

## Committee of the Whole (2) Report

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**DATE:** Tuesday, February 11, 2025

**WARD(S):** 2

**TITLE:** CONDOMINIUM DESCRIPTION AMENDMENT EXEMPTION  
YORK REGION CONDOMINIUM PLAN NO. 1204  
140 WOODBRIDGE AVENUE  
VICINITY OF ISLINGTON AVENUE AND WOODBRIDGE  
AVENUE

**FROM:**

Vince Musacchio, Interim Deputy City Manager, Planning, Growth Management and Housing Delivery

**ACTION:** DECISION

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**Purpose**

To seek approval from Council to exempt from section 51 of the *Planning Act* (subdivision control) an amendment to the condominium description of York Region Condominium Plan No. 1204 (“**YRCP 1204**”) pursuant to section 107 of the *Condominium Act*.

**Report Highlights**

- In 2012, York Region Standard Condominium Corporation No. 1204 (the “**Corporation**”) was created by registration of a declaration and description under the *Condominium Act*.
- In 2019, the declaration and description of YRCP 1204 was amended pursuant to section 107 of the *Condominium Act* to create additional easements, boundary adjustments, and reconfiguration of units.
- The Corporation is now requesting an exemption from section 51 of the *Planning Act* (subdivision control) to further amend the description of YRCP 1204 pursuant to section 107 of the *Condominium Act*.

## **Recommendations**

1. THAT Council exempt from section 51 of the *Planning Act* (subdivision control) an amendment to the condominium description of York Region Condominium Plan No. 1204 under section 107 of the *Condominium Act*, as it relates to the amended portions of the description as shown on Attachment 3.
2. THAT the Deputy City Manager, Planning, Growth Management and Housing Delivery be authorized to issue a certificate of exemption pursuant to subsection 9(3)(b) of the *Condominium Act*.

## **Background**

***Applications for Site Development and Draft Plan of Condominium were previously approved by Council.***

In 2010, Market Lane Holdings Inc. (“**Market Lane**”) submitted a Draft Plan of Condominium Application (File No. 19CDM-10V004) for the lands municipally known as 140 Woodbridge Avenue (the “**Subject Lands**”). The Subject Lands are located on Woodbridge Avenue between Kipling Avenue and Islington Avenue, north of Highway 7, as shown on Attachment 1.

File 19CDM-10V004 was approved by Council on September 7, 2010, to convert the existing mixed-use commercial rental property to a mixed-use commercial condominium.

In 2012, the Corporation was created as a standard condominium corporation by registration of its declaration and description under the *Condominium Act*.

Subsequently, in 2018, Market Lane, submitted a Site Development Application (File No. DA.18.004) to permit changes to the driveway and parking areas on the Subject Lands.

The Site Plan associated with File DA.18.004 was approved by the City on June 18, 2018. The approved Site Plan is shown on Attachment 2.

***The Corporation is proposing to amend the registered description under section 107 of the Condominium Act.***

Section 107 of the *Condominium Act* provides that a condominium corporation may amend its declaration or description if the board of directors of the corporation and nearly all the owners of the units approve the amendment.

Subsections 9(3) and 9(7) of the *Condominium Act* grant the approval authority power to exempt an amendment to a description from the provisions of section 51 of the *Planning Act* (subdivision control). An exemption to section 51 of the *Planning Act* is essentially an exemption to the full approval process. Such an exemption is typically

warranted if the proposed development has recently undergone *Planning Act* approvals. The exemption removes the requirement to re-process and review a proposal that has already been extensively reviewed by staff and approved by Council.

The decision to approve or refuse a request for exemption cannot be appealed to the Ontario Land Tribunal.

In 2019, the declaration and description of YRCP 1204 was amended pursuant to section 107 of the *Condominium Act* to create additional easements, boundary adjustments, and reconfiguration of units.

The Corporation is now proposing to further amend the description of YRCP 1204 pursuant to section 107 of the *Condominium Act*, as it relates to the amended portions of the description as shown on Attachment 3.

To facilitate registration of the amendment, on December 24, 2024, pursuant to subsection 9(6) of the *Condominium Act*, legal counsel for the Corporation wrote to the City requesting a condominium description amendment exemption under subsection 9(3) of the *Condominium Act* to exempt the amendment to the description from section 51 of the *Planning Act*.

The details of the amendment, and staff's comments, are in the Analysis and Options section below.

### **Previous Reports/Authority**

The following link is to the report for Draft Plan of Condominium Application File 19CDM-10V004 which was adopted without amendment by the Council of the City of Vaughan on September 7, 2010:

[Item 14, Report No. 40, of the Committee of the Whole](#)

### **Analysis and Options**

***Development Planning staff support the proposed amendment to the description and recommend that Council exempt the amendment from section 51 of the Planning Act.***

The proposed amendment to the description includes the following changes to YRCP 1204, as shown on Attachment 3:

- One storage unit is converted into a commercial unit with no change in the size of the unit;
- Two storage units are combined with two commercial units to form one commercial unit;
- One storage unit is added (converted from the common element area);
- The total commercial area has increased from 6,728 m<sup>2</sup> to 6,783 m<sup>2</sup>;

- The total storage area has decreased from 310 m<sup>2</sup> to 275 m<sup>2</sup>;
- The total number of commercial units has not changed and remains at 54 units;
- The total number of storage units has decreased from 8 units to 6 units;
- The exclusive use area used as an enclosed outdoor play area for the daycare occupying the adjacent units has been slightly expanded;
- An exclusive use area has been reduced and reconfigured to accommodate the flow of traffic to the neighbouring condominium; and
- The parking area and driveways in the northeast area of the development within the common elements is reconfigured to accommodate traffic flow and implements the Site Plan approved by the City in 2018 (File DA.18.004), as shown on Attachment 2.

Exemption of the amendment to the description from section 51 of the *Planning Act* is appropriate in this circumstance given that the following planning criteria have been met:

- The development conforms with the Official Plan and complies with the Zoning By-law;
- All development matters have been adequately addressed through previous *Planning Act* approvals (i.e., site plan and condominium approval);
- The City has entered into development agreements with the developer, through which the City has secured all necessary development obligations;
- Development Planning staff support the proposed amendment which is not substantive and will better align the description with the approved Site Plan (File DA.18.004);
- No substantive changes are being proposed to the existing site organization and no new construction is being proposed; and
- A further approval process is not recommended by Development Planning staff, as no further conditions of approval are required for the amendment to the description to proceed.

If Council approves the exemption, a Certificate of Exemption that is to appear on the revised plans will be signed by the Deputy City Manager, Planning, Growth Management and Housing Delivery and the amendment to the description will be registered by the Corporation.

### **Financial Impact**

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

### **Operational Impact**

Development Planning staff and the City's legal counsel have reviewed the proposed amendment to the description and the process for exemption under the *Condominium Act*.

## **Broader Regional Impacts/Considerations**

Not applicable.

## **Conclusion**

The development has previously received appropriate planning approvals. Since a further approval process would bring no additional benefit, staff recommend that Council exempt the amendment to the description from section 51 of the *Planning Act*.

**For more information**, please contact Mark Antoine, Senior Manager of Development Planning, extension 8212.

## **Attachments**

1. Context and Location Map
2. Site Plan for Site Development Application File DA.18.004 approved on June 18, 2018
3. Proposed amendment to the condominium description of York Region Condominium Plan No. 1204

## **Prepared by**

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