

From: Clerks@vaughan.ca
To: [Adelina Bellisario](mailto:Adelina.Bellisario)
Subject: FW: [External] Objection to Rezoning of 11151 Highway 50 (Block 1-3)
Date: September-10-24 5:50:58 PM
Attachments: [image001.png](#)
[2023-12-01 Letter to the City re. Zoning Opinion.pdf](#)

From: Katie Pandey <kpandey@westonconsulting.com>
Sent: Tuesday, September 10, 2024 4:55 PM
To: Christopher Cosentino <Christopher.Cosentino@vaughan.ca>; Clerks@vaughan.ca
Cc: Michael Paiva <michael@unifiedllp.com>; Spencer Roberts <spencer@unifiedllp.com>; Peter Nicoletti <pnicoletti@sentrexco.com>; Ulysses Perkunder <uperkunder@westonconsulting.com>; Eric Lee <elee@westonconsulting.com>
Subject: [External] Objection to Rezoning of 11151 Highway 50 (Block 1-3)

CAUTION! This is an external email. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, please use the Phish Alert Button.

Christopher and Clerks,

Weston Consulting is the planning agent for the property addressed as 11151 Highway 50 (Blocks 1-3).

We had a pre-consultation under PAC.23.007 and are currently in the process of preparing further planning applications.

We object to the proposed rezoning of this property to an Agricultural zone. **A letter has previously been submitted by our counsel on this matter (attachment 1)**, and we will be submitting a planning rationale before the September 24th Council meeting.

Please accept this as a formal comment regarding page 2, row 3 of Attachment 2, related to the property at 11151 Highway 50.

Neither the owner nor Weston Consulting received a formal letter notifying them of the intention to amend the Zoning By-law.

Thank you for your attention to this matter.

KATIE PANDEY, MAES, MCIP, RPP
ASSOCIATE
SHE/HER

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December 1, 2023

VIA E-MAIL

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Development and Planning Department
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File No.: 23-0802

**RE: Development and Planning Comments on PAC No. 23.007
0 Highway 50, Vaughan, also known as 11151 Highway 50 (Blocks 1-3)**

Dear Ms. Roach:

Please be advised that Unified LLP has been retained by 946489 Ontario Limited ("946"), the registered owner of the property municipally known as 0 Highway 50, Vaughan, and also known as 11151 Highway 50 (Blocks 1-3) (the "Property"). As such, please direct any and all future correspondence regarding this matter to my attention. I also request that if your office has any ongoing communication regarding the Property with any other governmental authority, that you pass along my contact information to those entities.

We have reviewed your emails dated June 30, 2023, and July 31, 2023, sent to 946 and their land use planners Weston Consulting, in which you provide your comments on PAC number 23.007 (the "PAC Comments"). We would like to address the PAC Comments in relation to the current zoning of the Property.

These emails advise that it is the opinion of the Building Standards staff that the General Commercial – GC Zone was applied to the Property by mistake and that the zoning should have remained Agricultural in the new City of Vaughan Zoning By-Law 001-2021 ("ZBL 001-2021"). It is stated that the zoning should have remained Agricultural Zone in order to match the City of Vaughan Official Plan 2010 (the "2010 VOP"). It is then suggested that zoning exceptions for both the Agricultural Zone and the GC Zone should be included in the application. It is further advised that the zoning exceptions to the Agricultural Zone should be related to ZBL 001-2021 instead of ZBL 1-88.



It is our position that these suggestions were made in error for the reasons described below.

A site-specific exception to an Agricultural Zone cannot be granted where there is no Agricultural Zone in existence. This would require a rezoning application to rezone the Property Agricultural Zone in addition to the site-specific exception to the Agricultural Zone. 946 does not desire to rezone the Property Agricultural Zone and will not be seeking such an amendment in their planning applications. 946's land use planning expert, Weston Consulting, is of the opinion that such a Zoning By-Law Amendment ("ZBLA") would not be supportable from a planning perspective, as described further below.

If the City believes the Property was zoned incorrectly and wishes to amend the ZBL, it must do so through the process outlined in section 34 of the *Planning Act*, as is the regular course. This is the case even where a city or municipality believes an administrative error was made. Therefore, the zoning of the Property is currently GC Zone and will remain GC Zone until such time as a ZBLA is passed. The owners cannot submit an application for a site-specific exception to an Agricultural Zone because the Property is not designated as Agricultural Zone. Further, it is our position and Weston Consulting's position that a proposed ZBLA to rezone the property Agricultural Zone is unlikely to receive approval.

As mentioned, the PAC Comments suggest that the Property should be designated Agricultural Zone in order to be consistent with the 2010 VOP. However, the 2022 York Regional Official Plan (the "2022 YROP") designates the Property as "Employment Area". The "Employment Area" designation of the Property was not made through a provincial modification. Therefore, no change to this designation is being contemplated in the proposed Bill 150 which would, if passed, reverse certain provincial modifications that were included in the 2022 YROP.

Section 27 of the *Planning Act* requires that every lower-tier municipality update their official plan to conform with the plan of the upper-tier municipality that comes into effect. Therefore, pursuant to the *Planning Act*, the 2010 VOP is required to be amended to conform with the 2022 YROP which designates the Property "Employment Area".

Additionally, s. 27 requires that a by-law passed under s. 34 by a lower-tier municipality must conform with the official plan of the upper-tier municipality that comes into effect. Any application to amend the ZBL 001-2021 to designate the Property as Agricultural Zone



would not conform with the 2022 YROP which designates the Property “Employment Area”. Therefore, such a proposed amendment to the ZBL is unlikely to be approved.

However, the current zoning designation of the Property does conform with the 2022 YROP. There was no administrative error in the GC Zone designation of the Property as was suggested in the PAC Comments. It is our position that the City of Vaughan’s Zoning By-Law was amended by rezoning the Property GC Zone in order to conform with the 2022 YROP as required by the *Planning Act*. The City is now required to also update the 2010 VOP to conform with the 2022 YROP “Employment Area” designation pursuant to the *Planning Act*.

Additionally, in reviewing whether the proposed planning applications conform with the 2022 YROP and the 2010 VOP, the 2022 YROP designation takes precedence to the extent the 2010 VOP does not conform with the 2022 YROP. Subsection 27(4) of the *Planning Act* states:

In the event of a conflict between the official plan of an upper-tier municipality and the official plan of a lower-tier municipality, the plan of the upper-tier municipality prevails to the extent of the conflict but in all other respects the official plan of the lower-tier municipality remains in effect.

Therefore, the “Employment Area” designation under the 2022 YROP prevails over the “Agricultural” designation under the 2010 VOP. A General Commercial Zone conforms with an “Employment Area” designation whereas an Agricultural Zone does not. The 2022 YROP designation would also prevail in reviewing and considering an application to amend the ZBL to designate the Property Agricultural Zone under s. 34 of the *Planning Act*.

Please confirm that the proper proposal for PAC number 23.007 is a site-specific exception to the General Commercial Zone. This is the Property’s current zoning and no ZBLA has been approved to rezone the Property Agricultural. Such a proposed amendment would not conform with the 2022 YROP as required by the *Planning Act*.

We trust the above to be satisfactory. Please let us know if you have any questions or concerns.



Yours very truly,

UNIFIED LLP

A handwritten signature in blue ink that reads "Michael Paiva". The signature is written in a cursive, flowing style.

Per: Michael J. Paiva