

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 29, 2024

Item 5, Report No. 35, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on October 29, 2024, as follows:

By approving the recommendation contained in Communication C10, memorandum from the Deputy City Manager, Planning and Growth Management, dated October 28, 2024:

- 1. THAT Attachment 5 to Item #5 – Conditions of Draft Plan of Condominium Approval, Report #35 of the October 22nd, 2024 Committee of the Whole (2) be deleted and replaced with the new Attachment 5 – Conditions of Draft Plan of Condominium Approval attached hereto to this Communication.***

5. LAURIER HARBOUR (KEELE) INC. DRAFT PLAN OF CONDOMINIUM FILE 19CDM-24V002 (COMMON ELEMENT CONDOMINIUM) 9785 & 9797 KEELE STREET VICINITY OF KEELE STREET AND MAJOR MACKENZIE DRIVE WEST

The Committee of the Whole (2) recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated Tuesday, October 22, 2024:

Recommendations

- 1. THAT Draft Plan of Condominium (Common Elements) File 19CDM-24V002 (LAURIER HARBOUR (KEELE) INC.) 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-24V002, 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 (2) Report

DATE: Tuesday, October 22, 2024

WARD(S): 1

TITLE: LAURIER HARBOUR (KEELE) INC.

**DRAFT PLAN OF CONDOMINIUM FILE 19CDM-24V002
(COMMON ELEMENT CONDOMINIUM)**

9785 & 9797 KEELE STREET

**VICINITY OF KEELE STREET AND MAJOR MACKENZIE DRIVE
WEST**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from Council 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 a private driveway, two (2) visitor parking spaces and outdoor amenity space for eight (8) townhouse units and eight (8) semi-detached 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 a private driveway, two (2) visitor parking spaces and outdoor amenity space for (eight) 8 townhouse units and eight (8) semi-detached 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-24V002 (LAURIER HARBOUR (KEELE) INC.) 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-24V002, 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: 9785 and 9797 Keele Street (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 8 townhouse units and 8 semi-detached units served by a private common element driveway on the Subject Lands has been approved.

Site Development Application (File DA.17.068) was approved to facilitate the residential development of eight (8) townhouse units, eight (8) semi-detached units and common elements that consists of a private driveway, two (2) visitor parking spaces, and outdoor amenity space (the 'Development'). The Site Plan Agreement for the approved residential development was registered (Instrument No. YR3588383) on August 21, 2023.

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

Laurier Harbour (Keele) Inc. (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 a private driveway, two (2) visitor parking spaces and outdoor amenity space (the 'Common Element Condominium' or 'CEC') as shown on Attachment 3.

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

The Owner has submitted a concurrent Exemption from Part Lot Control Application (PLC.24.002) 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 eight (8) townhouse units and eight (8) semi-detached units.

Previous Reports/Authority

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

Centra (Keele) Inc., Public Hearing Report:

[December 1, 2015, Committee of the Whole \(Public Hearing\) Report \(Item 1, Report No. 45\)](#)

Laurier Harbour (Keele) Inc. Committee of the Whole Report:

[November 19, 2019, Committee of the Whole \(1\) Report \(Item 2, Report No. 34\)](#)

Laurier Harbour (Keele) Inc, Local Planning Appeal Tribunal Decision

[Case No. PL170643 dated April 2, 2020](#)

Analysis and Options

The Application is consistent with the Provincial Policy Statement, 2020 ('PPS 2020') and the Provincial Planning Statement, 2024 ('PPS 2024'), 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.

The PPS 2024 is a policy statement issued pursuant to section 3 of the *Planning Act* and comes into effect on October 20, 2024. All decisions made on or after October 20, 2024 in respect of the exercise of any authority that affects a planning matter shall be consistent with this policy statement.

At the time of drafting this report, transition provisions to facilitate the introduction of the new PPS 2024 were being considered by the Ministry of Municipal Affairs and Housing, and not yet available. This report therefore includes discussion of, *inter alia*, the PPS 2020 the Growth Plan, 2019, as amended, and the new PPS 2024.

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.

PPS 2024

The PPS 2024 provides direction on matters of Provincial interest related to land use planning and development province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The PPS 2024 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents. This is permitted and facilitated through the provision of all housing options required to meet the social, health, economic and well-being requirements of current and future residents, and all types of residential intensification, including the development and introduction of new housing options within previously developed areas, and redevelopment which results in a net increase in residential units.

