

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 24, 2024

Item 5, Report No. 27 of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 24, 2024.

5. TH (KLEINBURG) DEVELOPMENTS CORP. DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENT) FILE 19CDM-24V005 10 PIERRE BERTON BOULEVARD VICINITY OF KIPLING AVENUE AND TESTON ROAD

The Committee of the Whole recommends approval of the recommendation contained in the report of the Deputy City Manager, Planning and Growth Management, dated September 10, 2024:

Recommendations

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-24V005 (TH (Kleinburg) Developments Corp.) BE DRAFT APPROVED, as shown on Attachment 3, subject to the Conditions of Draft Approval in Attachment 5; and
2. THAT Council's approval of Draft Plan of Condominium (Common Elements) File 19CDM-24V005, subject to the conditions set out in Attachment 5, be for a period of three years from the date on which approval was given, and the approval shall lapse at the expiration of that time period.

Committee of the Whole (1) Report

DATE: Tuesday, September 10, 2024

WARD: 1

TITLE: TH (KLEINBURG) DEVELOPMENTS (BT) CORP.
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-24V005
(COMMON ELEMENT CONDOMINIUM)
10 PIERRE BERTON BOULEVARD
VICINITY OF KIPLING AVENUE AND TESTON ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for a Draft Plan of Condominium (Common Elements) Application to permit the proposed condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, consisting of private roads, visitor parking, sidewalks, fencing and landscaped / open areas for 28 townhouse units, as shown on Attachments 2 and 3.

Report Highlights

- The Owner proposes a condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, that consists of private roads, visitor parking, sidewalks, fencing and landscaped/open areas for 28 townhouse units.
- A Draft Plan of Condominium (Common Elements) Application is required to permit the proposed development.
- The Development Planning Department supports the proposed development subject to conditions as outlined in this report.

Recommendations

1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-24V005 (TH (Kleinburg) Developments Corp.) BE DRAFT APPROVED, as shown on Attachment 3, subject to the Conditions of Draft Approval in Attachment 5; and
2. THAT Council's approval of Draft Plan of Condominium (Common Elements) File 19CDM-24V005, subject to the conditions set out in Attachment 5, be for a period of three years from the date on which approval was given, and the approval shall lapse at the expiration of that time period.

Background

Location: 10 Pierre Berton Boulevard (the 'Subject Lands'). The Subject Lands and surrounding land uses are shown on Attachment 1.

A Site Development Application to facilitate a residential development of 28 townhouse units served by private common element roads on the Subject Lands has been approved

On November 28, 2023, Site Development Application (File DA.22.051) was approved to facilitate the residential development of 28 townhouse units and common elements that consists of private roads, visitor parking, sidewalks, fencing and landscaped/open areas (the 'Development'). The Site Plan Agreement for the approved residential development was registered on January 4, 2024.

A Draft Plan of Condominium (Common Element) Application has been submitted to permit the proposed condominium tenure

TH (Kleinburg) Developments (BT) Corp. (the 'Owner') has submitted an Application for Draft Plan of Condominium (Common Elements) (the 'Application') for the Subject Lands to permit the proposed condominium tenure for the privately owned and maintained (through a future Condominium Corporation) common elements, that consist of private roads, six (6) visitor parking spaces, sidewalks, fencing and landscaped/open areas (the 'Common Element Condominium' or 'CEC') as shown on Attachment 3.

An Exemption from Part Lot Control Application is required to implement the Development

Should the Application be approved, the Owner will be required to submit an Exemption from Part Lot Control Application to lift the part lot control provisions of the *Planning Act* from the Subject Lands, in order to create conveyable freehold lots (Parcels of Tied Land) for the 28 townhouse units.

Previous Reports

The following are links to the previous reports applicable to the Subject Lands:

Block 55 East Block Plan Committee of the Whole Report:

[May 13, 2014, Committee of the Whole Report \(Item 4, Report No. 21\)](#)

Analysis and Options

The Application is consistent with the Provincial Policy Statement ('PPS'), 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan') 2019, as amended, the York Region Official Plan ('YROP') 2022 and the Vaughan Official Plan ('VOP') 2010.

