

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 147-2025

A By-law to amend Site Alteration By-law 031-2024, as amended, to address requirements for obtaining grading permits and clarifying the responsibilities and authority of the Director of Development Engineering in issuing and handling grading permit matters.

WHEREAS section 8, 9, and 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “*Municipal Act*”) authorizes municipalities to pass by-laws respecting the economic, social, and environmental well-being of the municipality;

AND WHEREAS section 142 of the *Municipal Act* authorizes local municipalities to require that a permit be obtained for the placement of fill, the removal of topsoil, or the alteration of the grade of land, and to impose conditions to such permits;

AND WHEREAS section 142 of the *Municipal Act* authorizes the City to enact by-laws to prohibit or regulate the placement of fill, the removal of topsoil, and the site alteration of the grade of land;

AND WHEREAS the City of Vaughan enacted Site Alteration By-law 031-2024;

AND WHEREAS the Council of The Corporation of the City of Vaughan considers it desirable to amend the Site Alteration By-law, as amended, to address the subject matter of grading permits and ancillary matters such as delegating authority to staff to, among other things, enter into agreements, revoke permits, refuse applications, and require security deposits for grading permits;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Site Alteration By-law 031-2024, as amended, be further amended as follows:

- (a) add section 8.1 as follows:

8.1 Grading Permit

- (1) No *Person* shall conduct, undertake, cause, permit or carry out the construction of any of the items set out in Schedule “A” without a *Grading Permit*.
 - (2) An application made by an *Owner* or an *Authorized Agent* for a *Grading Permit*

shall be in the form required by the *Director*, and shall be accompanied by:

- (a) a description of the proposed construction;
 - (b) plans providing complete details of the construction, that have been stamped by a qualified professional engineer or surveyor if required by the *Director*;
 - (c) plans, documents, or any other information required by the *Director*;
 - (d) payment of the applicable non-refundable *Grading Permit* application fee set out in the *Fees and Charges By-law*;
 - (e) payment of a *Grading Permit* security deposit as set out in the *Fees and Charges By-law*;
- (3) The *Director* may refuse to issue a *Grading Permit* or accept a *Grading Permit* application if:
- (a) the proposed construction would contravene any *City* by-law or any other applicable law or *City* standards;
 - (b) any of the requirements set out in 8.1(2) have not been provided to the satisfaction of the *Director*;
 - (c) the application does not contain sufficient information to enable the *Director* to determine whether the proposal will contravene any *City* by-law or any other applicable law or *City* standards;
 - (d) the *Owner* refuses to enter into and sign a *Grading Permit Agreement*; or
 - (e) an administrative penalty issued to the *Owner* under this By-law is unpaid;
- (4) Prior to or upon issuing a *Grading Permit*, the *Director*, at their sole discretion, may impose conditions that the *Director* deems appropriate, including the requirement for the *Owner* to enter into a *Grading Permit Agreement* with the *City*, for which the *Director* hereby has the delegated authority to enter into and execute on terms and conditions satisfactory to the *Director*.
- (5) Where an application for a *Grading Permit* remains inactive or incomplete for six
- (6) months after it is made, the application may be deemed by the *Director* to have been abandoned and the file closed.
- (6) Where the *Director* refuses to issue a *Grading Permit* or accept a *Grading Permit* application or deem an application to be abandoned as set out in sections 8.1(3)

and 8.1(5) of this By-law, upon written request by the *Owner*, the *Grading Permit* application fee, if one was provided, will be refunded in accordance with section 8.1(7).

- (7) The amount of *Grading Permit* application fees refundable shall be calculated as a percentage of the total *Grading Permit* application fee as follows:
 - (a) eighty percent (80%) if the application is cancelled prior to review;
 - (b) fifty percent (50%) if the application is cancelled after commencement of the review, prior to *Grading Permit* issuance and the pre-construction site inspection has not been conducted;
 - (c) forty percent (40%) if the application is cancelled after commencement of the review, prior to *Grading Permit* issuance and the pre-construction site inspection has been completed.
- (8) Notwithstanding any other section in this by-law, the *Director* has the delegated authority to approve, exempt/waive, issue, revoke, transfer, extend, renew, amend, or close a *Grading Permit* or application for a *Grading Permit*.
- (9) The *Owner* shall contact the *City* once the construction for which the *Grading Permit* was issued, is complete and ready for a final inspection and shall pay any required re-inspection fees as set out in the *Fees and Charges By-law*.
- (10) No *Person* shall construct any of the items set out in Schedule "A" except in accordance with the plans, specifications, documents and any other information on the basis of which the *Grading Permit* was issued, as well as any conditions set out in the *Grading Permit Agreement*, except for any changes that have been approved in writing by the *Director*.
- (11) Prior to the *Grading Permit* expiring, the *Owner* shall:
 - (a) apply for and obtain another *Grading Permit* or obtain a renewal of the *Grading Permit* in the form required by the *Director* and pay any applicable fees as set out in the *Fees and Charges By-law*; or
 - (b) pass a final inspection to the *Director's* satisfaction;
- (12) If a *Grading Permit* has expired, no *Person* shall continue any work on the item for which the *Grading Permit* was issued, until another *Grading Permit* is issued or the *Grading Permit* is renewed.

