

COMMITTEE OF THE WHOLE (2) – OCTOBER 22, 2024

COMMUNICATIONS

Distributed October 21, 2024

Item No.

- | | | |
|-----|--|----|
| C1. | Mary Mauti, Vaughanwood Ratepayers' Association, Forest Circle Court, Woodbridge, dated October 21, 2024 | 3 |
| C2. | Memorandum from the Acting Deputy City Manager, Public Works, dated October 21, 2024 | 8 |
| C3. | Memorandum from the Integrity Commissioner and Lobbyist Registrar, dated October 22, 2024 | 15 |

Distributed October 22, 2024

- | | | |
|-----|---|---|
| C4. | Nadia Libralesso, Arrowhead Drive, Woodbridge | 3 |
|-----|---|---|

Disclaimer Respecting External Communications

Communications are posted on the City's website pursuant to Procedure By-law Number 7-2011. The City of Vaughan is not responsible for the validity or accuracy of any facts and/or opinions contained in external Communications listed on printed agendas and/or agendas posted on the City's website.

Please note there may be further Communications.

From: Clerks@vaughan.ca
To: [Assunta Ferrante](mailto:Assunta.Ferrante)
Subject: FW: [External] My Place on Highway 7 Inc. 4850 Highway 7 & 79 Arrowhead, OP.21.015 & Z.21.026 Council Meeting October 22nd, 2024
Date: Monday, October 21, 2024 9:49:43 AM
Attachments: [OCTOBER 22, 2024 MY PLACE ON HIGHWAY 7 INC..docx](#)
[My Place on 7 Inc.docx](#)
[My Place on 7 Inc Public HEARING - OCT 5-21.docx](#)

From: [REDACTED]
Sent: Monday, October 21, 2024 9:39 AM
To: Clerks@vaughan.ca
Cc: Judy Jeffers <Judy.Jeffers@vaughan.ca>
Subject: [External] My Place on Highway 7 Inc. 4850 Highway 7 & 79 Arrowhead, OP.21.015 & Z.21.026 Council Meeting October 22nd, 2024

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.

Hi:

Please ensure my name is on the agenda to speak on this matter. I have filled out the appropriate form.

Attached are my deputations for current and past hearings. Please ensure they are part of the communications.

Mary

Mary Mauti

[REDACTED]

VAUGHANWOOD RATEPAYERS' ASSOCIATION INC.
FOREST CIRCLE COURT
WOODBRIIDGE, ONTARIO

October 22nd, 2024

City of Vaughan
Office of the City Clerk and Members of Council
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

WE REQUEST THAT THIS WRITTEN LETTER BE A PART OF THE PUBLIC DOCUMENT

RE: FILE OP.21.015 & Z.21.026
My Place on 7 Inc.
4850 Highway 7 & 79 Arrowhead Drive

The Vaughanwood Ratepayers agrees with the Staff recommendation for the **refusal** for the above site. The application does not satisfy the VROP2022 or conforms to or meet the general intend of the VOP2010.

The development is not compatible with the existing and planned surrounding land uses. The development with the new revision of 12 storeys with an FS1 6.35 times the area of the lot does not provide an appropriate transition to the adjacent area and is not compatible with the surround properties. The development height exceeds the max building heights within the surrounding area and does not provide an adequate transition to the low rise built immediate abutting the subject lands and within the surrounding neighbourhood. The development has a Zero setback to the east abutting a public pedestrian connection is only a 1m setback from the ultimate front yard property line once the lands on the Highway 7 road widening takes place which is not sufficient to establish an appropriate transition to the public realm or surround properties.

An incorrect 45-degree angular plane requirement was measured from the lot line of the property on the north side of arrowhead Drive instead of the rear line, 45-degree angular plane is not demonstrated properly to the immediate residential component to the west and east side.

Access to Arrowhead should be prohibited! This will create a traffic issue within the interior roadway of the existing settled mature areas of Seneca Heights. Penetration of new traffic should be contained on Highway 7 as defined in INTESFICATION not in settled, matured existing communities. No traffic update studies and analysis for Arrowhead drive and surrounding areas, including along Highway 7.

