

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 043-2024

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

WHEREAS an application for Zoning By-law Amendment was filed with respect to the lands at 158 and 166 Wallace Street to permit 7 townhouse dwellings;

AND WHEREAS the application was appealed to the Ontario Land Tribunal as Case No. OLT-22-003307 and the Tribunal made an order with respect to the appeal;

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

1. THAT the amendment to City of Vaughan By-law 1-88, as amended, is further amended in accordance with the Ontario Land Tribunal Order dated the 23rd day of January 2024 (OLT Case No. OLT-22-003307), as attached hereto as Attachment "1", and is effective on January 23rd, 2024, and is hereby designated as By-Law Number 043-2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 23, 2024

CASE NO(S): OLT-22-003307
(Formerly PL171351)

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

Applicant and Appellant: Olga Fiala
Subject: Request to amend the Official Plan - Failure of the City of Vaughan to adopt the requested amendment
Existing Designation: Low Rise Residential
Proposed Designated: Site Specific (To Be Determined)
Purpose: To permit the construction of a two block, 33 unit residential development
Property Address/Description: 158 & 166 Wallace Street
Municipality: City of Vaughan
Approval Authority File No.: OP.17.006
OLT Case No.: 22-003307
Legacy Case No.: PL171351
OLT Lead Case No.: 22-003307
Legacy Lead Case No.: PL171351
OMB Case Name: Fiala v. Vaughan (City)

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

Applicant and Appellant: Olga Fiala
Subject: Application to amend Zoning By-law No. 1-88 - Refusal or neglect of the City of Vaughan to make a decision
Existing Zoning: R3 – Residential
Proposed Zoning: RM2-XX
Purpose: To permit the construction of a two block, 33 unit residential development
Property Address/Description: 158 & 166 Wallace Street
Municipality: City of Vaughan
Municipality File No.: Z.17.015

OLT Case No.: 22-003312
 Legacy Case No.: PL171352
 OLT Lead Case No.: 22-003307
 Legacy Lead Case No.: PL171351

Heard: January 18, 2024, by video

APPEARANCES:

Parties

King Home Construction Inc.
 (“Applicant”)

City of Vaughan
 (“City”)

Toronto and Region
 Conservation Authority

Counsel

Aaron Platt
 Alexandra Whyte

Effie Lidakis

Matthew Rutledge

DECISION DELIVERED BY JEAN-PIERRE BLAIS AND ORDER OF THE TRIBUNAL

[Link to Order](#)

[1] The Applicant seeks to redevelop lands known municipally as 158-166 Wallace in the City (“Subject Property”). Originally Olga Fiala, the previous owner of the Subject Property, sought to construct two residential mid-rise buildings with a total of 33 units, a height of three storeys and gross floor area of approximately 3,628 square metres. To this end, she sought an amendment to the City’s Official Plan (“OPA”) and a Zoning By-law amendment (“ZBA”). She commenced appeals in 2017 under subsections 22(7) and 34(19) of *the Planning Act*, R.S.O. 1990, c. P. 13, as amended (“Act”), based on the City’s failure to decide within the prescribed timeframe.

[2] Since 2021, the Applicant is now the owner of the Subject Property. The proposed development has been revised on many occasions. Disposition of the matter comes before the Tribunal as a settlement. The settlement proposal contemplates

seven townhouse units contained within two blocks of four and three units respectively, a building height of four storeys and a gross floor area of approximately 2,249 square metres.

[3] The Subject Property is in the Woodbridge Heritage Conservation District which is designated under Part V of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended. However, the Subject Property is “non-contributing”, meaning that it does not contribute to the heritage character of the district.

[4] The Tribunal has received, reviewed, heard and considered the uncontested opinion evidence of Kayly Robbins, qualified by the Tribunal as an expert in land use planning, contained in his comprehensive Affidavit sworn January 12, 2024, and marked as **Exhibit 1**. Her affidavit includes a resolution of City Council endorsing the settlement proposal adopted on November 14, 2023.

[5] The evidence of Ms. Robbins reflects revisions to the applications before the Tribunal that were reached through the cooperative efforts of the Parties.

[6] The Tribunal accepts the opinion evidence of Ms. Robbins as presented and similarly finds that the subject applications, as revised, have regard to those applicable matters of provincial interest found in section 2 of the Act, are consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe (2020), conform to the Region of York Official Plan (2010), have regard to the Region of York Official Plan (2022), conform to the City’s Official Plan (2010), conform to the Woodbridge Centre Secondary Plan (2010) and otherwise reflect principles of good land use planning. Furthermore, considering the settlement has been endorsed by the City, the Tribunal makes its findings while exercising regard for the decision of the City pursuant to section 2.1(1)(a) of the Act.

