

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 26, 2024

Item 3, Report No. 8, of the Committee of the Whole (Public Meeting), which was adopted, as amended, by the Council of the City of Vaughan on March 26, 2024, as follows:

By receiving Communication C15 from Chris Barnett, Osler, Hoskin & Harcourt LLP, First Canadian Place, Toronto, dated March 5, 2024.

3. MUNICIPAL SERVICING BY-LAW

The Committee of the Whole (Public Meeting) recommends:

- 1. That the recommendation contained in the following report of the Deputy City Manager, Infrastructure Development, dated March 5, 2024, be approved; and**
- 2. That the following communication be received:**
 - C3. Bill Kiru, Liberty Development, Highway 7 East, Markham, dated March 1, 2024.**

Recommendation

- 1. That the Public Meeting report for the Municipal Servicing By-law BE RECEIVED, and that any issues identified be addressed by the Development Engineering department in a comprehensive report to the Committee of the Whole.**

Committee of the Whole (Public Meeting) Report

DATE: Tuesday, March 5, 2024

WARD(S): ALL

TITLE: MUNICIPAL SERVICING BY-LAW

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: FOR INFORMATION

Purpose

To receive comments from the public and the Committee of the Whole regarding the proposed Municipal Servicing By-law to prohibit the use of land or the erection or use of buildings or structures unless municipal services are available to service the land, buildings or structures in the City of Vaughan.

Report Highlights

- The need for a new by-law to ensure that the municipal servicing is in place prior to building permits being issued was identified as part of the Agreement Template Modernization and Process Review Project.
- Municipal Servicing By-Law pursuant to Section 34(5) of the *Planning Act* is being proposed to ensure that municipal servicing is in place prior to building permits being issued.
- The Municipal Servicing By-Law shall apply to all lands within the City of Vaughan as shown on Attachment 1.

Recommendations

1. That the Public Meeting report for the Municipal Servicing By-law BE RECEIVED, and that any issues identified be addressed by the Development Engineering department in a comprehensive report to the Committee of the Whole.

Background

The City's previous subdivision and development agreement templates contained conditions describing that the owner/developer is prohibited from applying for building permits and the City shall not issue building permits until the City is satisfied that adequate road access, potable municipal water supply, sanitary sewers and storm drainage facilities are available to service the lands. City staff have recently completed a modernization of the Development Agreement Templates within the purview of the Development Engineering Department, and as part of this project, staff reviewed the City's development agreements and standard approval conditions. As a result of this process, the City's Building Division identified the need for a municipal servicing by-law pursuant to section 34(5) of the *Planning Act* in order to ensure that building permits may be granted only when municipal services are in place to serve the proposed construction. More specifically, the proposed by-law will ensure municipal servicing is in place before building permits are issued. The intent is to protect the public by guaranteeing essential municipal services can be provided before the building permit issuance.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol.

Public Notice of this proposed Municipal Servicing By-law, was given in the following manner:

- a) The Notice of Public Meeting was published:
 - In the Toronto Star on February 7, 2024
- b) The Notice of Public Meeting was also posted on the City's website at www.vaughan.ca
- c) The Notice was sent to:
 - All Registered Ratepayers' Organizations in the City, and
 - The Building Industry and Land Development Association (BILD)

Any written comments received will be forwarded to the Office of the City Clerk to be distributed to the Committee of the Whole as a Communication and be reviewed and addressed by the Development Engineering in a future technical report to the Committee of the Whole.

Previous Reports/Authority

The following is the link to a previous report related to the proposed By-law:
<https://pub-vaughan.escrimemeetings.com/filestream.ashx?DocumentId=156570>.

Analysis and Options

Section 34(5) of the *Planning Act* permits a municipality to pass a zoning by-law to “prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.” Other municipalities, such as the [City of Mississauga](#) and the [City of Markham](#), have enacted such municipal servicing zoning by-laws.

The proposed Municipal Servicing By-law shown in Attachment 2 is considered desirable to prevent the issuance of building permits until adequate municipal services are available to accommodate new development. The by-law will prevent the erection of buildings within the urban boundary as described in the City of Vaughan Official Plan 2010 (VOP 2010), as amended. It will cover municipal services like roads, watermains, sanitary sewers and associated facilities, storm sewers and stormwater management facilities.