The Application contributes to the provision of a range and mix of housing options within the area, and results in a net increase of residential units on the Subject Lands. The Application is consistent with the PPS 2024.

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 Statute 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 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, Volume 1.
- Designated "Low-Rise Residential" on Schedule 13 – "Land Use" in VOP 2010, Volume 1.

As outlined in subsection 9.2.2.1 of the VOP 2010, the "Low-Rise Residential" designation permits residential units, home occupations, private home day care and small-scale convenience retail uses within the following building typologies: detached dwellings, semi-detached house, townhouses, and public and private institutional buildings.

The Subject Lands are subject to site-specific policy 13.53 (OPA #54) of the VOP 2010, Volume 2, which permits a maximum of 8 townhouse units and 8 semi-detached units located on a private road. The Application conforms to VOP 2010.

The Development complies with Zoning By-law 001-2021.

The Subject Lands are currently zoned "RT1 – Townhouse Residential Zone" and "RT2 – Townhouse Residential Zone" in Zoning By-law 001-2021, subject to site-specific Exception 14.1147. 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 August 21, 2023, Site Development Application File DA.17.068 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 driveway
- Two (2) visitor parking spaces
- Outdoor amenity space

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 Development Engineering Department, Development Finance Department, Waste Management, Bell Canada, Canada Post and Enbridge Gas Inc. have no objections to the Application, subject to the Conditions of Approval in Attachment 5.

The Building Standards Department, By-law and Compliance Licensing and Permit Services Department, Emergency Planning, Environmental Planning division, Fire Prevention, Infrastructure Planning and Corporate Asset Management, Urban Design division, Zoning Department, Parks Infrastructure Planning and Development, Real Estate Department, Alectra Utilities Corporation, Hydro One Networks Inc., Rogers Communications, Toronto and Region Conservation Authority, York Catholic District School Board and York Region 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, subject to the Conditions of Approval in Attachment 5.

Conclusion

The Development Planning Department is satisfied that the Application is consistent with the PPS 2020 and PPS 2024, 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 Casandra Krysko, Senior Planner, Development Planning at extension 8003.

Attachments

1. Context and Location Map
2. Approved Site Plan File DA.17.068
3. Draft Plan of Condominium (Common Elements)
4. Draft Reference Plan – Parcels of Tied Land
5. Conditions of Draft Plan of Condominium Approval

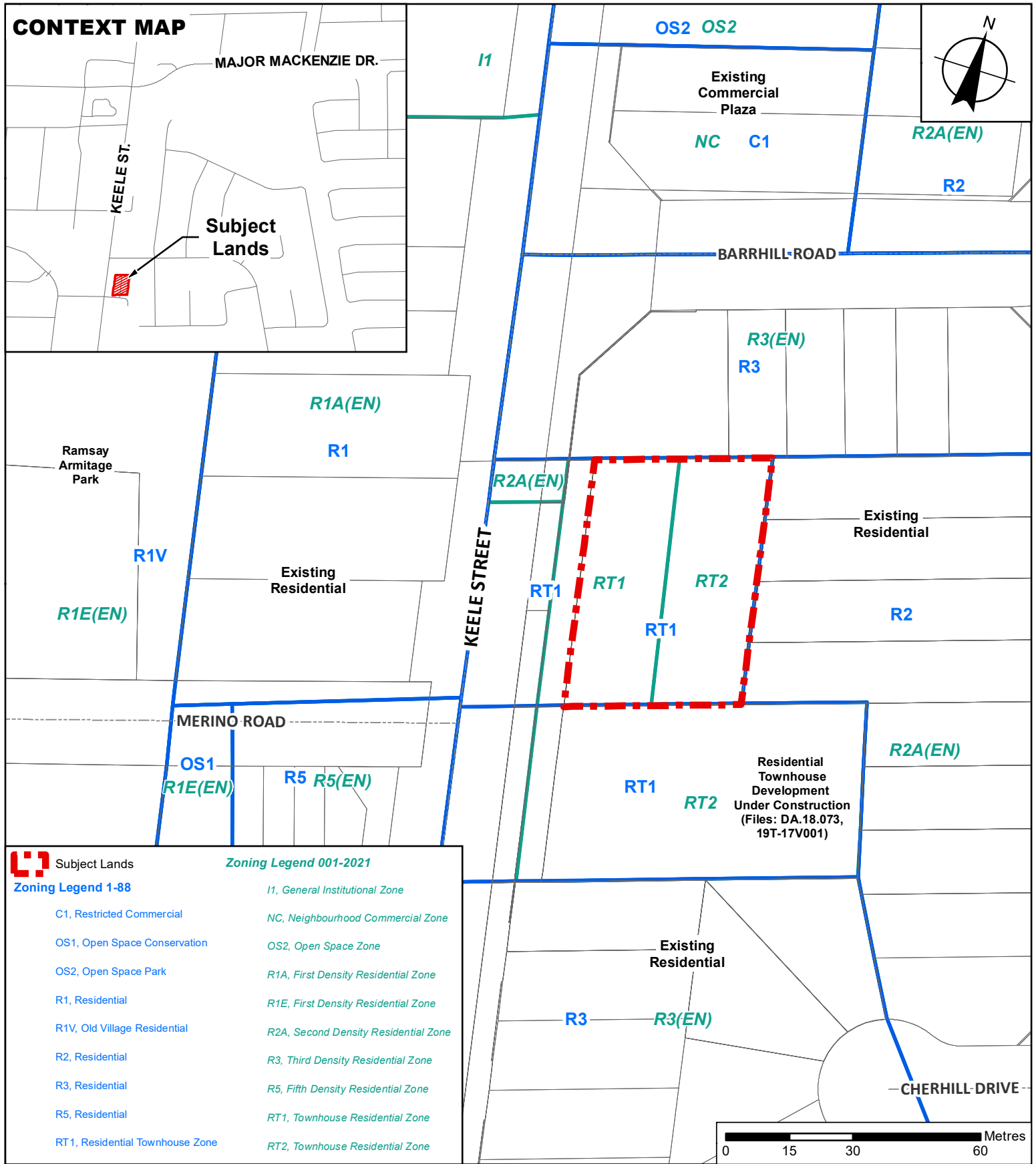
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Context and Location Map