PPS 2020

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a 'Settlement Area' and an existing 'Community Area' of the 'Urban System' of York Region. Policy 1.1.3 of the PPS directs development to Settlement Areas where new development should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The Development facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. Staff are satisfied that the Application is consistent with the PPS.

The Growth Plan, 2019, as amended

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Growth Plan states that settlement area boundaries are delineated in applicable official plans. Section 2.2.1 of the Growth Plan directs the vast majority of growth to settlement areas that: have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. The Subject Lands are located within the 'Urban Boundary' and an existing 'Community Area' of the 'Urban Area' of City of Vaughan. The Development facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. The Application conforms to the Growth Plan.

YROP 2022

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statue Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) (“Bill 185”) received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The Subject Lands are within a ‘Settlement Area’ and an existing ‘Community Area’ of the ‘Urban System’ of York Region. ‘Community Areas’ include delineated Built-up Areas and Designated Greenfield Areas. Policy 4.1.1 of the YROP identifies that the primary location for growth and development within York Region will take place within the ‘Urban System’.

‘Community Areas’ permit a range of residential, commercial, industrial and institutional uses and are where most of the housing required to accommodate the forecasted population will be located, as well as most population-related jobs and most office jobs. The proposed Application conforms to the YROP 2022.

VOP 2010

VOP 2010 sets out the municipality’s general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- “Community Area” on Schedule 1 – “Urban Structure” of VOP 2010
- Designated “KN Low-Rise Residential I” in Volume 2, Section 11.8 North Kleinburg-Nashville Secondary Plan (‘NKNSP’).

The “KN Low-Rise Residential I” designation permits residential units, home occupations, private home day care and small-scale convenience retail uses within the following building typologies: detached dwellings.

The NKNSP states that all development within the “KN Low-Rise Residential I” designation shall be in accordance with a required Block Plan. The Subject Lands are designated “KN Low-Rise Mixed-Use II” in the approved Block 55 East Block Plan, which permits Townhouses, Stacked Townhouses, and low-rise residential units.

The Application conforms to VOP 2010 and the Block 55 Block Plan.

The Development complies with Zoning By-law 001-2021

The Subject Lands are currently zoned “RM1 Multiple Unit Residential Zone” in Zoning By-law 001-2021, subject to site-specific Exception 14.1040. The Development as shown on Attachments 2 and 3 complies with Zoning By-law 001-2021.

The Draft Plan of Condominium is consistent with the approved Site Development Application

On November 28, 2023, Site Development Application File DA.22.051 was approved to permit the Development as shown on Attachment 2. The Application as shown on Attachment 3 is required to create the common element tenure for the following:

- Private roads, including a fire route
- 6 visitor parking spaces
- Sidewalks, acoustic wood fencing, and signage
- Landscaped/open areas

The Application is consistent with the approved Development.

Financial Impact

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

Operational Impact

Internal City Departments, external agencies and various utilities have no objection to the Application

The Building Standards Department, Development Engineering Department, Development Finance Department, Waste Management, Alectra Utilities, Bell Canada, Canada Post and Enbridge have no objections to the Application, subject to the Conditions of Approval in Attachment 5.

By-law and Compliance, Licensing and Permit Services Department, Policy Planning and Special Programs, Parks Infrastructure Planning and Development, Real Estate Department, Vaughan Fire and Rescue Service, Emergency Planning Department, Toronto and Region Conservation Authority, Urban Design, and York Catholic District School Board have no objections to the Application.

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has no objection to the Application.

Conclusion

The Development Planning Department is satisfied that the Application is consistent with the PPS, conforms with the Growth Plan, YROP 2022 and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses.

Accordingly, the Development Planning Department can recommend approval of the Application, subject to the recommendations in this report and Conditions of Approval in Attachment 5.

For more information, please contact Laura Tafreshi, Planner, Development Planning at extension 8051.