[7] The proposed ZBA provides for the rezoning of the developable portion of the Subject Property to “RM1 Multiple Residential Zone” with site-specific provisions to

permit the residential townhouses. The western portion of the Subject Property containing the vegetated valley lands are proposed to be zoned “OS1 Open Space Conservation Zone” with site specific provisions. A “Hold (H)” Provision is to be included in the ZBA to capture requirements by the City for the Applicant to enter into a Subdivision Agreement with the City and that water and sanitary servicing capacity is to be identified and allocated.

ORDER

[8] THE TRIBUNAL ORDERS THAT:

- a. the Appeals are allowed in part;
- b. the Official Plan for the City of Vaughan is amended as set out **Attachment 1** to this Order;
- c. By-Law No. 1-88 of the City of Vaughan is amended as set out in **Attachment 2** to this Order. The Tribunal authorizes the Municipal Clerk of the City of Vaughan to assign a number to this by-law for record keeping purposes.

"Jean-Pierre Blais"

JEAN-PIERRE BLAIS
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

DRAFT

~~**ATTACHMENT 2**~~

Zoning By-Law Amendment

The City of Vaughan By-law Number 1-88, as amended, be and it is hereby further amended by:

- a) Rezoning the lands shown as “Subject Lands” on Schedule “1” attached hereto from “R3 Residential Zone” to “RM1(H) Multiple Residential Zone with the Holding Symbol ‘(H)’” and “OS1 Open Space Conservation Zone”, in the manner shown on Schedule “1”.
- b) Adding the following Paragraph to Section 9.0 “EXCEPTIONS”:

“9(1574) A. The following provisions apply to all lands zoned with the Holding Symbol “(H)” as shown on Schedule “E-1733”, until the Holding Symbol “(H)” is removed pursuant to Subsection 36(1) or (3) of the *Planning Act*:

 - i) Lands zoned with the Holding Symbol “(H)” shall be used only for a use legally existing as of the date of the approval of this By-law.
 - ii) Removal of the Holding Symbol “(H)” from the subject lands shall be contingent upon:
 - a. Vaughan Council adopting a resolution allocating sewage and water supply capacity in accordance with the City’s approved Servicing Capacity Distribution Policy assigning capacity to the subject lands.

- b. The Owner entering into a Subdivision Agreement with the City to satisfy all conditions, financial or otherwise, regarding such matters as the City may consider necessary, including payment of development levies, external road works, and municipal services, to the satisfaction of the City. The Subdivision Agreement shall be registered on title to the subject lands, at no cost to the City.

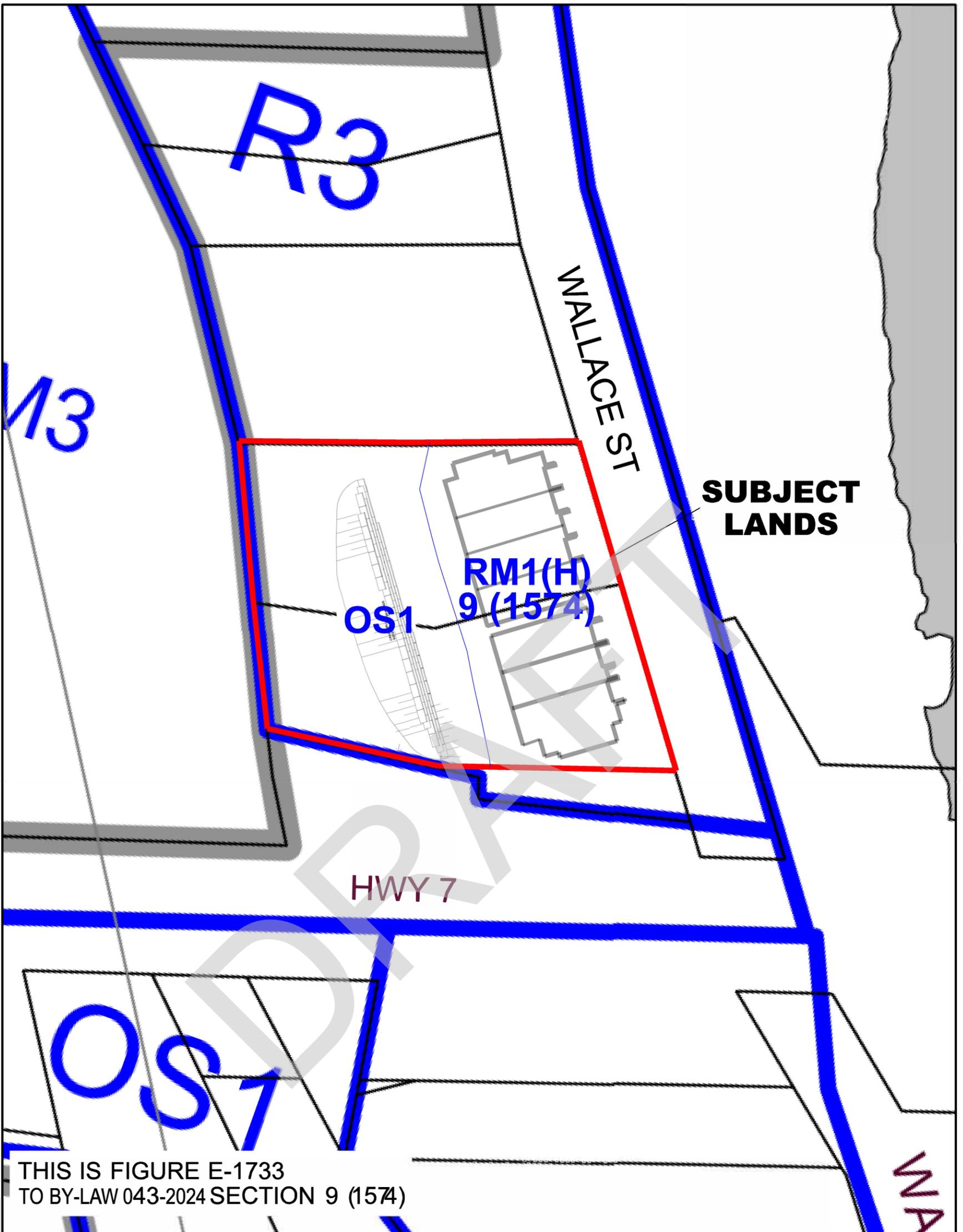
- B. Notwithstanding the provisions of:
 - a) Section 2.0 respecting Definitions;
 - b) Subsection 3.8 respecting Parking Requirements;
 - c) Subsection 3.14 respecting Permitted Yard Encroachments and Restrictions;
 - d) Subsection 4.1.4 e), f) respecting Dimensions of Driveways;
 - e) Subsection 7.2 respecting Uses Permitted in the OS1 Open Space Conservation Zone;
 - f) Schedule "A" respecting the zone standards in the RM1 Zone;