The by-law includes the following general provisions/requirements for the construction of buildings within plans of subdivision:

- roads being constructed to base course asphalt with sidewalks, if required;
- two separate accesses into the subdivision have been provided and kept open for the purposes of emergency services ingress and egress, to the satisfaction of the City;
- the watermains, sanitary sewers, and associated facilities, storm sewers and stormwater management facilities necessary to service the buildings have been constructed and are operational;
- the watermain and any required water service connections have been disinfected in accordance with the latest Ontario Provincial Standard Specification and the latest American Water Works Association Standards’ disinfection standards, and the water meets Provincial quality standards and such other standards as are adopted by the City;
- the watermain and any required water service connections have been hydrostatically tested in accordance with the latest Ontario Provincial Standard Specification and the latest American Water Works Association Standards or such other standards adopted by the City; and

- a water flow test has been conducted in accordance with National Fire Protection Association (NFPA) Standard 291 and at all times the following flow standards in the system or other standards adopted by the City for firefighting purposes are met.

In addition to the above requirements, the proposed by-law allows single access on a case-by-case basis to be permitted to the satisfaction of the City.

The by-law includes the following general provisions/requirements for the construction of buildings within plans of subdivision where municipal infrastructure external to the subdivision has not been constructed:

- all property and/or easements required for the service have been dedicated to the City or other public authority having jurisdiction free and clear of all encumbrances and at no cost to the City, if applicable;
- all property required for external roads have been conveyed to the City or alternative arrangements have been made to the satisfaction of the Director of Development Engineering and the City Solicitor;
- the contract for the construction of the service has been awarded;
- a construction schedule, confirming completion and operation of the external service prior to occupancy, has been provided to the satisfaction of the City's Director of Development Engineering; and
- The City and/or other public authority having jurisdiction have received adequate security.

The by-law includes the following general provisions/requirements for construction of buildings located outside of a plan of subdivision:

- where the building does not front directly on an assumed road, an access route for fire department use, in accordance with the provisions of Ontario's Building Code or any successor legislation or regulation, has been provided;
- where any watermain, sanitary sewers and associated facilities, storm sewers and stormwater management facilities external to the site have not been constructed, confirmation that the following has been provided to the Director of Development Engineering:

- all property required for the service has been dedicated to the City;
- a construction schedule being provided;
- the City has received adequate security;
- the watermain and any required water service connections have been disinfected;
- the watermain and any required water service connections have been hydrostatically tested; and
- a water flow test has been conducted on the watermain in accordance with NFPA Standard 291 (where a new watermain extension is required to provide water service).

In addition to the above requirements, where municipal infrastructure is not available to the building, the by-law allows for a permit to be issued for a private water supply system and a private sewage disposal system if available.

Financial Impact

There are no requirements for new funding associated with this report.

Operational Impact

The proposed by-law has been prepared in consultation with the internal stakeholders.

Broader Regional Impacts/Considerations

N/A

Conclusion

Staff recommend Council consider enacting a by-law pursuant to Section 34(5) of the *Planning Act* to ensure that municipal services are in place prior to building permits being issued. Comments from the public and the Committee of the Whole expressed at the Public Meeting or in writing will be addressed in a comprehensive report to a future Committee of the Whole meeting.

For more information, please contact: Frank Suppa, Director, Development Engineering, Ext. 8255

