

C11
Communication
Council – October 29, 2024
CW(1) – Report No. 32 Item No. 3

From: Clerks@vaughan.ca
To: [Adelina Bellisario](mailto:Adelina.Bellisario)
Cc: [Isabel Leung](mailto:Isabel.Leung)
Subject: FW: [External] 11151 Highway 50 (Blocks 1-3): Objection Correspondence to Comprehensive Zoning By-law (October 29th 2024 City Council Meeting Item 7.1.3)
Date: October-28-24 10:35:04 AM
Attachments: [image001.png](#)
[Objection to Rezoning of 11151 Highway 50 \(Block 1-3\).msg](#)
[RE External Vaughan CoW Materials.msg](#)

From: Eric Lee <elee@westonconsulting.com>
Sent: Monday, October 28, 2024 10:33 AM
To: Clerks@vaughan.ca
Cc: Christopher Cosentino <Christopher.Cosentino@vaughan.ca>; pnicoletti@sentrexco.com; Michael Paiva <michael@unifiedllp.com>; Spencer Roberts <spencer@unifiedllp.com>; Katie Pandey <kpandey@westonconsulting.com>; Amanah Rahal <arahal@westonconsulting.com>
Subject: [External] 11151 Highway 50 (Blocks 1-3): Objection Correspondence to Comprehensive Zoning By-law (October 29th 2024 City Council Meeting Item 7.1.3)

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Good Morning,

Weston Consulting submits this objection to the Comprehensive Zoning By-law Amendment concerning the inclusion of the property municipally addressed as 11151 Highway 50 Blocks 1 – 3, as stated in Communication C4 of October 29th's City Council Meeting Agenda Item 7.1.3. This objection is being submitted by the authorized Agent (Weston Consulting) on behalf of the registered Owner of 11151 Highway 50 Blocks 1 – 3.

An objection regarding this matter was previously submitted to the City via email on September 10, 2024, from Katie Pandey to Christopher Cosentino (**Attachment 1**). It was further confirmed during a vote on September 25, 2024, that the entirety of 11151 Highway 50 would be removed from Appendix 2, as recorded in the council meeting minutes (**Attachment 2**: Email from Christopher Cosentino to Katie, dated September 26, 2024 and attachment to the email dated September 11, 2024). However, at the request of Councillor Marilyn Lafrate, the item was reinstated during the Committee of the Whole meeting on October 8, 2024.

Although there is a compliance issue on the site, the Client is taking all necessary steps to address it through the pending planning application. Councillor Lafrate's comments during the October 8, 2024, Committee of the Whole meeting suggested that the property was added back to the administrative amendment list to enable the City of Vaughan to prosecute the property owner of the adjacent property, which shares the same municipal address but is on Block 4 whereas this subject property is Blocks 1-3. Councillor Lafrate's comments were inappropriate, as planning decisions, enforcement actions, and legal matters are a distinct process. The City

cannot add this property to the administrative amendment list solely for the purpose of securing a prosecution. Moreover, deferring the amendment pending the outcome of the planning application should not influence any legal proceedings against the adjacent property owner. Furthermore, the property owner of 11151 Highway 50, Blocks 1-3, should not be prevented from resolving any compliance issues by way of a planning application because the City wants to bolster its prosecution case or provide itself with a further opportunity to lay charges.

Weston Consulting has completed the pre-consultation process and retained all of the necessary subconsultants to complete all required deliverables for a complete formal planning application submission on behalf of the registered Owner, which is expected to be submitted in late fall of 2024.

Thank you,

ERIC LEE, BURPL ON BEHALF OF KATIE PANDEY
PLANNER

OFFICE 905.738.8080 X387
WWW.WESTONCONSULTING.COM



From: [Katie Pandey](#)
To: [Christopher Cosentino](#); Clerks@vaughan.ca
Cc: [Michael Paiva](#); [Spencer Roberts](#); [Peter Nicoletti](#); [Ulysses Perkunder](#); [Eric Lee](#)
Subject: Objection to Rezoning of 11151 Highway 50 (Block 1-3)
Date: September-10-24 4:55:38 PM
Attachments: [image001.png](#)
[2023-12-01 Letter to the City re. Zoning Opinion.pdf](#)

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

Rebecca Roach
City of Vaughan Planner
Development and Planning Department
City Hall Level 200
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1
E-mail: Rebecca.Roach@vaughan.ca

Michael Joseph Paiva
michael@unifiedLLP.com
TOR: 416-800-1733
Fax: 647-715-6108
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 style.

Per: Michael J. Paiva

From: [Christopher Cosentino](#)
To: [Katie Pandey](#)
Cc: [Eric Lee](#); [Michael Paiva](#); [Spencer Roberts](#); [Amanah Rahal](#)
Subject: RE: [External] Vaughan CoW Materials
Date: September-26-24 8:48:03 AM
Attachments: [image001.png](#)
[RE External RE Objection to Rezoning of 11151 Highway 50 \(Block 1-3\).msg](#)

Hi Katie,

Yes it will be removed per my last email.

Thank you,
Chris Cosentino

From: Katie Pandey <kpandey@westonconsulting.com>
Sent: Wednesday, September 25, 2024 12:35 PM
To: Christopher Cosentino <Christopher.Cosentino@vaughan.ca>
Cc: Eric Lee <elee@westonconsulting.com>; Michael Paiva <michael@unifiedllp.com>; Spencer Roberts <spencer@unifiedllp.com>; Amanah Rahal <arahal@westonconsulting.com>
Subject: [External] Vaughan CoW Materials

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Hi Christopher,

Further to our earlier correspondence and communication, please confirm that the property municipally addressed as 11151 Highway 50 will be removed from Attachment 2, as noted in the council meeting.

Thank you!

Best,

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

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From: [Christopher Cosentino](#)
To: [Katie Pandey](#)
Subject: RE: [External] RE: Objection to Rezoning of 11151 Highway 50 (Block 1-3)
Attachments: [image001.png](#)

Hi Katie,

Yes I can confirm that the Committee made a verbal resolution to defer 11151 Highway 50 and we will not be proceeding with a correction under file Z.24.018. Instead we will discuss the matter further through your applications.

Thank you,
Chris Cosentino

From: Katie Pandey <kpandey@westonconsulting.com>
Sent: Wednesday, September 11, 2024 1:01 PM
To: Christopher Cosentino <Christopher.Cosentino@vaughan.ca>
Subject: [External] RE: Objection to Rezoning of 11151 Highway 50 (Block 1-3)

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Hi Christopher,

Thank you for all your help with this. To my understanding, the property at 11151 Highway 50, including Blocks 1-3 and Block 4, will be removed from the list of corrections to the zoning by-law. Could you please confirm?

Best regards

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

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From: Katie Pandey
Sent: September 10, 2024 4:55 PM
To: 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>
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