As stated in the recommendation, the Development Planning Department is not satisfied that the Development provides appropriate transition of built form to adjacent areas in a manner that compliments the existing community, as envisioned by VOP 2010. On this basis, the Development does not conform to the YROP 2022 or meet the general intent of Vaughan's Official Plan VOP 2010 as described in the City's report. Therefore, we agree on **Staff's recommendation of refusal!**

I have attached the issues that were raised on October 5th, 2021 public hearing therefore they do not need to be repeated in my deputation on behalf of the Vaughanwood Ratepayers Association Inc.

However, the issues raised were never brought forward by the applicant and are still outstanding issues:

- Zero setback to the public pedestrian connection
- Density height
- Transportation Impact Study update to reflect 2024 traffic and satisfaction with access design
- 45-degree angular plane not provided
- Adequate landscaping for the transition to low rise

Please note that the minutes of Council of June 26, 2012, indicates to cap the maximum height of this site to 6 stories. This area has been reviewed several times not to exceed 6 stories.

Vaughanwood Ratepayers Association Inc. is seeking direction from Council to ensure legal representation from the City of Vaughan will be present in representing the matter for the City at the OLT hearing on February 18 to 26th, 2025.

The residents at the time of the case management hearing had to incur expenses of hiring their own solicitor on the matter as the residents were not aware of where the City stood on this matter. This is a matter where the City needs to take ownership on the issue not the residents.

Mary Mauti
President of the Vaughanwood Ratepayers Association Inc.

VAUGHANWOOD RATEPAYERS ASSOCIATION
FOREST CIRCLE COURT
WOODBIDGE, ONTARIO

September 6th, 2021

RE: FILE OP.21.015 & Z.21.026
My Place on 7 Inc. 4850 Highway 7 & 79 Arrowhead Drive

We, The Vaughanwood Ratepayers Association are in opposition to this application. The residents of this area cannot support the massive change to their existing mature residential area.

The application is seeking approval for a 14 storey building (101 units), 77 parking spaces with 3 levels of underground parking. There are 77 parking spaces in total, of which 15 are allocated for visitors indoor, therefore, visitors will most likely park outside along Arrowhead to avoid going in for a permit parking. We have seen this episode on Benjamin Drive where it is full of visitor's parking which impacts existing residents.

No other building has been permitted by The City of Vaughan along this strip of highway 7 for this height allocation. Forest Green Homes which is closer to Pinevalley and Highway 7 with a surrounding commercial area, only received 10 stories under the old OP. The maximum FSI along this strip of road is a FSI of 3. The existing OP allows only 6 stories with a FSI of 2. The applicant is seeking double capacity of the existing OP in an area, which cannot even support 6 stories due to the geographical area of Highway 7.

Arrowhead Drive is not part of the intensification program. If Highway 7 is deemed to be intensified under the provincial guidelines, then any project should be supported within highway 7 only and not over use the surrounding areas. There should not be any filtering onto other existing mature residential area. For example, the loading dock and the ramp to the underground parking entrance cannot be accessed through highway 7 therefore they will most likely access the entrance on Arrowhead Drive of the existing quiet, mature homes. Is that fair to these residents? In order to use the loading dock and the ramp to the underground parking entrance, Wigwoss, Monsheen, Tayok will be affected as the movers and the condo residents will use the entrance off Monsheen to get to the entrance of the condo. Is this fair to the estate homes of this area? Eventually all residents of the condo will also use the Arrowhead Drive entrance as Highway 7 will have too much traffic and they will start using Arrowhead as the main entrance.....this is reality. Arrowhead Drive is not part of the intensification plan! The project should support its own merits on Highway 7. However the entrance off Highway 7 is in the middle of the intersection at the end of Bruce Street. Is this safe?

A noise report does not measure the consistent opening and closing of the garage doors. This will be an issue for the existing residents that are abutting the loading dock and ramp to underground garage. The loading dock and ramp to the underground garage should be facing highway 7 in order to avoid this issue. No reports have been given to measure this noise level which will impact the existing residents.

