

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 126-2025

A By-law to amend City of Vaughan By-law 1-88, as effected by the Ontario Land Tribunal.

WHEREAS Official Plan and Zoning By-law Amendment applications (File Nos. OP.21.020 and Z.21.041) to facilitate the development of a 30-storey residential apartment building, above a podium not exceeding 6-storeys in height, with 301 residential units were submitted to the City of Vaughan for consideration on October 18, 2021;

AND WHEREAS the Official Plan and Zoning By-law Amendment applications were appealed to the Ontario Land Tribunal (OLT) as Case Nos. OLT-22-002653 and OLT-22-002655 for failure to make a decision by the City of Vaughan;

AND WHEREAS on October 20, 2021, City Council passed a new Comprehensive Zoning By-law (CZBL) 001-2021, which is intended to repeal and replace City Zoning By-law 1-88. Comprehensive Zoning By-law 001-2021 was appealed to the Ontario Land Tribunal in respect to the Subject Lands and assigned OLT Case No. OLT-22-002104 (Appeal Number 002755); and

AND WHEREAS the Ontario Land Tribunal made an order with respect to these appeals.

NOW THEREFORE the Ontario Land Tribunal ORDER AS FOLLOWS:

1. The City of Vaughan By-law 1-88, as amended, is further amended in accordance with the Ontario Land Tribunal Order dated the 17th day of April 2025 (OLT File No. OLT-22-002653, OLT-22-002655, and OLT-22-002104), as attached hereto as Attachment “1”, and is effective on April 17, 2025, and is hereby designated as By-Law Number 126-2025.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 17, 2025

CASE NO.: OLT-22-002653
OLT-22-002655
OLT-22-002104

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Tesmar Holdings Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of a 30-storey residential building in Phase 2
Reference Number: OP.21.020
Property Address: Part of Lot 15, Concession 4
Municipality/UT: Vaughan/York
OLT Case No: OLT-22-002653
OLT Lead Case No: OLT-22-002653
OLT Case Name: Tesmar Holdings Inc. v. Vaughan (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Tesmar Holdings Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of a 30-storey residential building in Phase 2
Reference Number: Z.21.041
Property Address: Part of Lot 15, Concession 4
Municipality/UT: Vaughan/York
OLT Case No: OLT-22-002655
OLT Lead Case No: OLT-22-002653

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*,
R.S.O. 1990, c. P. 13, as amended

Appellant:	Tesmar Holdings Inc. and others
Subject:	Zoning By-law
Description:	New City-wide comprehensive zoning by-law
Reference Number:	By-law 001-2021
Property Address:	City Wide
Municipality/UT:	Vaughan/York
OLT Case No:	OLT-22-002104
OLT Lead Case No:	OLT-22-002104
OLT Case Name:	D'Aversa v. Vaughan (City)

BEFORE:

"Steven T. Mastoras"

STEVEN T. MASTORAS
MEMBER

"P. Tomilin"

P. TOMILIN
MEMBER

) Thursday, the 17th
)
) Day of April, 2025
)
)
)
)
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THIS MATTER having come before the Tribunal for a Case Management Conference, which was converted to a Settlement Hearing on May 17, 2023, and the Tribunal in its Decision issued June 7, 2023 ("Decision") having withheld its Final Order pending confirmation from Counsel that the Conditions noted in Paragraph 39 of the Decision have been satisfied; and,

THE TRIBUNAL having been notified by Counsel for Tesmar Holdings Inc. that the pre-approval Conditions noted in Paragraph 39 of the Decision have been satisfied and that all Parties have therefore provided their consent for the Tribunal to issue its Final Order.