the following provisions shall apply to the lands shown as "Subject Lands" on Schedule "E-1733":

- ai) A crash wall shall be considered a retaining wall;
- bi) Tandem parking spaces shall be permitted;

- ci) A retaining wall shall be permitted to be 0.0 m from a lot line.
- di) An elevator swing door is permitted to encroach into the garage parking space to a maximum of 0.5 m.
- dii) The maximum width of a driveway shall be 3.2 m for lots with a minimum lot frontage of 5.6 m;
- ei) A noise wall and retaining wall shall be permitted;
- fi) The minimum lot area shall be 140 m² per unit;
- fii) The minimum lot frontage shall be 5.6 m per unit;
- fiii) The minimum front yard setback shall be 3.9 m per unit;
- fiv) The minimum rear yard shall be 4.0 m to the ground floor and 1.5 m to all storeys above the ground floor, per unit. The rear yard setback reflects the required minimum vegetation protection zone. There shall be no buildings, structures, pools or encroachments permitted within the required setbacks;
- fv) The minimum interior side yard shall be 0.0 m for adjoining units, and in all other cases the interior side yard setback shall be 0.75 m except to the northern property line where the interior side yard setback shall be 1.2 m;

- fvi) The minimum exterior side yard to the southern lot line shall be 1.6 m;
 - fvii) A building setback of 28 m shall be provided from the western shared property line with Canadian Pacific Railway;
 - fviii) The maximum lot coverage shall be 76% per unit.
 - fix) The maximum building height shall be 12.8 m.
- c) Adding Schedule “E-1733” attached hereto as Schedule “1”.
 - d) Deleting Key Map 7B and substituting therefor Key Map 7B attached hereto as Schedule “2”.
2. Schedules “1” and “2” shall hereby form part of this By-law.



THIS IS FIGURE E-1733
TO BY-LAW 043-2024 SECTION 9 (1574)

THIS IS SCHEDULE '1'
TO BY-LAW 043-2024
SECTION 9 (1574)



FILE No. Z.17.015
APPLICANT: KING HOME CONSTRUCTION INC.
LOCATION: 158 & 166 WALLACE STREET
PART OF LOT 6, CONCESSION 7
CITY OF VAUGHAN



KEYMAP 7B
TO BY-LAW 1-88

**THIS IS SCHEDULE '2'
TO BY-LAW 043-2024
SECTION 9 (1574)**



Not to scale

FILE No. Z.17.015
APPLICANT: KING HOME CONSTRUCTION INC.
LOCATION: 158 & 166 WALLACE STREET
PART OF LOT 6, CONCESSION 7
CITY OF VAUGHAN