The base of the building and structure is built towards the residential area and not towards the commercial institute. There is also a zero set back to the common walkway for all residents to use. This is not appropriate having a zero set back to a common walkway as it may be unsafe. A wall abutting a common walkway is not safe to use. The west side has a 6.93m setback to a commercial building. Why is there no set back to the east where it affects the existing resident and the residents who use the walkway? It makes no common sense! Furthermore, does this project meet the 45-degree angle?

The Vaughanwood Ratepayers Association cannot support this application and we are asking City Staff to consider the concerns of the residents who may have to live with the errors of this project.



Mary Mauti

Vaughanwood Ratepayers Association

VAUGHANWOOD RATEPAYERS ASSOCIATION
■ FOREST CIRCLE COURT
WOODBIDGE, ONTARIO

October 5th , 2021

RE: FILE OP.21.015 & Z.21.026
My Place on 7 Inc. 4850 Highway 7 & 79 Arrowhead Drive

Good evening Madam Chair, members of Council.

My name is Mary Mauti, I represent the members and residents of The Vaughanwood Ratepayers Association. We are in opposition to this application.

The existing residents of this area cannot support the massive change to their existing mature residential area. This application does not indicate proper planning, it only disturbs a settled existing community.

We have reviewed the reports provided by the city and the applicant's agent and have many concerns.

Height of the building and FSI is double of the existing OP. There is no proper transition area between low rise and mid-rise, this should comply with the FSI and height development standards on Highway 7 at the existing OP of 6 stories as per ROP policies.

Angular plan elevation shown which the applicant provides is from the building to the property across Arrowhead. There is no angular plan elevation from the building to the neighbour to the east or the west which is impacted the most.

Entrance to the garage and loading dock is on Arrowhead Drive. No entrance should be granted onto a settled existing community. This is not intensification. Intensification should be self-serving onto Highway 7 and not having access from a settled existing community. Nor can it be an emergency exit. Arrowhead Drive is not part of the mandate of the provincial legislation of intensification. Understand what you are causing in a settled existing community!

Parking requirements are in deficiency of 104 spots, walkable scale does not support this reduce rate of 1/3 of the units to have designated parking space. Accessible parking spaces size is dictated by OBC, zoning cannot change the minimum dimensions. I would like council to ask a peer review of the parking and traffic.

Lack of amenity space, the site does not have any common outdoor amenity, balcony space only! Not all units have balcony. Staff is asking for 1,000 sq.m. this is 1/3 of the required amenity space.

Lack of setbacks in the front area to below finish grade, underground structure shoring and or tiebacks are required, where will they encroach on Regional Right of Way, Common pathway, abutting neighbours? There is no site plan indicating how this building will be built.

Zero set backs to the rear, front and east side??????????

No landscaping at the front due to zero setback. Zero setback to the east side of building adjacent to a common community pathway. Having a block wall against the neighbour to the east causing shadowing!

North elevation facing existing residents lacks a friendly facade to blend into the existing settled community.

This application does not conform to the urban design built form in a settled existing area of VOIP 2010 respecting compatibility of policy 9.1.2.1, 9.1.2.2 building type, height, scale, setbacks of the building from the street, rear, sideyard in a settled existing community.

Is this proper planning??????????????

Please consider our concerns when completing the technical report.



C2.
Communication
CW(2) – October 22, 2024
Item No. 8

October 21, 2024

TO: Mayor and Members of Council

FROM: Shanon Kalra-Ramjoo, Acting Deputy City Manager, Public Works

RE: COMMUNICATION – Committee of the Whole 2 – October 22, 2024

Item 8, Report No. 35

**DELEGATED AUTHORITY FOR MAINTENANCE AGREEMENTS WITH
NEIGHBOURING MUNICIPALITIES**

Recommendation

1. THAT Recommendation 1 in the Report to Committee of the Whole (2) cited in the subject line above be replaced by the following:

That the Deputy City Manager, Public Works, be authorized to enter into-and execute road maintenance agreements with the Corporation of the Town of Caledon, the Corporation of the Township of King, and the Regional Municipality of York on substantially the same terms described in this report and in a form satisfactory to Legal Services, and to terminate those agreements if required by the Deputy City Manager, Public Works.