THE TRIBUNAL ORDERS that the appeal of the Official Plan for the City of Vaughan is allowed, in part, and is amended as set out in the Decision issued on June 7, 2023; and,

THE TRIBUNAL FURTHER ORDERS that the amendment to Zoning By-law No. 1-88 is allowed, in part, as set out in **Attachment 1** to this Final Order. The Tribunal authorizes the Clerk of the City of Vaughan to assign a number to this By-law for record keeping purposes; and,

THE TRIBUNAL FURTHER ORDERS that the appeal to amendment Zoning By-law No. 001-2021 is allowed, in part, as set out in **Attachment 2** to this Final Order. The Tribunal authorizes the Clerk of the City of Vaughan to assign a number to this By-law for record keeping purposes;

THE TRIBUNAL FURTHER ORDERS that in all other respects, the balance of these appeals are dismissed; and that in the event there are issues arising from the implementation of the above Final Orders, the Parties may seek the further assistance of the Tribunal.

"Euken Lui"

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

DRAFT

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 126-2025

A By-law to amend City of Vaughan By-law 1-88.

1. That City of Vaughan By-law Number 1-88, as amended, specifically Exception Paragraph 9(1467) be further amended by:

- a. Deleting clause “2.b).B” specifically as it relates to Phase 2 in Exception Paragraph 9(1467) and substituting therefor the following:

“B. Removal of the Holding Symbol “(H)” from the Subject Lands shall be contingent on the following:

Phase 2

- a) The Owner is required to submit a detailed noise and vibration feasibility study and provide any recommended noise control measures, to the satisfaction of the City;
- b) If necessary, the execution and registration on title of agreements between the Owner and owners(s) of neighbouring lands contain stationary noise sources to secure, maintain, and operate any noise mitigation measures which may be required;
- c) That the Owner shall address, if required, the comments provided through the peer review of the Detailed Noise Report, to the satisfaction of the City, Granite Real Estate Investment Trust, Granite REIT Inc. and 805062 Ontario Limited (collectively ‘Granite’), Magna International Inc., and Canadian National Railway;
- d) The Owner is required to provide to the City’s satisfaction written communication from Granite, Magna International Inc., and Canadian National Railway confirming they each have been provided a copy of the most up to date architectural drawings and Detailed Noise Report for their review and are in acceptance of the documents including all proposed noise mitigation measures and warning clauses;
- e) The Owner shall submit and obtain approval of a Site Development application to facilitate the Development from the Deputy City Manager,

Planning and Growth Management or designate, addressing all the comments provided through Official Plan and Zoning By-law Amendment Files OP.21.020 and Z.21.041;

- f) Water supply and sewage capacity being identified and allocated by Vaughan Council for the Subject Lands;
- g) The Owner shall provide a signed letter outlining how all the relevant conditions in the Minutes of Settlement have been addressed, to the satisfaction of the City; and,
- h) Submission of an updated Transportation Mobility Plan and Transportation Demand Management Plan to the satisfaction of York Region Transportation Planning and the City of Vaughan.”

b. Adding the following clause in Exception Paragraph 9(1467) after clause “2.C.avi)”:

“avii) GROSS FLOOR AREA – Means the aggregate of the floor areas of all storeys of a building measured from the outside of the exterior walls, but excluding any balcony, enclosed noise buffer, basement, attic, mechanical room, electrical room, elevator shaft, refuse chute, escalators, vehicle and bicycle parking areas, loading areas located above or below grade.

aviii) FLOOR SPACE INDEX – Means the quotient obtained by dividing the total gross floor area of all buildings on the lot, by the lot area. For the purposes of calculating total gross floor area of a building, the area of any balcony and enclosed noise buffer shall be excluded from the total area calculation.

aix) PARKING SPACE, VISITOR: Means a parking space designated and intended for the exclusive use of visitors to a dwelling. A maximum of five (5) Car-Share Parking Spaces may be permitted within a designated Visitor Parking Space.

ax) PARKING SPACE, CAR-SHARE: Means a parking space that is demarcated, reserved, and for the use of a motor vehicle in conjunction with a car-sharing use.

axi) BLANK WALL: Means a Main Wall that is constructed of solid brick veneer or any exterior grade assembly having a minimum STC-53 rating and which does not include any vision glass.