Attachments

1. Context and Location Map
2. Approved Site Plan File DA.22.051
3. Draft Plan of Condominium (Common Elements)
4. Draft Reference Plan – Parcels of Tied Land
5. Conditions of Draft Plan of Condominium Approval

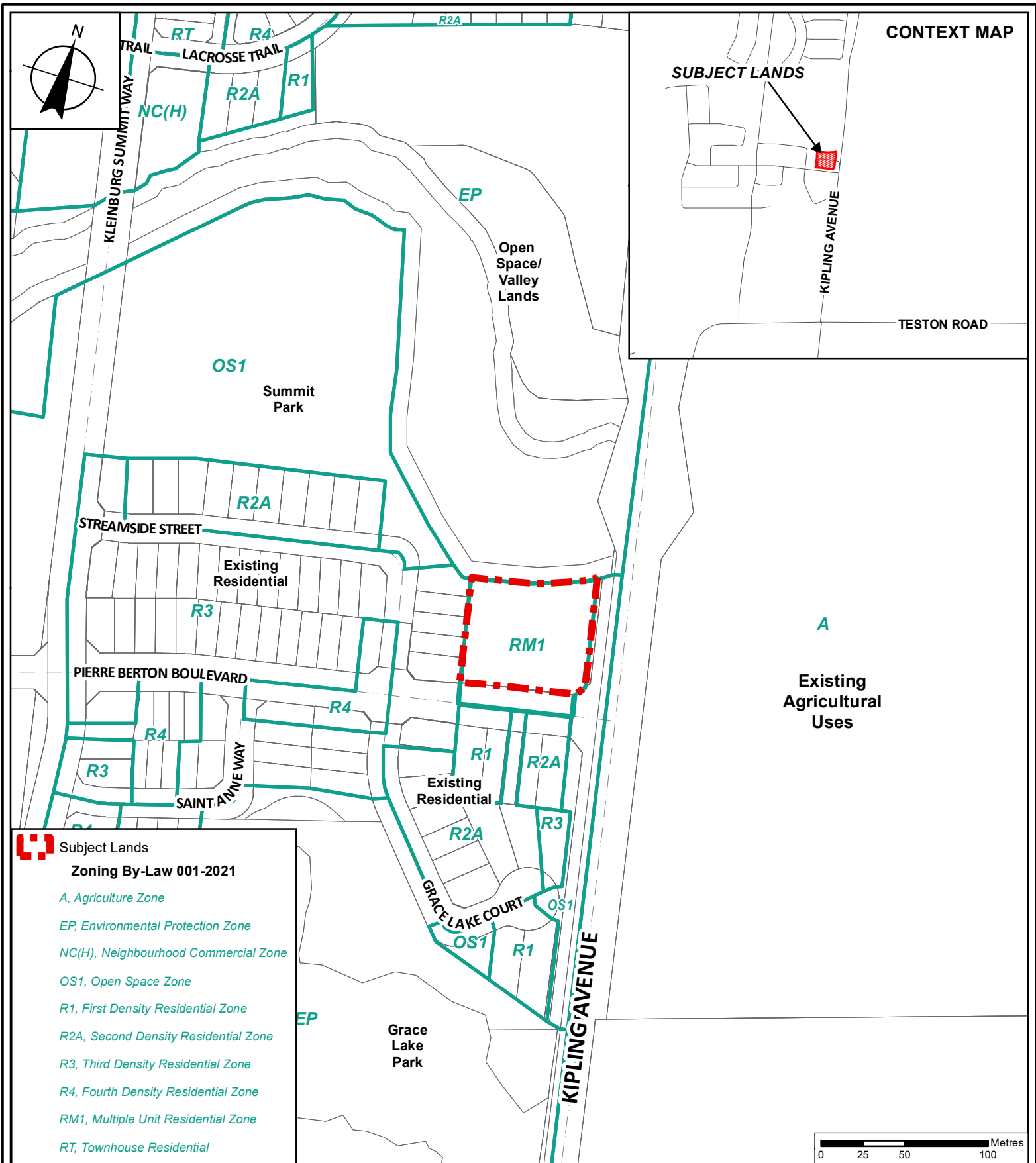
Prepared by

Laura Tafreshi, Planner, ext. 8051.

Casandra Krysko, Senior Planner, ext. 8003.

