

Committee of the Whole (2) Report

DATE: Tuesday, May 14, 2024

WARD(S): ALL

TITLE: MUNICIPAL SERVICING BY-LAW

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek Council approval for a new Municipal Servicing By-law (“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.

Recommendations

1. THAT the new Municipal Servicing By-law BE APPROVED 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; and
2. THAT no further public meeting is required in accordance with Section 34(17) of the *Planning Act*.

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*. 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 circulated to:
 - All Registered Ratepayers' Organizations in the City, and
 - The Building Industry and Land Development Association (BILD)

Public comments were received from Liberty Development Corp. and the Building Industry and Land Development Association.

The following is a summary of the comments provided and received to date.

- Clarifications regarding definitions;
- Questions regarding high-rise buildings, dedication of lands to the City, future amendments of the by-law;
- Comments regarding flow requirements and building permits; and
- Requests for meeting discussions.

These comments were addressed via correspondence and virtual meetings with Liberty Development Corp. and BILD.

Previous Reports/Authority

The following are the links to a previous reports related to the proposed By-law:

Agreement Template Modernization and Process Review

(Item 3, Report No 48, Committee of the Whole (2), November 28, 2023)

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=166446>

Municipal Servicing By-law

(Item 3, Report No. 8, Committee of the Whole (Public Meeting), March 5, 2024)

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=167380>

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 included as Attachment 1 is considered desirable to prevent the issuance of building permits until adequate municipal services are available to accommodate new development. 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;
- 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 standards adopted by the City for firefighting purposes including fire flow calculated according to the latest published requirements of the Water Supply for Public Fire Protection are met.

In addition to the above requirements, the proposed by-law allows single access into a subdivision 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 Municipal Services 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 City or other authorities having jurisdiction have issued approval for the construction of the Municipal Services.

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 and at all times the standards adopted by the City for firefighting purposes including fire flow calculated according to the latest published requirements of the Water Supply for Public Fire Protection are met. (where a new watermain extension is required to provide water service).
 - the City or other authorities having jurisdiction have issued approvals for the construction of the services.

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.

The by-law also includes exemptions (conditional permits) for buildings and structures incidental to construction, such as shoring, excavation, model homes and sale offices, as well as clauses regarding compliance, enforcement and penalties.

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 and external 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.

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

Attachments

1. Draft Municipal Servicing By-law XXX-2024

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