Location: 9785 and 9797 Keele Street
Part of Lot 19, Concession 3

Applicant:
Laurier Harbour (Keele) Inc.

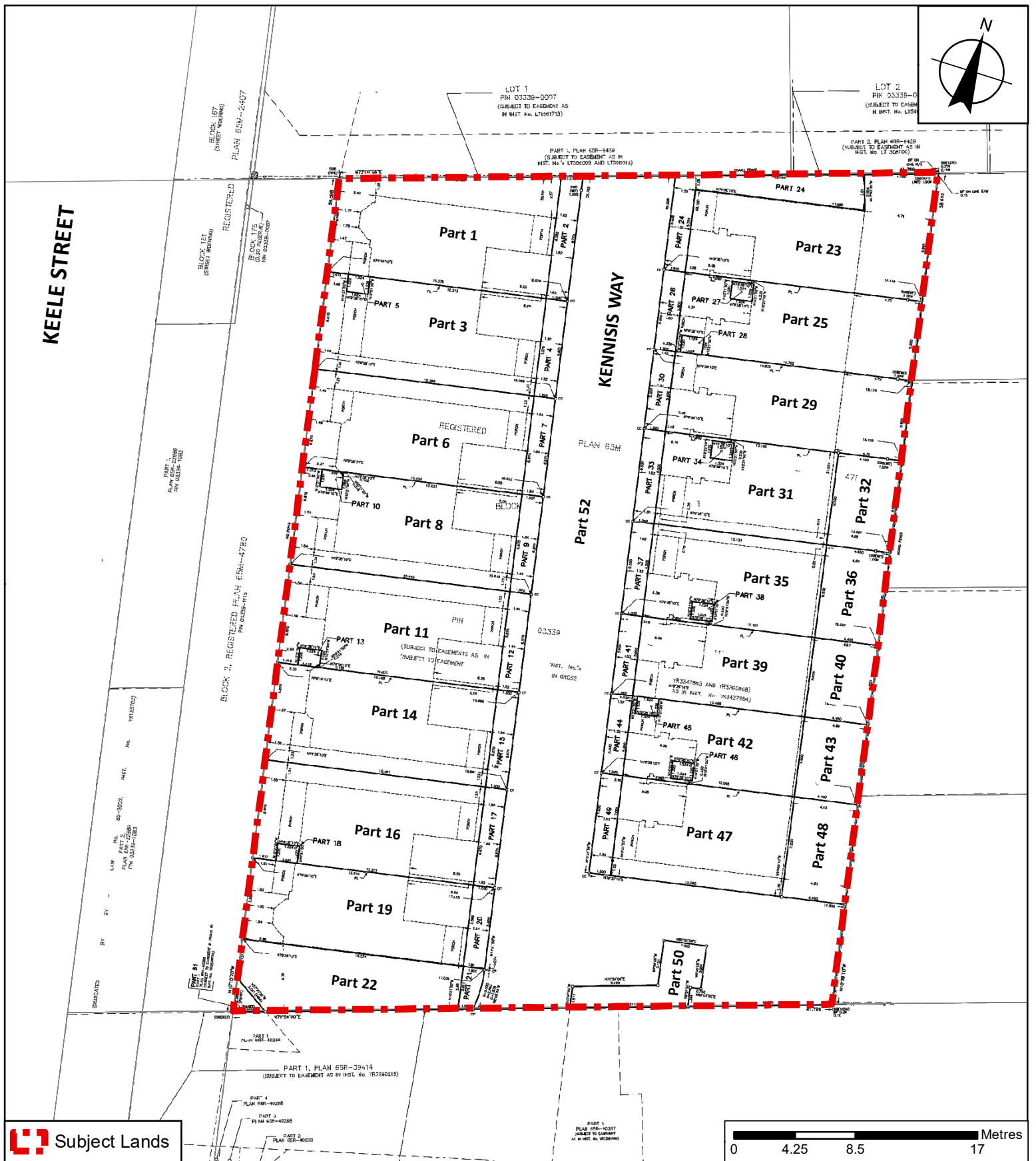


Attachment

File: 19CDM-24V002
Related files: 19T-15V007,
PLC.24.002 and DA.17.068

Date: October 22, 2024

1



ATTACHMENT NO. 5

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF CONDOMINIUM (COMMON ELEMENTS) FILE 19CDM-24V002
(THE 'PLAN')**

**LAURIER HARBOUR (KEELE) INC. ('THE OWNER')
9785 AND 9797 KEELE STREET
PART OF LOT 19, CONCESSION 3 ('THE LANDS')
CITY OF VAUGHAN (THE 'CITY')**

**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-24V002, ARE AS
FOLLOWS:**

City of Vaughan Conditions:

1. The Plan shall relate to a Draft Plan of Condominium, prepared by Schaeffer Dzaldov Purcell Ltd., drawing File No. 16-227-30 dated June 5, 2024.
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 and shall agree to satisfy any conditions that the City may consider necessary that may be outstanding as part of Site Development File DA.17.068.
4. The following provision(s) shall be included in the Condominium Agreement:
 - a. The Owner/Condominium Corporation shall be responsible for private waste collection services. Private waste collection vehicles shall not back-up onto a public and/or adjacent private property. This development will not be eligible for municipal waste collection services.
 - b. The Owner/Condominium Corporation shall be responsible for the regular cleaning and maintenance of all catch basins, area drains, water treatment and infiltration infrastructure, and sewers within the Lands.
 - c. The Owner/Condominium Corporation agrees that any retaining walls and subsurface infrastructure shall be situated within the Parcels of Tied Land ("POTLs") of the proposed townhouse and semi-detached units fronting onto the common element condominium road pursuant to the Site Plan Agreement

and schedules, and the condominium declaration shall require the Condominium Corporation to maintain and manage the retaining walls and subsurface infrastructure and reserve a right of entry for the Condominium Corporation onto those POTLs to carry out such obligations.