Attachments

1. Location Map to Municipal Servicing By-law
2. Draft Municipal Servicing By-law XXX-2024

Prepared by

Nadia Porukova, Development Engineering Lead, Ext. 8715

Ary Rezvanifar, Manager, Development Engineering Review, Ext. 8239

Frank Suppa, Director, Development Engineering, Ext. 8255

Approved by

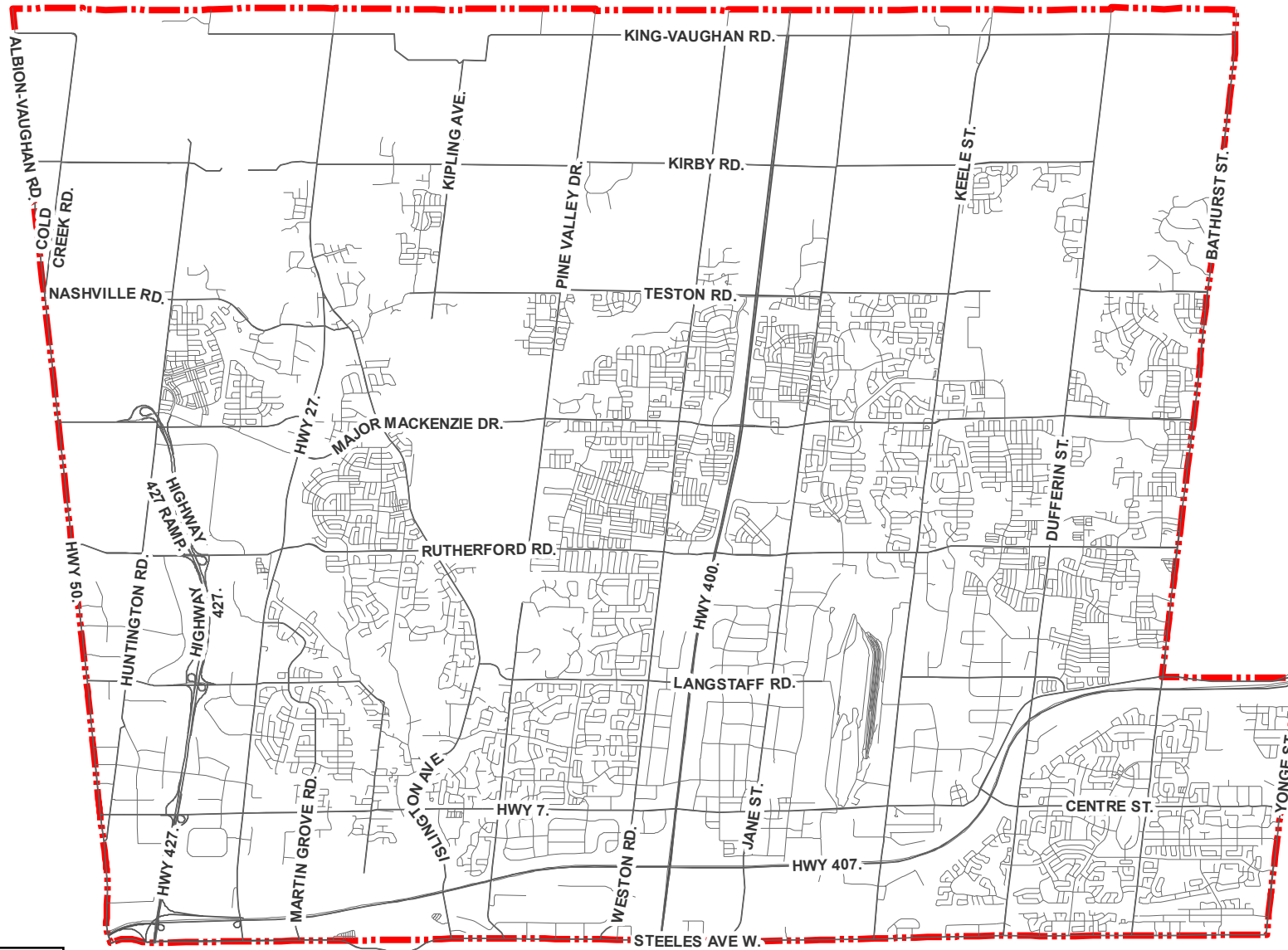
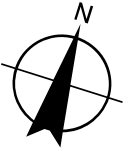



Vince Musacchio, Deputy City Manager,
Infrastructure Development

Reviewed by



Haiqing Xu, on behalf of
Nick Spensieri, City Manager



 Subject Lands

Location Map - Schedule 'A'

APPLICANT:
City - Initiated

LOCATION:
City - Wide



Attachment

FILE:
Municipal Servicing By-Law XXX-2024

DATE:
March 5, 2024

1

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XXX-2024

A By-law to prohibit the use of land or the erection or use of buildings or structures unless Municipal Services are available.