Mark Antoine, Senior Manager of Development Planning, ext. 8212.

Nancy Tuckett, Director of Development Planning, ext. 8529.



Context and Location Map

LOCATION: 10 Pierre Berton Boulevard
 Part of Lot 27, Concession 8

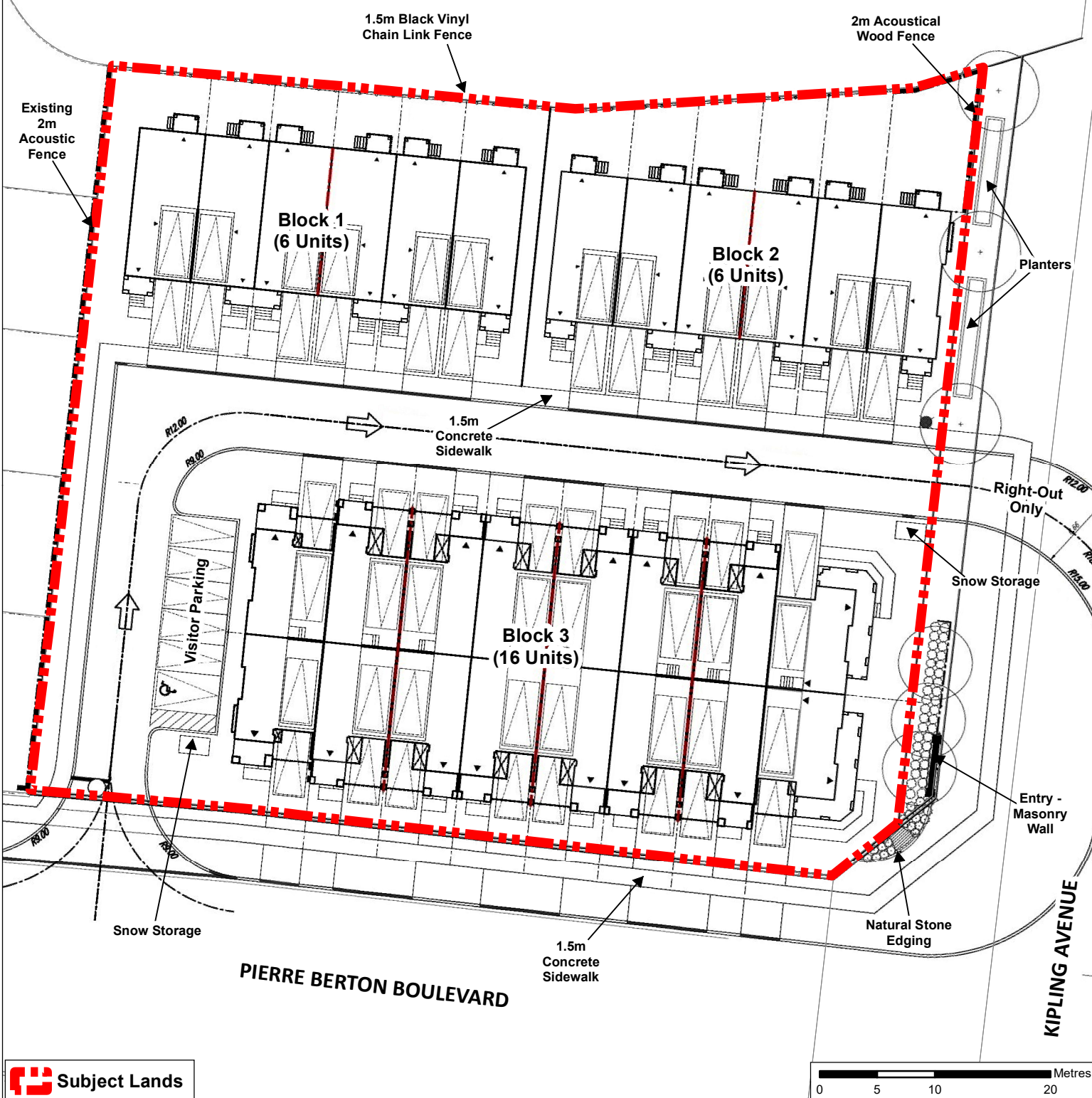
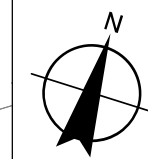
APPLICANT:
 TH (Kleinburg) Developments (BT) Corp.