- d. Should archeological resources be found on the Lands during construction activities, the Owner must immediately cease all construction and grading activities and notify the Ontario Ministry of Tourism, Culture and Sport and the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division. If human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Region Police Department, the Regional Coroner and the Registrar of the Cemeteries and Crematoriums Regulation Unit of the Ministry of Public and Business Service Delivery for the purposes of determining whether any future investigation is warranted and complete any such investigation prior to the resumption of construction activities.
5. The following warning clauses shall be included in all Condominium Declarations, Condominium Agreements, and Offers of Purchase and Sale or Lease for all Lots and Blocks on the Plan including but not limited to the following:
- a. "Purchasers and/or tenants are advised that their rear yard lot area has been designed to incorporate an infiltration trench system to achieve groundwater balance. It is the responsibility of the homeowner to maintain the infiltration trench systems in good operating condition, which may include periodic cleaning of the rear yard catch basin. No planting activity or structures are permitted on the infiltration trenches"
 - b. "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 Environment, Conservation and Parks."
6. The following warning clauses shall be included in all Condominium Declarations, Condominium Agreements, and Offers of Purchase and Sale or Lease for all Lots on Block 1, Block 2, Block 3 and Block 4 on the Plan including but not limited to the following:
- a. "This unit has been supplied with an air conditioning system which will allow windows and exterior doors to remain closed, thereby reducing the indoor sound levels to within the Municipality's and the Ministry of Environment, Conservation and Parks noise criteria."