WHEREAS it is considered desirable for the control of development within the City of Vaughan to prohibit the use of land or the erection or use of buildings or structures unless such Municipal Services as may be set out in this By-law are available to service the land, buildings or structures, as the case may be, in accordance with the provisions of subsection 34(5) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;

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

Part I -Definitions

1. For the purpose of this by law, the following definitions and interpretations shall govern:

“Access” means ingress and egress of vehicles from a public road or private road, including fire trucks, to and from the lands within the Subdivision.

"Building" means a fully or partially enclosed structure, whether temporary or permanent, used or erected for shelter, or for the accommodation or enclosure of persons, animals, materials or equipment, but does not include a house, trailer or mobile home.

"City" means The Corporation of the City of Vaughan.

"Lane" means a narrow public right-of-way providing access to lots or blocks abutting thereon and owned by a public authority.

"Model Home" means a building erected as a model of the dwelling units to be constructed in the plan of subdivision, plan of condominium, or site plan, as applicable, and is not used for human habitation.

“Municipal Services” means any municipal services, infrastructure or facilities, and appurtenances thereto, required to service or support a Building, including but not limited to water, sanitary sewer, storm sewer, stormwater management, roads, all of which municipal services are located within municipal property, the municipal right-of -way or the municipal boulevard.”

"Operational" means infrastructure placed in a condition of readiness and active service where a facility can be utilized for its designed and intended purpose without physical or safety limitations, to the satisfaction of the City (i.e. fit for use).

“Person” means an individual, corporation, partnership, company, association or party and their officers, directors, heirs, executors,

administrators, or other legal representatives of such Person, to whom the context can apply according to the law.

"Public Highway" means a public right-of-way providing access to lots or blocks abutting thereon and owned by a public authority.

"Road" means a Public Highway or Lane.

"Residential Unit" means a unit that:

- a) consists of a self-contained set of rooms located in a building or structure;
- b) is used or has the capability of being used as a residential premises;
- c) contains kitchen and bathroom facilities designated for the exclusive use of its occupants; and
- d) has a means of egress to the outside of the building, which may be a means of egress through another residential unit.

"Subdivision" means a plan of subdivision, draft approved or registered in accordance with section 51 of the *Planning Act*, R.S.O. 1990, c. P.13, or similar legislation, where the Road and Municipal Services within the plan have not been assumed by the authority having jurisdiction.

"Structure" means anything constructed or erected and is fixed to or supported by the ground or attached to another structure that is fixed to or supported by the ground but shall not include an in-ground swimming pool.

"Temporary Sales Office" means a building or structure used for the sole purpose of selling or leasing land or buildings associated with a draft plan of subdivision, or draft plan of condominium or an approved site plan.

Part II - Administration

- 2. **Title** - This By-law, including any amendments from time to time, shall be known as the "Municipal Servicing By-Law".
- 3. **Boundary** - This By-law shall apply to all of the lands located within the area identified on Schedule A to this by-law. For greater certainty, nothing in this By-law shall prevent the erection of buildings or structures located outside the urban boundary of the City of Vaughan as described in the City of Vaughan's Official Plan, as amended.
- 4. **Application** - Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the City of Vaughan or any other applicable regulation of the Regional Municipality of York, Province of Ontario, or Government of Canada authorities that may otherwise affect the use of any land, building or structure.
- 5. **Severability** - 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.
- 6. **Headings** - Headings and titles in the body of this By-law are included for convenience and reference purposes only and are not part of this By-law.

Part III – General Provisions

- 7. **Lands Within a Subdivision Where External Infrastructure Is Available-** For the purposes of this by-law, Municipal Services are deemed to be

available to a Building within a Subdivision when the Municipal Services required to service the Building satisfy the following requirements:

- (a) the Roads in the Subdivision have been constructed to base course asphalt with sidewalks, if required;
- (b) the watermain, sanitary sewers, and associated facilities, storm sewers and stormwater management facilities necessary to service the Building have been constructed and are Operational;
- (c) the watermain and any required water service connections have been disinfected in accordance with the latest Ontario Provincial Standard Specification and the latest American Water Works Association Standards' disinfection standards, and the water meets Provincial quality standards and such other standards as are adopted by the City;
- (d) the watermain and any required water service connections have been hydrostatically tested in accordance with the latest Ontario Provincial Standard Specification and the latest American Water Works Association Standards or such other standards adopted by the City;
- (e) a water flow test has been conducted in accordance with National Fire Protection Association (NFPA) Standard 291 and at all times the following flow standards in the system or other standards adopted by the City for firefighting purposes are met:

Land Use	Fire Flow	Minimum Pressure
Single Family and Semi-Detached	7,000 L/min or 117 L/s	140 kPa (20 psi)
Townhouses	9,000 L/min or 150 L/s	140 kPa (20 psi)
Institutional	15,000 L/min or 250 L/s	140 kPa (20 psi)
Industrial/Commercial	25,000 L/min or 417 L/s	140 kPa (20 psi)
Multi-Unit Apartment Buildings	19,000 L/min or 317 L/s	140 kPa (20 psi)

- (f) two separate Accesses into the Subdivision have been provided and kept open for the purposes of emergency services ingress and egress, to the satisfaction of the City; and
- (g) notwithstanding clause (f) above, a single Access into the Subdivision, may be permitted on a case-by-case basis, to the satisfaction of the City.

8. **Lands Within a Subdivision Where External Infrastructure Is Not Available** - In addition to the requirements outlined in Section 7 of this by-law, where Municipal Servicing external to the Subdivision have not been constructed, for the purposes of this by-law, Municipal Services are deemed to be available to a Building within a Subdivision when confirmation of the following has been provided to the Director of Development Engineering:

- (a) all property and/or easements required for the Municipal Service have been dedicated to the City or other public authority having jurisdiction free and clear of all encumbrances and at no cost to the City, if applicable;
- (b) all property required for external roads have been conveyed to the City or alternative arrangements have been made to the satisfaction of the Director of Development Engineering and the City Solicitor;
- (c) the contract for the construction of the Municipal Service and/or upgrades of the existing Municipal Services has been awarded;

- (d) a construction schedule, confirming completion and operation of the external Municipal Service prior to occupancy, has been provided to the satisfaction of the City's Director of Development Engineering;
- (e) the City or other public authority having jurisdiction have received adequate security and required fees as applicable for the construction of the external Municipal Services, if it is intended to be constructed by a private party; and
- (f) the City or other authorities having jurisdiction have issued approvals for the construction of the Municipal Services.

9. **Lands Not Within a Subdivision** For the purposes of this by-law, Municipal Services are deemed to be available to a Building that is not within a Subdivision when Municipal Servicing required to service the Building satisfy the following requirements:

- (a) where the Building does not front directly on an assumed Public Highway, an access route for fire department use, in accordance with the provisions of Ontario's Building Code or any successor legislation or regulation, has been provided;
- (b) where any watermain, sanitary sewers and associated facilities, storm sewers and stormwater management facilities external to the site have not been constructed, confirmation that the following has been provided to the Director of Development Engineering.
 - i. confirmation that all property required for the Municipal Services has been dedicated to the City or other authorities having jurisdiction free and clear of all encumbrances and at no cost to the City, if applicable;
 - ii. evidence that the contract for the construction of the service has been awarded;
 - iii. a construction schedule, confirming completion and operation of the external Municipal Services prior to occupancy, has been provided to the satisfaction of the City's Director of Development Engineering;
 - iv. the City or other government having jurisdiction has received adequate security and engineering fees as appropriate for the construction of the external service, if it is intended to be constructed by a private party; and
 - v. the City or other authorities having jurisdiction have issued approvals for the construction of the services.
- (c) the watermain and any required water service connections size have been disinfected in accordance with the latest Ontario Provincial Standard Specification and the latest American Water Works Association Standards disinfection standards, and the water meets Provincial quality standards and such other standards as are adopted by the City;
- (d) the watermain and any required water service connections have been hydrostatically tested in accordance with the latest Ontario Provincial Standard Specification and the latest American Water Works Association Standards or such other standards adopted by the City;
- (e) where a new watermain extension is required to provide water service, a water flow test has been conducted on the watermain in accordance with

NFPA Standard 291 and at all times the following flow standards in the system or other standards adopted by the City for firefighting purposes are met:

Land Use	Fire Flow	Minimum Pressure
Single Family and Semi-Detached	7,000 L/min or 117 L/s	140 kPa (20 psi)
Townhouses	9,000 L/min or 150 L/s	140 kPa (20 psi)
Institutional	15,000 L/min or 250 L/s	140 kPa (20 psi)
Industrial/Commercial	25,000 L/min or 417 L/s	140 kPa (20 psi)
Multi-Unit Apartment Buildings	19,000 L/min or 317 L/s	140 kPa (20 psi)

10. **Lands Not Within a Subdivision –Additional Consideration** For the purposes of this by-law, for a Building that is not within a Subdivision where municipal sanitary sewers or watermains are not available to the Building, a permit for a private water supply system and private sewage disposal system may be made available at the discretion of and subject to such conditions as may be deemed appropriate by the Deputy City Manager, Infrastructure Development or their designate(s);

Part IV – Compliance

11. No Person shall use any land or erect or use any building or structure except in accordance with the provisions of this By-law.
12. Notwithstanding the provisions of any other by-law hereinbefore or hereafter enacted pursuant to Section 34 of the *Planning Act*, or any predecessor thereof, by the Council of the City, or any predecessor thereof, no land shall be used and no Building or Structure shall be erected or used unless:
- (a) the Council of the City or delegated authority has approved a zoning by-law amending application and
 - i. the City's Director of Development Engineering has confirmed that adequate Municipal Services are available in accordance with Clauses 7(a) to (g) both inclusive, or Clauses 8(a) to (f) or Clauses 9(a) to (e) both inclusive, as the case may be; OR
 - iii the City's Chief Building Official has confirmed that Clause 10 has been complied with,
 - (b) a conditional building permit has been issued by the City's Chief Building Official.
13. Notwithstanding the provisions of any other by-law hereinbefore or hereafter enacted pursuant to s. 34 of the *Planning Act*, or any predecessor thereof, by the Council of the City, or any predecessor thereof, no land shall be used and no Building or Structure shall be erected or used which will result in the creation of any new or additional Residential Units unless:
- (a) water and sanitary sewer capacity is available and the Council of the City has allocated water and sanitary sewer capacity to service the said lands and all Residential Units; OR
 - (b) the said Council has exempted the development or the class of development from the requirement for allocation of capacity; and the City's Director of Development Engineering has confirmed that Municipal Services are available in accordance with Clauses 7(a) to (g) both inclusive, or Clauses 8(a) to (f) or Clauses 9(a) to (e) both inclusive, as the case may be, or the City's Chief Building Official has confirmed that Clause 10 have been complied with.

Part V – Exemptions

- 14. **Buildings and Structures Incidental to Construction** - Nothing in this by-law shall prevent the erection of buildings or structures for uses incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other building or structure incidental to the construction only for so long as the same are necessary for work in progress which has neither been finished nor abandoned.
- 15. **Model Homes and Sales Offices** - Nothing in this by-law shall prevent the erection of model homes and sales offices, subject to such terms and conditions as established by the City of Vaughan and provided that temporary services and an access route for fire department use in accordance with Ontario's Building Code Act, 1992, S.O. 1992, c 23, has been provided.

Part VI – Enforcement and Penalties

- 16. **Officers** - This By-law shall be administered and enforced by such employees of the City of Vaughan designated by the Director of Development Engineering as officers for purposes of this By-law.
- 17. **Penalties** - Every Person that contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the fine(s) as provided in the *Planning Act* R.S.O. 1990, c. P. 13, as amended and, if the Person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention is guilty of an offence and upon conviction is liable to the fine(s) as provided in the *Planning Act* R.S.O. 1990, c. P. 13, as amended.
- 18. **Other Remedies** - In addition to any other remedy or any penalty provided by this By-law, the applicable court may make an order enjoining or prohibiting the contravention of this By-law.

Enacted by City of Vaughan Council this XXth day of (Month), 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. ____ of Report No. ____
of the Committee _____
Adopted by Vaughan City Council on _____.

OR

Authorized by By-law 005-2018 being a By-law
to authorize delegation of approval of certain
administrative matters to Staff.
Adopted by Vaughan City Council on
January 30, 2018.

OR

Authorized by By-law 332-98 being a By-law to authorize the execution of documents of an administrative nature by staff and/or the Mayor and Clerk, the authorization for certain matters during the hiatus of Council.