axii) ENCLOSED NOISE BUFFER: Means an enclosed area outside the exterior wall of a building such as an enclosed balcony specifically intended to buffer one or more windows of noise sensitive spaces. The characteristics of an Enclosed Noise Buffer are: i) not less than 1.0 metre and not more than 2.0 metres deep. A maximum encroachment of 0.2 metres into the minimum 1.0 metre Enclosed Noise Buffer shall be permitted for structural components of the building including structural columns and precast panels; ii) fully enclosed with floor to ceiling glazing or a combination of solid parapet plus glazing above, which glazing may be operable to the maximum permitted

by the Ontario Building Code; iii) separated from interior space with a weatherproof boundary of exterior grade wall, exterior grade window, exterior grade door, or any combination, in compliance with exterior envelope requirements of the Ontario Building Code; iv) of sufficient horizontal extent to protect windows of noise sensitive spaces; and v) of an architectural design that is not amenable to converting the enclosed space to being noise sensitive (i.e., not part of interior space).

axiii) The minimum length of an accessible parking space and aisle shall be 5.7 metres.”

- c. Deleting clause “C.bi)” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:

“C.bi) The minimum number of parking spaces shall be as follows:

- 0.85 parking spaces per one-bedroom unit;
- 0.95 parking spaces per two-bedroom unit;
- 1.0 parking space per three-bedroom unit; and,
- 0.20 parking spaces per residential unit for visitors.
- Additional parking will not be required for outdoor patios.”

- d. Deleting clause “C.ci)” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:

“C.ci) A two-way access driveway shall be provided with a maximum width of 15.0 m.”

- e. Deleting clause “C.ei)” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:

“C.ei) A strip of land not less than 2.0 m in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip and shall include both soft and hard landscaping including but not limited to trees, shrubs, flowers, grass, unit pavers, patio stones, concrete, decorative stonework or other architectural elements designed to enhance the visual amenity areas of the property.”

- f. Deleting clause “C.jiii)” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:

“C.jiii) The Minimum setback from a lot line to any portion of the podium shall be 2.0 metres.”

- g. Deleting clause “C.jiv)” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:

“C.jiv) The following uses shall be permitted on the subject lands as shown on Schedule ‘E-1597’:

- Phase 1a – One Apartment Dwelling with a maximum building height of 23-storeys and 80 m;
- Phase 1b – One Apartment Dwelling with a maximum building height of 20 storeys and 73 m; and,
- Phase 2 – One Apartment Dwelling with a maximum building height of 30 storeys and 100 metres.

For the purposes of this By-law, the maximum building height shall exclude accessory roof construction and architectural roof features, such as elevators, mechanical room, antenna, parapet wall or roof top equipment.”

- h. Deleting clause “C.jv)iii.” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:
 “C.jv)iii. A podium shall be a minimum of one-storey along Public Road B (Abeja Street). The podium shall not exceed six-storeys and it may include an open mezzanine area not exceeding 40 percent of the open area of the unit and in accordance with the provisions of the Ontario Building Code;
 - a) An open mezzanine within a podium shall not be located along the exterior wall facing a street; and,
 - b) An open mezzanine shall not be considered to be a storey.”
- i. Deleting clause “C.jv)vii.” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:
 “C.jv)vii. All residential units at grade shall provide a direct entrance to the street, pedestrian connections or publicly accessible private amenity space.”
- j. Deleting clause “C.jv)ix.” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:
 “C.jv)ix. Towers above the podium shall be setback a minimum of 4.0 m from any lot line and a minimum of 3.0 m from any *publicly accessible private amenity space*.”
- k. Deleting clause “C.jv)xi.” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:
 “C.jv)xi. The minimum distance between any portion of a tower in Phase 1a and Phase 1b to another tower above the podium shall be a minimum of 28 m. The minimum distance between any portion of a tower in Phase 2 to a tower above the podium shall be a minimum of 25 m.”
- l. Adding the following clause in Exception Paragraph 9(1467) after clause C.jv)xi.:
 “C.jv)xii. The south and east facing main walls on Phase 2 (Tower C) shall include Blank Walls and Enclosed Noise Buffers as indicated on Schedules ‘E-1597A’ and ‘E-1597B’. Any dwelling units, including a guest suite, located on the ground floor of the south and east facades shall require Blank Walls and/or Enclosed Noise Buffers.”