- b. "This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring the the indoor sound levels are within the Municipality's and the Ministry of Environment, Conservation and Parks noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done to minimize the noise impact. Air conditioners of 38,900 BTU/hour or less should have a maximum sound power emission rating of 7.6 bels as per ARI Standard 270)."
7. The following warning clauses shall be included in all Condominium Declarations, Condominium Agreements and Offers of Purchase and Sale or Lease for all Lots on Block 5 and Block 6 on the Plan including but not limited to the following:
 - a. "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments 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 Environment, Conservation and Parks."
8. Prior to the occupancy of each dwelling unit, the Owner shall submit to the City satisfactory evidence that the required warning clauses have been included in the Offers of Purchase and Sale, Lease/Rental Agreements and Condominium Declarations.
9. The Condominium Agreement shall be registered on title against the lands to which it applies, at the cost of the Owner.
10. Prior to the registration of the Plan, the Owner shall confirm that the common elements include infrastructure required to service the POTLs.
11. Prior to final approval, the Owner shall submit an "as-built" survey to the satisfaction of the Building Standards Department. The Owner shall submit all final plans, including fully dimensioned plans and site-statistics, confirming compliance with all By-law 001-2021 requirements, as required, to the satisfaction of the Development Planning and the Zoning Division, Building Standards Department. Should any relief from Zoning By-law 001-2021 be required, the Owner shall successfully obtain approval of a Minor Variance application for the required site-specific exceptions to Zoning By-law 001-2021 from the Vaughan Committee of Adjustment. The Committees decisions regarding the Minor Variance shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee.

12. The Owner and their Solicitor and Land Surveyor shall confirm that all required easements and rights-of-way for utilities (Alectra Corporation Utilities, Rogers, Bell, Enbridge Gas Inc.), drainage and construction purposes have been granted to the appropriate authorities.
13. Prior to occupancy of any POTL, the Owner's noise consultant shall certify that the building plans have incorporated the noise control features recommended by the final detailed noise impact assessment report as set out in the Site Plan Agreement. Where mitigation measures such as wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final detailed noise impact assessment report and be submitted to Vaughan's Chief Building Official and the Director of Development Engineering.
14. The Owner shall confirm that they have paid all outstanding taxes, development charges and levies, as may be required by the Vaughan Financial Planning and Development Finance department.

York Region Conditions:

15. Prior to final approval, the Owner shall provide confirmation that all of the conditions of the Site Plan Approval issued for the Lands on June 22, 2022 under Regional File No. SP.17.V.0303 have been satisfied.
16. Prior to final approval, the Owner shall execute all Regional Agreements and obtain all of the necessary permits required as part of the Site Plan Approval for the Lands issued on June 22, 2022 under Regional File No. SP.17.V.0303.
17. Prior to final approval, the Owner shall confirm that all of the works within the Regional right-of-way have been completed to the satisfaction of the Region or that the Region holds sufficient securities to cover the cost of any outstanding works. Should there be insufficient security to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in the amount sufficient to cover the cost of all outstanding works.
18. Prior to final approval, the Owner shall provide confirmation that all Transfers of Obligation have been completed where Regional Agreements require responsibility to change from the Owner to the Condominium Corporation.

Bell Canada Conditions:

19. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
20. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Enbridge Conditions:

21. If the gas main(s) needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.
22. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

Canada Post Conditions:

23. The Owner/Condominium Corporation 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.
24. The Owner/Condominium Corporation 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 grade communication vaults, landscaping enhancements (tree planting) and bus pads.
25. The Owner/Condominium Corporation 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.
26. The Owner/Condominium Corporation 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.

27. The Owner/Condominium Corporation will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.

Clearances

28. The City of Vaughan shall advise that Conditions 1 to 14 have been satisfied.
29. York Region Community Planning and Development Services shall advise the Development Planning Department that Conditions 15 to 18 have been satisfied.
30. Bell Canada shall advise the Development Planning Department that Conditions 19 and 20 have been satisfied.
31. Enbridge shall advise the Development Planning Department that Conditions 21 and 22 have been satisfied.
32. Canada Post shall advise the Development Planning Department that Conditions 23 to 27 have been satisfied.