Attachment

FILE:
 19CDM-24V005
RELATED FILES: DA.22.051,
 Z.13.041, 19T-13V008, Z.23.015
DATE: September 10, 2024

1



Approved Site Plan File DA.22.051

LOCATION: 10 Pierre Berton Boulevard
Part of Lot 27, Concession 8

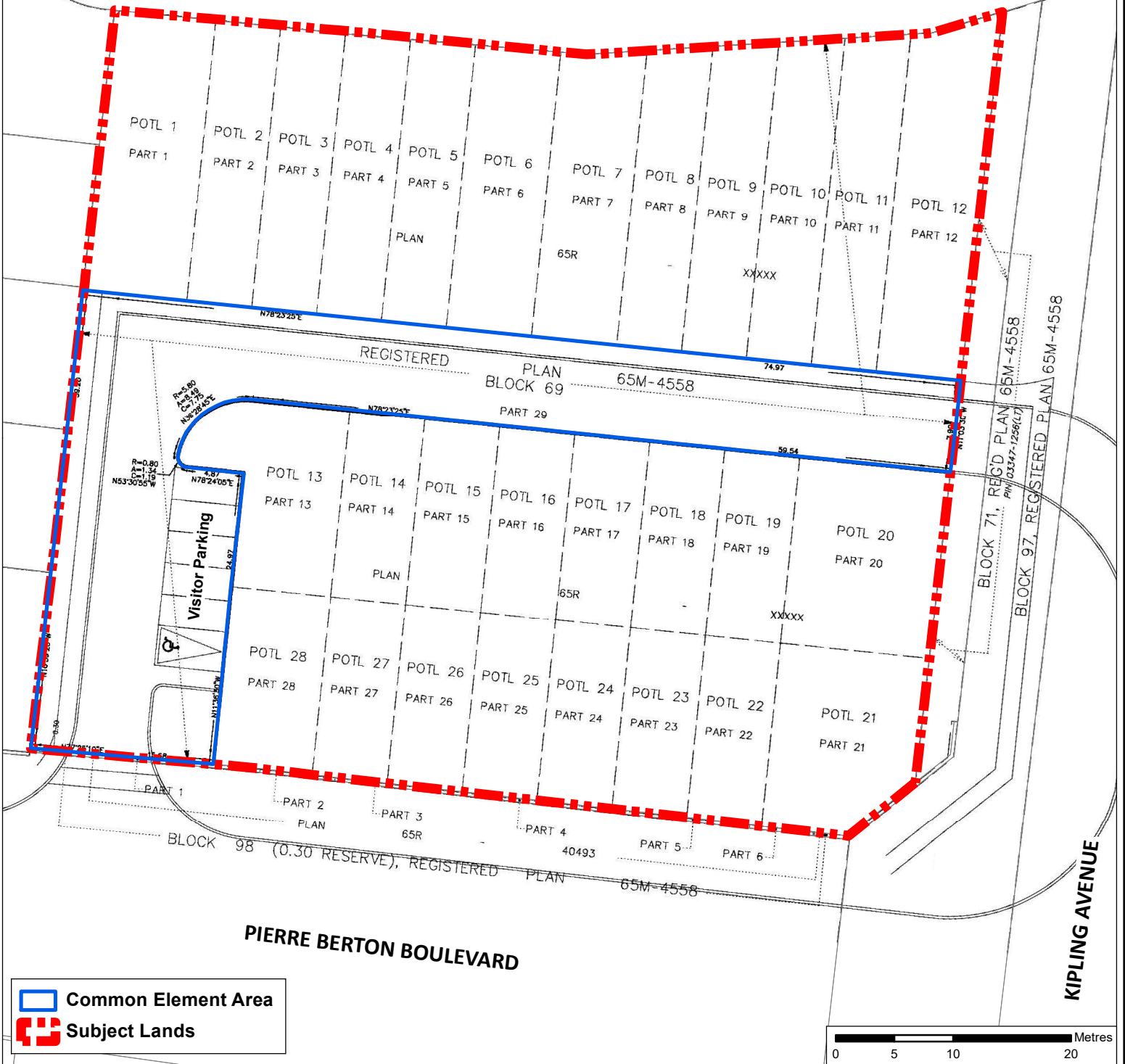
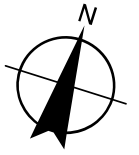
APPLICANT: TH (Kleinburg) Developments (BT) Corp.