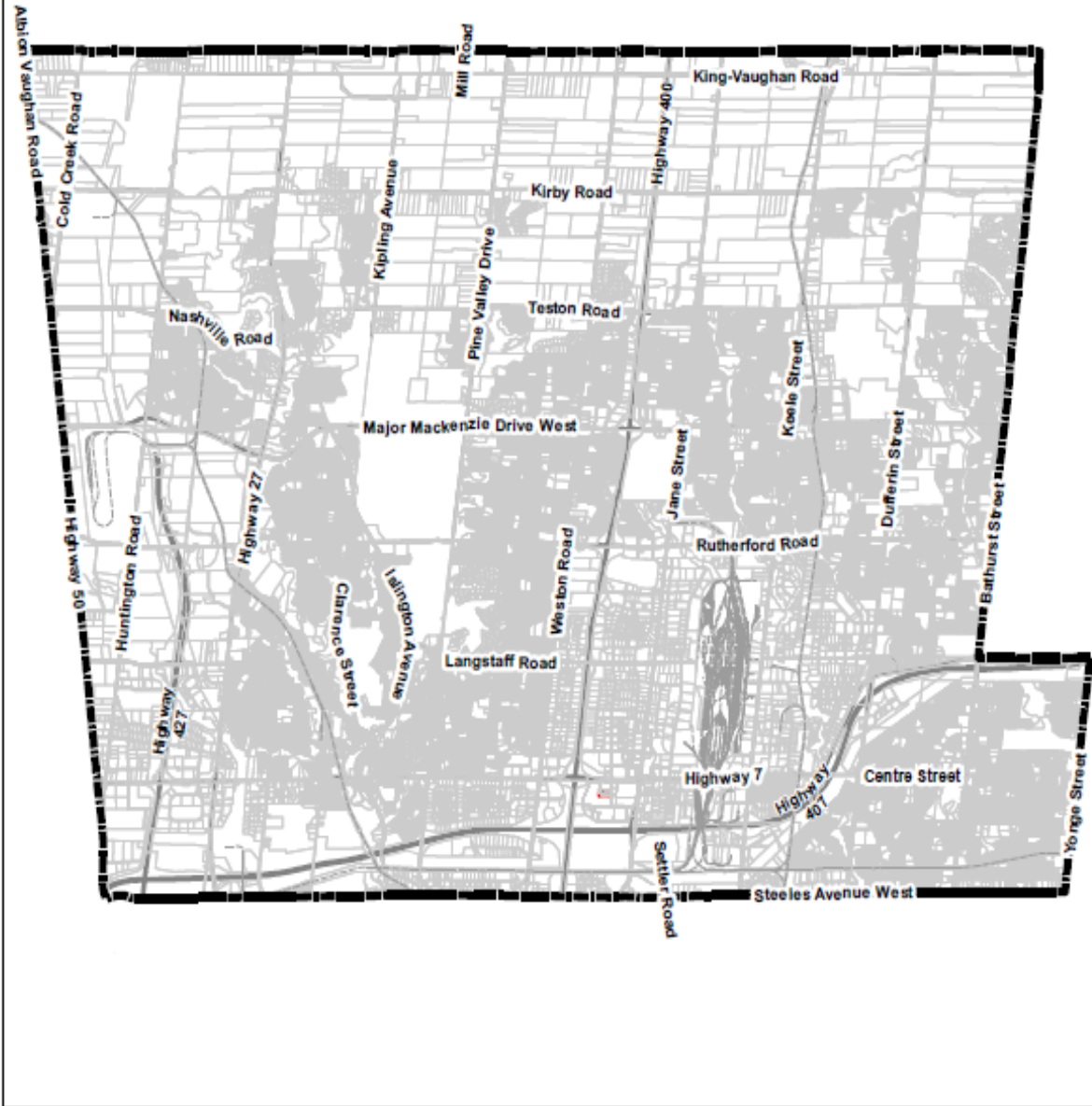
Adopted by Vaughan City Council on September 28, 1998.

OR

In other circumstances, please consult either the City Clerk or the Director of Legal Services for an appropriate form.

DRAFT

SCHEDULE "A"



MUNICIPAL SERVICING BY-LAW XXX-2024



NOT TO SCALE