- m. Deleting clause “C.ki).” in Exception Paragraph 9(1467) and substituting therefor the following revised wording:

“C.ki) The permitted uses within the site-specific RA3 Apartment Residential Zone on Schedule ‘E-1597’ shall include the following:

- i. Residential uses having a total maximum Gross Floor Area of 66,000 m² and a maximum total of 869 units.”

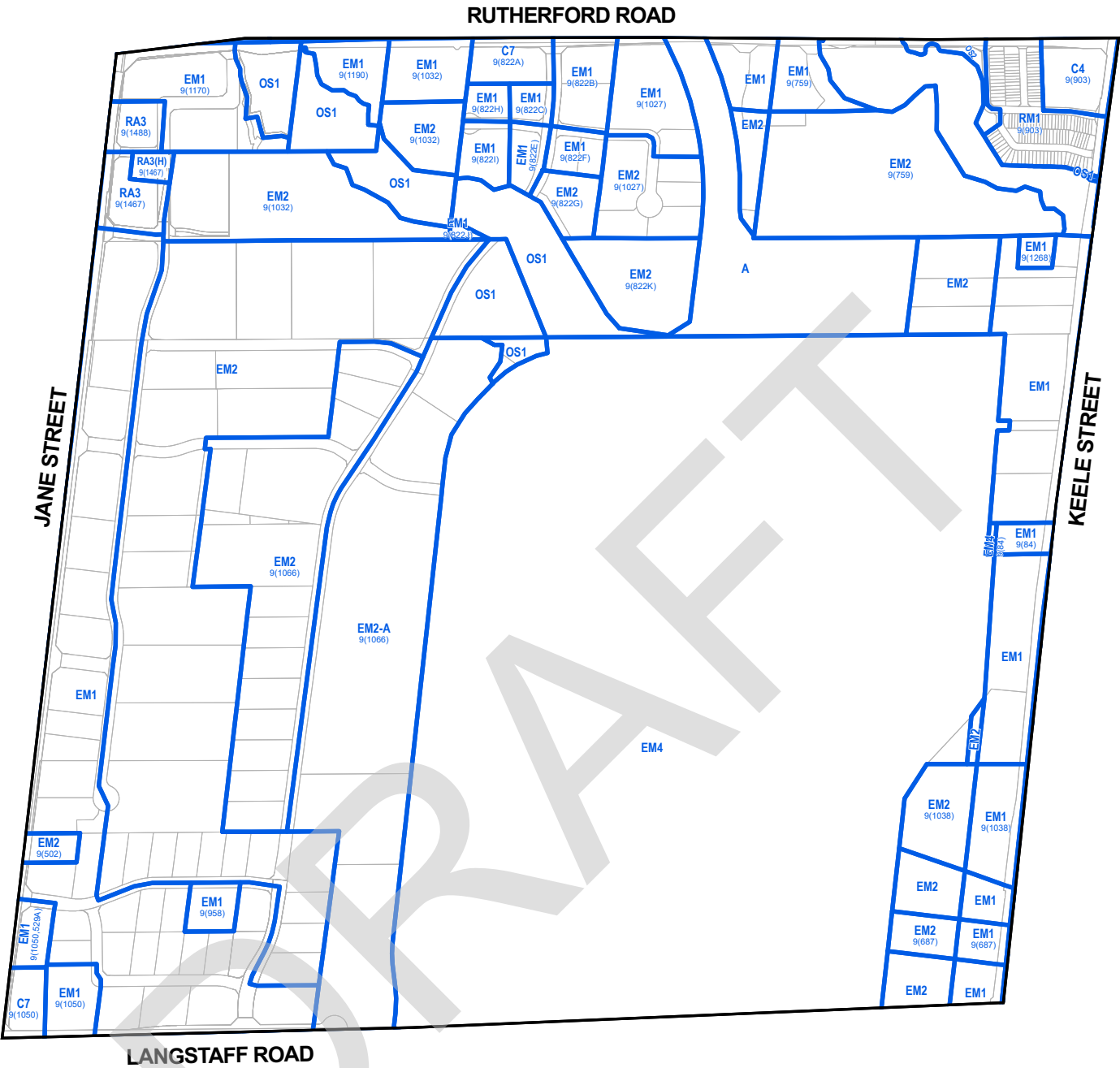
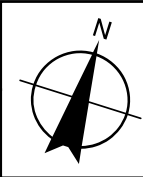
- n. Adding the following clause in Exception Paragraph 9(1467) after clause “2.C.ki)”:

“C.li) The maximum reduction to the total minimum required parking spaces shall be four for each dedicated car-share parking space.”

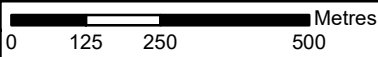
- o. Adding the following clause in Exception Paragraph 9(1467) after clause “2.C.li)”:

“C.mi) The setback to the or exterior side yard shall be 2.0 metres for Phase 2.”

2. Deleting “Key Map 4C” and substituting therefor the “Key Map 4C” attached hereto as Schedule 3.
3. Schedule “3” shall be and hereby form part of this By-law.
4. Schedule ‘E-1597a’ shall be and hereby form part of this By-law.
5. Schedule ‘E-1597b’ shall be and hereby form part of this By-law.



Key Map 4C
By-Law No. 1-88



This is Schedule '3'
To By-Law 126-2025
Passed the 27th Day of May, 2025

File: Z.21.041
Related File: OP.21.020
Location: Part of Lot 15, Concession 4
Applicant: Tesmar Holdings Inc.
City of Vaughan

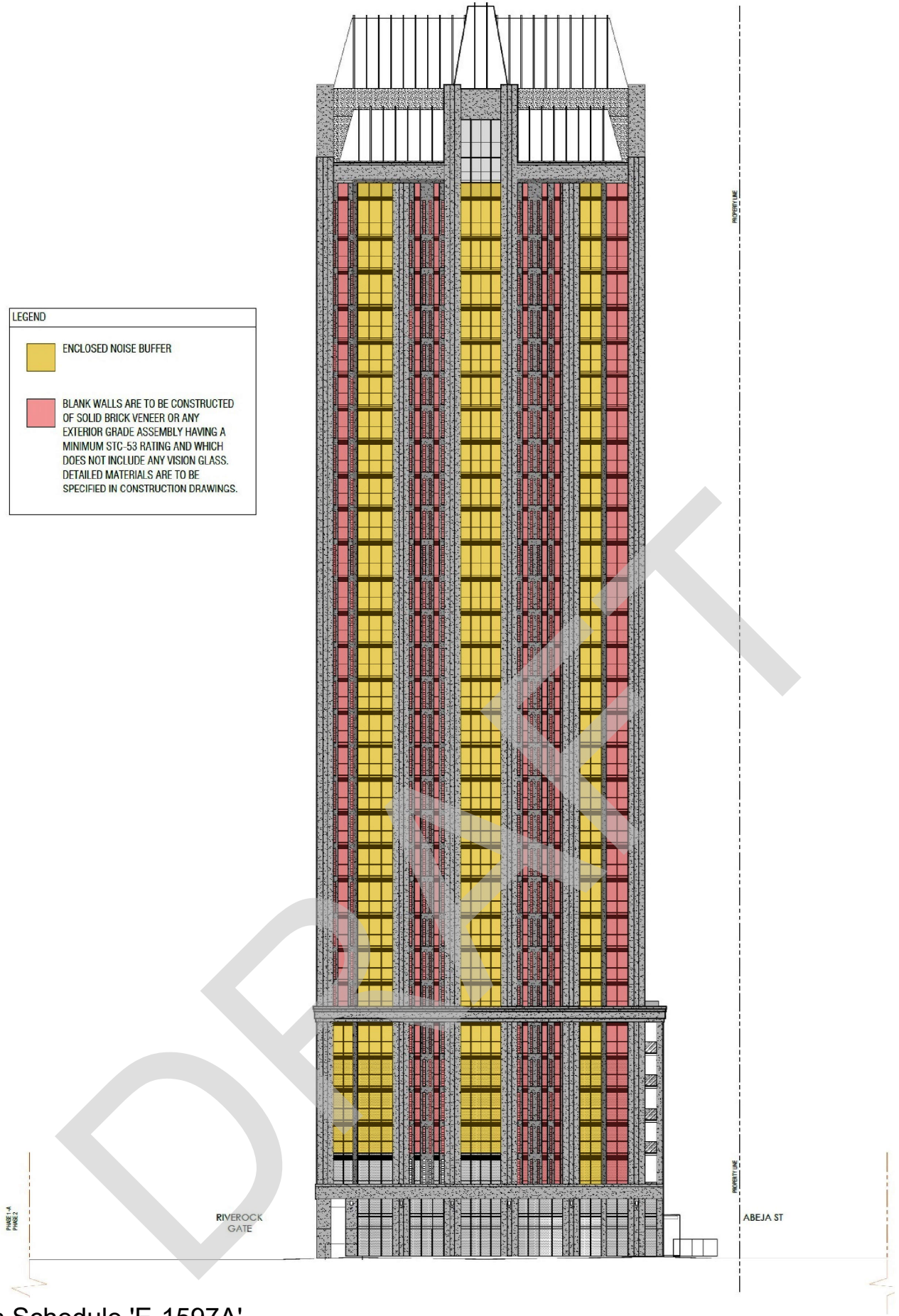
**OLT CASE NO. OLT-22-002653,
OLT-22-002655, and OLT-22-002104
APRIL 17, 2025**

Officers
Mayor
Clerk

LEGEND

ENCLOSED NOISE BUFFER

BLANK WALLS ARE TO BE CONSTRUCTED OF SOLID BRICK VENEER OR ANY EXTERIOR GRADE ASSEMBLY HAVING A MINIMUM STC-53 RATING AND WHICH DOES NOT INCLUDE ANY VISION GLASS. DETAILED MATERIALS ARE TO BE SPECIFIED IN CONSTRUCTION DRAWINGS.



This is Schedule 'E-1597A'
To By-Law 1-88
Section 9(1467)

Not to Scale

This Is Schedule '4'
To By-Law 126-2025
Passed the 27th Day of May, 2025

File: Z.21.041
Related File: OP.21.020
Location: Part of Lot 15, Concession 4
Applicant: Tesmar Holdings Inc.
City of Vaughan

