

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: September 07, 2018

CASE NO(S):

PL170305

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

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

Applicant and Appellant:	Ace Developments (2057 Major Mac) Ltd.
Subject:	Application to amend Zoning By-law No. 1-88, as amended - Refusal or neglect of the City of Vaughan to make a decision
Existing Zoning:	“A – Agricultural Zone”
Proposed Zoning:	“RM2 Apartment Residential Zone”, with site specific provisions
Purpose:	To permit the development of 71 stacked townhouse units
Property Address/Description:	2057 Major Mackenzie Drive
Municipality:	City of Vaughan
Municipality File No.:	Z.16.006
OMB Case No.:	PL170305
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OMB Case Name:	Ace Developments (2057 Major Mac) Ltd. v. Vaughan (City)

Heard: August 27, 2018 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel*/Representative

2640174 Ontario Inc.

Paul DeMelo

City of Vaughan

J. Pittman Patterson,
Effie Lidakis

**MEMMORANDUM OF ORAL DECISION DELIVERED BY SHARYN VINCENT
ON AUGUST 27, 2018 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This is an appeal originally filed by Ace Developments (2057 Major Mac) Ltd against City of Vaughan Council's failure to make a decision to amend the zoning by-law necessary to permit a development of stacked townhouses on lands known as 2057 Major Mackenzie Drive ("subject lands").

[2] The applicant company having fallen into receivership is now succeeded by the new owner 2640174 Ontario Inc., which has worked with the municipality to achieve approvals in principle.

[3] The Tribunal was therefore directed to the decision of Committee of the Whole and the affirming Council resolution approving the application on condition.

[4] Kevin Bechard was qualified to give expert opinion evidence in support of the settlement and his evidence was unchallenged.

[5] Despite the original interest of individuals seeking participant status prior to Council's decision, there were no other individuals in attendance at the hearing.

[6] The proposed rezoning brings the development permissions into conformity with the existing Official Plan ("OP") designation which anticipates mid-rise residential built forms other than single detached, up to four storeys in height to a maximum floor space index of 1.5 The witness advised that the proposed stacked townhouses generally conform to the OP policies, and will ultimately be refined through a site plan application, not currently before the Tribunal.

[7] The subject lands are currently occupied by the Joshua Oliver House which is considered to have historical significance worthy of retention and therefore, the ultimate

location and reuse of the structure will become one of the organizing constraints of the site.

[8] The other constraints are the setbacks and buffering from the GO line which forms the westerly boundary of the site, and the ultimate resolution of vehicular access to the site. All of these matters will be further explored through the iterative site plan process.

FINDINGS

[9] The Tribunal is persuaded that the lands can be developed in conformity with the existing OP designation for midrise residential uses within the settlement area which implements both the Provincial Policy Statement and the Growth Plan. The infill development makes efficient use of existing infrastructure and is transit supportive, within easy walking distance of the Maple Go Station located to the north.

DECISION

[10] The Tribunal therefore allows the appeal in part and approves in principle an amendment to By-law No. 1-88 to rezone the lands from A Agricultural Zone to RM2(H) Multiple Residential Zone subject to the Holding symbol (H) and OS1 Open Space Conservation Zone, and subject to the conditions and provisos set out in Item 2, CW Report No. 18 of the City of Vaughan. (Tab 12 Exhibit 1A).

[11] The Tribunal withholds its order until such time as it is notified by the City that all conditions have been satisfied.

[12] The member remains seized of the matter and may be spoken to should need arise.

"Sharyn Vincent"

SHARYN VINCENT
MEMBER

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Local Planning Appeal Tribunal

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