by-law (Site Alteration By-law)
1 Expanded scope to align with new provincial policies and industry best practices	The current by-law was created in 1996 and does not include updated provincial policies around excess soil management through On-Site and Excess Soil Management Regulation 406/19 (O. Reg. 406/19).	The new proposed by-law aligns with the On-Site and Excess Soil Management Regulation 406/19 (O. Reg. 406/19), and industry best practices that have been adopted by several neighboring municipalities.
2 Clarity on process, roles, rights and responsibility	Limited clarity on the roles, rights and responsibilities of different stakeholders, including the City and landowners.	Recognizes the roles, rights and responsibilities of different stakeholders, including the City and landowners.
3 Clarity on monetary responsibilities and enforcement	Limited clarity on monitoring and enforcement tools and processes to address non-compliance.	Offers effective monitoring and enforcement tools and processes to address non-compliance. Enables cost recovery to limit burden on the Vaughan taxpayers.
4 Clarity on terminology	The current by-law provides limited clarity on terminology and definitions in the by-law.	More clarity on terminology, including and expanded list of terms that reflect: <ul style="list-style-type: none"> • current regulations. • environmental features. • industry best practices. • permit requirements. • enforcement terms. • site alteration activity.

Share your thoughts with us!

What sector and/or community(ies) are you a part of? Select all that apply.

Agriculture and farming

Development industry

Business in Vaughan

Non-profit advocacy group

Rural business

Resident of Vaughan

Community organization

Other (please specify)

How important is it to you that the City of Vaughan support responsible development?

Very important

Important

Unsure

Somewhat important

Not important

What are the first three digits of your postal code?

What improvements supported by the new Site Alteration By-law are of most interest to you? Select all that apply:

Supports responsible development

Protects human health

Limits noise, dust generated by increased truck traffic

Protects municipal infrastructure (e.g. roads)

Protects natural heritage and the environment

Aligns with industry best practices

Enforcement for non-compliance

Other (please specify)

How well does the proposed Site Alteration By-law address the issues and/or opportunities that are of most interest to you?

Very well

Well

Unsure

Somewhat well

Not well

Is there anything major that's missing or off-base in the proposed new Site Alteration By-law?

Yes

Unsure

No

Share your thoughts with us!

If any, what final refinements would you like to see the City consider to address your concerns?

Do you have any other comments or advice for staff as they prepare to take the proposed new Site Alteration By-law to Vaughan Council?

Prefer to complete this online?

You can provide feedback through an online survey, at the link below (or just scan the QR code). The survey is open till Sunday, Oct. 15, 2023.



Project website:
vaughan.ca/SiteAlteration

Project contact:
Antonella Brizzi,
Business Analyst, Development Engineering
Department, City of Vaughan,
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Antonella.Brizzi@vaughan.ca