Background

This amendment is intended to clarify Staff's recommendation.

For more information, contact Steven Fantin, Director, Transportation & Fleet Management Services, ext. 6141.

Respectfully submitted by,

Shanon Kalra-Ramjoo, Acting Deputy City Manager, Public Works

DATE: Tuesday, October 22, 2024

TO: Mayor and Members of Council

FROM: Suzanne Craig – Integrity Commissioner and Lobbyist Registrar

RE: COMMUNICATION – Committee of the Whole(2)
Item 15, Report 35
Formal Code of Conduct Complaint Investigation
Report #071624(1), 071624(2)

Recommendation

The Integrity Commissioner recommends that:

1. The Communication to the Code of Conduct Complaint #071624 (a) and (b) Investigation Report in Respect of Regional Councillor Mario G. Racco be received.

Background

The Office of the Integrity Commissioner and Lobbyist Registrar received two Code of Conduct Complaints on July 16, 2024. The Complainant wrote that she had reasonable grounds to believe that with respect to Complaint #1, the Respondent did not conduct himself with appropriate decorum in contravention of Rule 15 of the Code, when he responded by email on June 26 and July 5 to resident emails about a development project that was the subject of litigation before the Ontario Land Tribunal (“OLT”). In my Notice to the Respondent, I indicated that the Complaint raised the following issues:

1. the Respondent made derogatory comments about a matter that was subject of litigation before the OLT knowing that [Councillor Martow] would be unable to respond;
2. the Respondent commented himself on the matter before the OLT, denigrating Council’s decision-making; and
3. the Respondent made disparaging comments about a majority of Members of Council.

The Complainant alleged that the Respondent’s actions left her “with two unpalatable options regarding the email thread”:

- a. “Option 1: Follow the advice¹ by staying silent and not defend [her]position”;

¹ The Complainant received advice from staff that she should not comment on matters before the OLT.

or

- b. "Option 2: Go against the advice and request of our esteemed leadership team by responding to both the email chain and the insulting accusations in [the Respondent's] public response."

As addressed below, while the initial Complaint form referenced only Rule 15, I found that the conduct raised in Complaint #1 constituted a violation of Rules 10, 13 and 15.

The Complainant made a second complaint which I addressed as Complaint #2 in my report. She alleged that the Respondent did not conduct himself with appropriate decorum in contravention of Rule 15 of the Code, when he removed the Complainant Member of Council from an email thread initiated by a resident's association, which was, in her view, an attempt to post disparaging comments about the Complainant (and Council) without her knowledge and to ascribe a negative motive to the Complainant's lack of action.

I found that the conduct raised in Complaint 2 constituted a violation of Rule 15.

The Complaint Form/Affidavits were accompanied by 13 pages and 15 pages respectively of detailed particulars of the allegations in copies of email threads.

To some extent, the Complaints overlapped. They addressed email threads involving the Respondent during the same two-week period. The conduct complained of included the content of what was said and the removal of the Complainant from an email thread.

On July 19, I provided the Respondent with my Notices of the Complaints. As I address below, I provided the supporting documentation but did not provide the Complaint Form/Affidavit itself. I requested the Respondent's written response. The Respondent provided a written response to the complaints.

On September 10th 2024, I provided a copy of my draft findings to the Respondent and provided him with an opportunity to provide comments on errors or omissions of fact and confirmed that I would take these into consideration in drafting a final report.

On September 13, 2024, the Respondent wrote to me to seek clarification on the timing of the submission of any comments on the draft findings. In my response, I reminded the Respondent that I would take into consideration his comments regarding errors or omissions of fact, in the drafting of my final report but that I would not accept supplementary submissions or new evidence.

On September 19th, I received the Respondent's comments to my draft findings. At the conclusion of his comments, the Respondent wrote that he had not elected to obtain legal advice earlier in the process and had not had time to do so after receiving the draft

findings.