Attachment

FILE:
19CDM-24V005
RELATED FILES: DA.22.051,
Z.13.041, 19T-13V008, Z.23.015
DATE: September 10, 2024

2



Draft Plan of Condominium (Common Elements)

LOCATION: 10 Pierre Berton Boulevard
Part of Lot 27, Concession 8

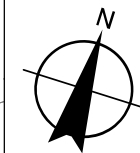
APPLICANT: TH (Kleinburg) Developments (BT) Corp.



Attachment

FILE: 19CDM-24V005
RELATED FILES: DA.22.051,
Z.13.041, 19T-13V008, Z.23.015
DATE: September 10, 2024

3



Draft Reference Plan - Parcels of Tied Land

LOCATION: 10 Pierre Berton Boulevard
Part of Lot 27, Concession 8

APPLICANT: TH (Kleinburg) Developments (BT) Corp.



Attachment

FILE:
19CDM-24V005
RELATED FILES: DA.22.051,
Z.13.041, 19T-13V008, Z.23.015
DATE: September 10, 2024

4

ATTACHMENT NO. 5

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-24V005
(THE 'PLAN')**

**TH (KLEINBURG) DEVELOPMENTS (BT) CORP. (THE 'OWNER')
10 PIERRE BERTON BOULEVARD, BLOCK 69, REGISTERED PLAN 65M-4558
CITY OF VAUGHAN (THE 'LANDS')**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN (THE 'CITY') THAT
SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF
CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-24V005, ARE AS FOLLOWS:**

City of Vaughan

1. The Plan shall relate to a Draft Plan of Condominium, prepared by Guido Papa Surveying a division of J. D. Barnes Limited, drawing No. 22-18-253-05-06 dated September 21, 2022.
2. Prior to the execution of the Condominium Agreement, the Owner shall submit a pre-registered Plan of Condominium to the Development Planning Department for review.
3. The Owner shall enter into a Condominium Agreement with the City of Vaughan and shall agree to satisfy any conditions that the City may consider necessary.
4. The following provision(s) shall be included in the Condominium Agreement:
 - a) The Condominium Corporation shall be responsible to regularly clean and maintain all driveway catch basins.
 - b) The Condominium Corporation shall be responsible for snow removal and clearing. The Condominium Corporation shall not store or deposit snow from the lands/development onto City of Vaughan owned property.
 - c) The Condominium Corporation shall maintain and manage the subsurface infrastructure situated within the Parcels of Tied Land ("POTLs") fronting the common element roadway and reserve a right of entry for the Condominium Corporation onto those POTLs to carry out such obligations.
 - d) The Condominium Corporation shall file an application for municipal waste collection. Upon successfully completing an application, a site inspection

and the execution and registration of an agreement with the Vaughan Environmental Services Department, Solid Waste Management Division, as determined by the City, the future Condominium Corporation may be eligible for municipal waste collection services. Should the Condominium Corporation be deemed ineligible by the City or choose not to enter into an agreement with the City for municipal waste collection services, all waste collection services shall be privately administered and shall be the responsibility of the Condominium Corporation.