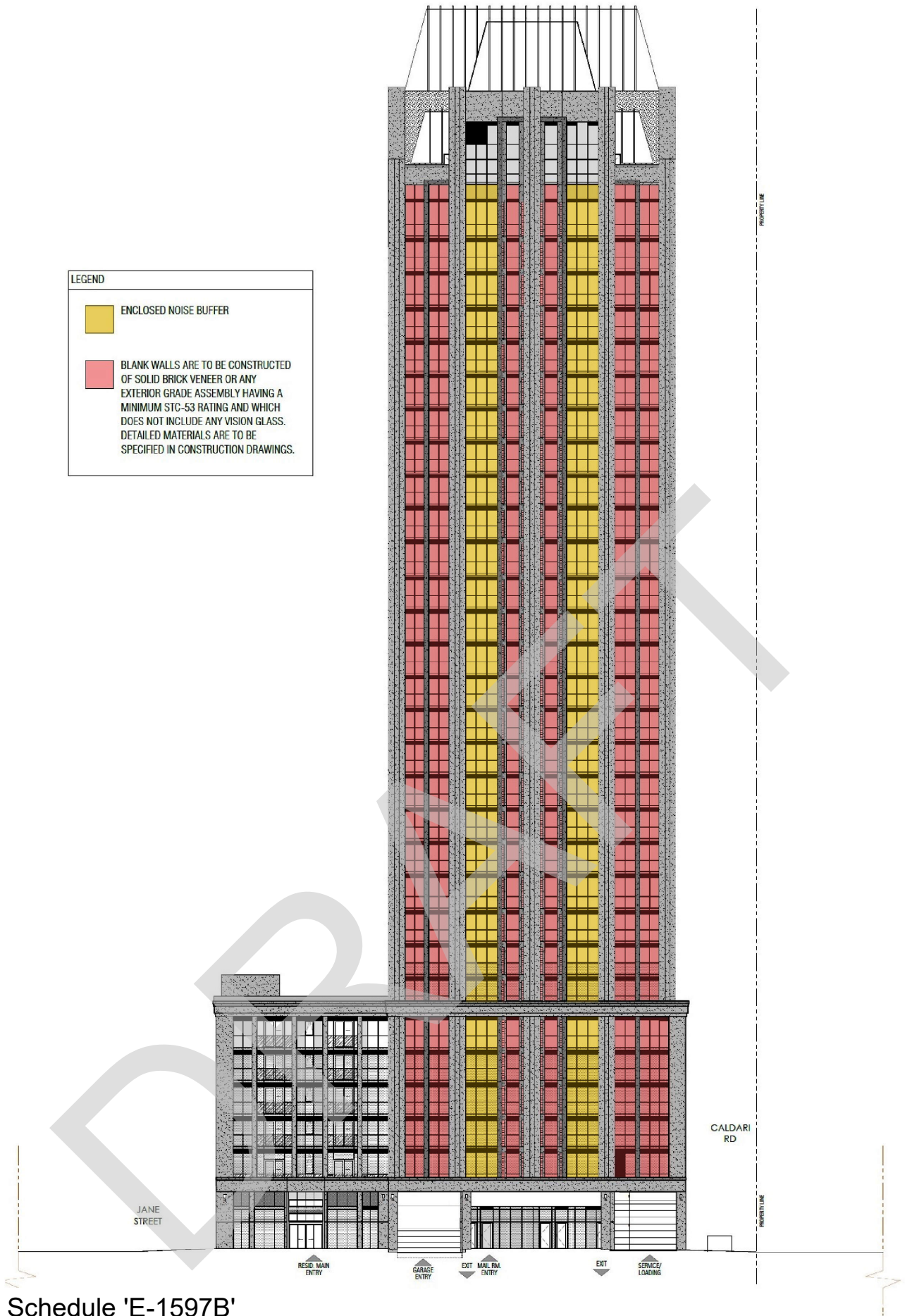
OLT CASE NO. OLT-22-002653,
OLT-22-002655, and OLT-22-002104
APRIL 17, 2025

Officers
Mayor
Clerk

LEGEND

ENCLOSED NOISE BUFFER

BLANK WALLS ARE TO BE CONSTRUCTED OF SOLID BRICK VENEER OR ANY EXTERIOR GRADE ASSEMBLY HAVING A MINIMUM STC-53 RATING AND WHICH DOES NOT INCLUDE ANY VISION GLASS. DETAILED MATERIALS ARE TO BE SPECIFIED IN CONSTRUCTION DRAWINGS.



This is Schedule 'E-1597B'
To By-Law 1-88
Section 9(1467)

Not to Scale

This Is Schedule '5'
To By-Law 126-2025
Passed the 27th Day of May, 2025

File: Z.21.041
Related File: OP.21.020
Location: Part of Lot 15, Concession 4
Applicant: Tesmar Holdings Inc.
City of Vaughan

OLT CASE NO. OLT-22-002653,
OLT-22-002655, and OLT-22-002104
APRIL 17, 2025

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