Later that day, I advised that while I would typically determine that a Member under investigation is bound by their earlier decision not to seek advice, I would exercise my discretion to grant the Respondent additional time to obtain legal advice with respect to the draft findings. While this is outside my normal process, and I do not intend to provide opportunities to belatedly seek legal advice to members in the future, the timing of the complaint had overlapped with the summer break and I would complete my investigation within my prescribed timeline, I decided to afford the Respondent the opportunity to seek legal advice. I provided a deadline of September 29.

On September 25th, I received correspondence from the Respondent's lawyer with his additional comments in response to my draft findings. There appeared to be some confusion as the Respondent's lawyer stated that "only one complaint has been listed".

On October 3rd, I provided the Complainant and Respondent with my final report. I subsequently followed the City's process and submitted a copy of the final report to the City Clerk's Office to be included in the agenda of the next Council meeting.

My report was made public with the agenda for the October 22 meeting.

Shortly before the Thanksgiving long weekend, I received correspondence from the Respondent's lawyer indicating that the Respondent had never received one of the complaints. She followed up on Tuesday, October 15th requesting that my report be pulled from the Council meeting. I reviewed my files to determine what had been sent to the Respondent. That day, I responded:

I provided Regional Councillor Racco with Notice of the Complaints on July 19, 2024. In my Notice of Complaint Cover Letters, I noted that I was including a copy of the Complaint Form and supporting documentation to the Complaint. Due to an administrative error, I provided the supporting documentation but not the Complaint Form; however, for each Complaint, the content of the Complaint Form was included in the Cover Letter. For your reference, I have attached the Complaint Forms here. In addition, I also attach the Cover Letters that were previously forwarded to your client. While I regret this technical error, I note that Regional Councillor Racco had notice of the Complaints and an opportunity to respond to the Complaints (which he did). Accordingly, I intend to proceed with this matter.

I received a series of emails from the Respondent's lawyers. On October 17th, the Respondent's lawyer wrote to this Office stating that:

We note, contrary to your Decision, Complaint 071624a does **not** contain any allegation that Councillor Racco:

1. made derogatory comments about a matter that was the subject of litigation before the OLT knowing that [Councillor Martow] would be unable to respond;

2. commented himself on the matter before the OLT, denigrating Council's decision-making; and
3. made disparaging comments about a majority of Members of Council.

Our client is very disturbed by this mis-statement in your Decision.

The mischaracterization of the allegations in the Complaint ripples through your Decision.

Further your Notice to Councillor Racco provided on July 19, 2024 did **not** indicate that any of these allegations had been made in Complaint 071624a.

We also note that your Decision takes the position that our client may have "confused" the two Complaints. Given that the IC, by its failure to meet the obligation to provide Complaint 071624a to our client itself caused the confusion (and as the IC mis-stated the allegations in 071624a), we require the opportunity to meet with our client to discuss this with him.

Please confirm that you will indicate to the Council that this matter should be withdrawn from the agenda next week.

Thank you,

On October 21st, I forwarded a copy of this Communication to the Respondent.

Complaint Forms/Affidavits

As noted above, in my July 19 Notices of Complaints, while I referenced attaching the Complaint Form/Affidavit, through an administrative error, I did not enclose those documents. However, in the body of the Notice, I summarized the key issues, and I provided all the supporting documentation. As a result, the Respondent had an opportunity to provide a response to each of the related complaints. While the Complainant stated that the Respondent made "insulting accusations", I set out the issues as including the Respondent's use of disparaging comments (the language of Rule 10).

It was only after I finalized my report (i.e., not during the additional 10 days provided after the Respondent indicated that he had not received legal advice) that I learned that the Complaint Form/Affidavit had been inadvertently excluded. While my office does not always provide the Complaint Form/Affidavit (which is not required under the protocol), I provided them upon request as it had been my intent to provide them.

