

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 125-2024

A By-law of the Corporation of the City of Vaughan to amend Site Alteration By-law 031-2024, as amended, to repeal By-law 164-2019 and make other technical amendments.

AND WHEREAS section 8(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, (*"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; and

AND WHEREAS Council has determined that it is desirable to make amendments to By-law 031-2024, as amended, to correct a technical omission and to add reference to the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*;

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

1. That Site Alteration By-law 031-2024, as amended, be further amended by adding the following definition in alphabetical order to section 3.0(6):

"Order" means a written direction issued by an *Officer* and/or *Director* and made under the authority of sections 444 or 445 of the *Municipal Act*, as amended, requiring a *Person* to discontinue the contravening activity or to correct the contravention;
2. That Site Alteration By-law 031-2024, as amended, be further amended by capitalizing and italicizing the word "order" throughout the by-law.
3. That Site Alteration By-law 031-2024, as amended, be further amended by repealing Part 10.0 and replacing it with the following:

10.0 Fines

- (1) Every *Person* who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
- (2) 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).
- (3) A special fine may be imposed in addition to a fine imposed under section 10.0(2) 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).
- (4) 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.

4. That Site Alteration By-law 031-2024, as amended, be further amended by repealing the word “notice” in section 11.0(1) and replacing it with the word “order”.
5. That Site Alteration By-law 031-2024, as amended, be further amended by adding By-law 164-2019 to the list of by-laws to be repealed referenced in section 17.0(2).

Voted in favour by City of Vaughan Council this 25th day of June, 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. 22 of Report No. 25 of the Committee of the Whole.
Report adopted by Vaughan City Council on June 25, 2024.
City Council voted in favour of this by-law on June 25, 2024.
Approved by Mayoral Decision MDC 008-2024 dated June 25, 2024.
Effective Date of By-Law: June 25, 2024