- e) The Owner and/or Condominium Corporation shall supply, install and maintain mail equipment to the satisfaction of Canada Post.
5. The Condominium Agreement shall be registered on title against the lands to which it applies at the cost of the Owner.
 6. The following warning clauses shall be included in the Condominium Agreement, all condominium declarations, Offers of Purchase and Sale or Lease on Blocks 2 and 3, as shown on the approved Site Plan drawings City File No. DA.22.051:
 - i. "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
 - ii. "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."
 7. The Owner shall submit a certificate from a noise consultant to the Director of Development Engineering, certifying that the recommended noise attenuation measures have been implemented in the development in accordance with the approved noise report.
 8. The Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department.
 9. The Owner shall provide a copy of the proposed Condominium Declaration of the building, which shall disclose corresponding obligations of the Owner(s) in respect to cost-sharing and sharing of common accesses, utilities, services and/or other

elements as well as corresponding rights of the Owner(s) to access/utilize the respective common accesses, utilities, services and/or other elements.

10. The Owner and their solicitor and land surveyor shall confirm that all required easements and rights-of-way for utilities, drainage and construction purposes have been granted to the appropriate authorities.
11. The Owner shall confirm to the Vaughan Development Planning Department that they have paid all taxes levied, all additional municipal levies, if applicable, development charges and all financial requirements of this development as may be required by the Vaughan Financial Planning and Development Finance Department. The Owner also certifies acknowledgement of responsibility for the payment of all taxes levied to date, both interim and final, and all taxes levied upon the land after execution of this Condominium Agreement, if required, until each unit covered under this Condominium Agreement is separately assessed.

Canada Post

12. In order to provide mail service to the residential townhouse development totaling 28 residential units, Canada Post requests that the owner/developer comply with the following conditions:
 - a. The Owner/Developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans;
 - b. The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to ground communication vaults, landscaping enhancements (tree planting) and bus pads;
 - c. The Owner/Developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings;
 - d. The Owner/Developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy;

- e. The Owner/Developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy;

Canada Post further requests the owner/developer be notified of the following:

- i. The owner/developer of any condominiums will be required to provide signature for a License to Occupy Land agreement and provide winter snow clearance at the Community Mailbox location.
- ii. Enhanced Community Mailbox Sites with roof structures will require additional documentation as per Canada Post Policy.
- iii. There will be no more than one mail delivery point to each unique address assigned by the Municipality.
- iv. Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project.
- v. The complete guide to Canada Post's Delivery Standards can be found at:
https://www.canadapost.ca/cpo/mc/assets/pdf/business/standards_manual_en.pdf.

Alectra Utilities Corporation

13. Alectra Utilities Corporation requests that the owner/developer comply with the following conditions:

- a. The developer shall contact Alectra Utilities Subdivisions Department to obtain a subdivision application form (SAF). The developer shall submit the SAF at least 6 months prior to the start of electrical distribution system (EDS) installation. SAF is also available by visiting <https://alectrautilities.com/find-form?parent=9> (under Construction Services).
- b. The developer's electrical consultant to provide load calculations / requirements for this development.
- c. The developer shall confirm with Alectra Utilities Subdivisions Department on the availability of adjacent plant capable of servicing this development and to discuss the electrical service installation requirements and schedule.
- d. The developer shall be responsible for the costs associated with the hydro plant expansion to supply this development.

- e. The developer's electrical consultant to contact Alectra Utilities Subdivisions Department to discuss placement of switchgear(s) and/or transformer(s) requiring adequate space for safe installation and operation.
- f. The developer shall be responsible for the costs of the relocation of existing plant to accommodate the new road(s) and driveway(s).
- g. The developer's electrical consultant to confirm the metering configuration within this development (individual / ganged metering). The developer shall provide the architectural drawings and confirm the location of the hydro meters as approved by Alectra Utilities.
- h. The developer shall enter into a servicing agreement (offer-to-connect) and will be responsible for the cost-sharing as detailed in the offer-to-connect.
- i. Any easements required by Alectra Utilities for the provision of electrical service to this development will be determined by Alectra Utilities in its sole discretion at the design stage of the project. For condominium/private developments, Alectra Utilities requires a blanket easement.

Clearances

- 14. The City of Vaughan shall advise that Conditions 1 to 11 have been satisfied.
- 15. Canada Post shall advise in writing that Condition 12 has been satisfied.
- 16. Alectra Utilities Corporation shall advise in writing that Condition 13 has been satisfied.