I am satisfied that there was nothing in those documents which was withheld from the Respondent. There was, however, one error in the language of the Notice under Complaint 2. One of the complaints included in Complaint 1 was duplicated in the Notice for Complaint 2. This explains why the Respondent included a response to that allegation in both his responses (i.e. his response to Complaint 1 and to Complaint 2). I

accept responsibility for any confusion between the two complaints. I am satisfied that the Respondent had a fair opportunity to respond to the complaints. I did not make any findings in respect of conduct that had not been raised with the Respondent.

The Respondent has been provided with the allegations made against him. Notwithstanding there having been an administrative mistake on the part of this Office in not including the Complaint Forms/ Affidavit, the content of the Complaints were included in my Cover Letters and the supporting documentation to both Complaints (email threads) were included in their entirety.

The Respondent has not suffered any prejudice arising from the lack of inclusion of the Complaint Forms. Granting the Respondent's requested relief regarding the administrative error in not providing the Complaint Forms, would privilege form over substance, at the expense of ensuring accountability and transparency of elected officials, and I decline to do so.

Additional Rules Cited in the Report

The initial Complaints referenced only Rule 15. It is not uncommon for complainants to cite some, but not all, relevant provisions of the Code of Conduct. Here, it was clear that the Respondent was aware that Rule 10 and 13 could have been triggered by his conduct. Indeed, he raised Rule 10 in his initial written response to Complaint 1 (perhaps because my summary of the issues in the Notice used the phrase "disparaging comments"). The Respondent indicated that it was his view that he was "within [his] rights to disagree with a decision, so long as [he does] it in a respectful way, which [he] did." Rule 10 relates to accurate communication of decisions of Council and Rule 13 relates to members encouraging public respect for its bylaws, which are often the documents which evidence a decision of council. The Respondent knew that council's decision was set out in a bylaw.

In certain circumstances, upon determining that there were additional rules triggered by the Respondent's conduct, I might provide an additional Notice to the respondent. Here, that notice was not necessary as the Respondent commented on rule 10 in his initial response. Additionally, the Respondent had a further opportunity to address these issues in response to the draft findings.

The conduct which I found to have violated Rules 10 and 13 also violated Rule 15. In recommending the sanction included in my report, I did not consider the number of rules violated as an independent factor on sanctioning. I made my recommendation based on the misconduct found considered holistically. Even if I had only determined that the conduct violated Rule 15, I would have made the same recommendation on sanction.

As the Divisional Court stated in *Dhillon v. the Corporation of the City of Brampton*, 2021 ONSC 4165,

Procedural fairness governs participatory rights, to ensure that administrative decisions are made using a fair procedure, appropriate to the decision being made and its statutory, institutional, and social context: *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999 CanLII 699 \(SCC\)](#), [1999] 2 SCR 817 at para. [22](#). The procedural protections and participatory rights required to meet the duty of fairness are assessed contextually.

In *Di Biase v. City of Vaughan*, [2016 ONSC 5620](#) (Div. Ct), the Court considered the duty of procedural fairness in the context of an Integrity Commissioner's investigation and report under the *Municipal Act*. The court determined that the integrity commissioners have a relatively low obligations of procedural fairness. The statutory scheme prioritizes confidentiality; the integrity commissioner's process is investigatory and she may only make recommendations on sanction; the maximum penalty if Council accepts recommendations is 90 days suspension of pay; and no councillor may lose his elected position or suffer civil or criminal liability on the basis of an integrity commissioner's report.

I am satisfied that I have met those obligations of procedural fairness – and importantly, that the Respondent was on notice of the allegations against him and received multiple opportunities to participate in the investigation process.

For more information, contact Suzanne Craig – Integrity Commissioner and Lobbyist Registrar, 905-832-2281 ext. 8314

Respectfully submitted by

A handwritten signature in blue ink, appearing to read 'Suzanne Craig', is positioned above the typed name.

Suzanne Craig – Integrity Commissioner and Lobbyist Registrar

C4.

Communication

CW(2) – October 22, 2024

Item No. 3

My Place On 7 Proposed site

My Place on 7 Proposed site

Directly impact 120-meter boundary radius

Surrounded by
low rise single family homes



View from Arrowhead Drive





**Proposed Vehicle
access**

ARROWHEAD DRIVE

HIGHWAY 7