- (13) The *Director* may revoke a *Grading Permit* if:
- (a) it was issued in error, or on mistaken, false, or incorrect information; or
 - (b) the construction taking place is not in accordance with the *Grading Permit*, this By-law, or the *Grading Permit Agreement*.
- (14) If a decision is made by the *Director* to refuse to issue a *Grading Permit*, refuse to accept a *Grading Permit* application, deem an application abandoned, or revoke a *Grading Permit*, the *Director* shall provide a written notice of that decision to the *Owner*.
- (15) During the course of the construction of an item in Schedule “A”, no *Person* shall disturb, damage, or foul *City* property;
- (16) With respect to the *Grading Permit* security deposit referred to in subsection 8.1(2)(e), the *Director* may:
- (a) in the event of a contravention of section 8.1(15) and non-compliance with an *Order* to restore or clean the disturbed, damaged, or fouled *City* property, the *Director* may require that work be undertaken to restore or clean the disturbed, damaged, or fouled *City* property, and draw upon the security deposit to apply it to expenses incurred by the *City* to restore or clean the disturbed, damaged, or fouled *City* property;
 - (b) withhold the return of the security deposit if the construction was not completed in accordance with the plans, specifications, documents and any other information on the basis of which the *Grading Permit* was issued, as well as any conditions set out in the *Grading Permit Agreement*, unless the *Director* is otherwise satisfied that there are no adverse impacts on other properties because of the condition of the *Property*;
 - (c) withhold the return of the security deposit if any outstanding inspection fees required under section 8.1(9) have not been paid. If inspection fees required under section 8.1(9) have not been paid, the *Director* may draw upon the security deposit to satisfy payment;
 - (d) if a *Grading Permit* has been revoked or expired, withhold the return of the security deposit until a final inspection has been passed to the *Director's* satisfaction; and

- (e) if the security deposit was drawn upon for any reason, require the security deposit to be replenished to one hundred percent of the original amount within (30) days of the *Director's* request;
- (17) If the *Director* has required that the *Grading Permit* security deposit be replenished to one hundred percent of the original amount, no *Person* shall continue any work on the item for which the *Grading Permit* was issued and the security deposit is associated, until that security deposit is replenished to the *Director's* satisfaction.
- (18) When all relevant provisions, terms and conditions of the *Grading Permit*, the *Grading Permit Agreement*, and this By-law, have been complied with and completed to the satisfaction of the *Director*, the *Grading Permit* security deposit, or any balance of it remaining if the *City* drew upon it in accordance with section 8.1(16), shall be released to the entity that provided it.
- (19) Where the *City*, its employees, contactors, or agents have performed work to restore or clean *City* property disturbed, damaged, or fouled as a result of, or related to the construction contemplated in the *Grading Permit*, all expenses incurred by the *City* in doing the work, including a 15% administrative fee, shall be deemed a debt to the *City* and if the expenses cannot be fully recovered by drawing upon the *Grading Permit* security deposit, they will be added to the tax roll and collected in the same manner as municipal taxes.

(b) add section 11.0(3.1) as follows:

- (3.1) Notwithstanding section 11.0(3), the amount of the administrative penalty for a contravention of section 8.1 is two hundred and fifty dollars (\$250).

(c) add section 16.1 as follows:

16.1 *Grading Permit* Transition

- (1) All *Grading Permit* applications made prior to section 8.1 of this By-law coming into force and effect are deemed to have been made on the same day that section 8.1 comes into force and effect.
- (2) Any *Grading Permit* valid and binding at the date that section 8.1 comes into force and effect shall not require further authorization pursuant to this By-law until the *Grading Permit* expires, is amended, renewed, revoked, or is otherwise

terminated.

(d) add the following definitions to section 3.0(7):

“Grading Permit” means a formal authorization issued by the *City* under this By-law for the construction of the items set out in Schedule “A” but does not include a *Permit*;

“Grading Permit Agreement” means an agreement entered into between the *City* and *Owner* setting out certain requirements and conditions relating to the construction authorized by a *Grading Permit*.

(e) delete and replace the definition of “Permit” at section 3.0(7) with the following:

“Permit” means a formal authorization issued by the *City* under this By-law and includes a *Site Alteration Agreement*, but does not include a *Grading Permit* or a *Grading Permit Agreement*;

(f) delete and replace section 6.0(2)(b) with the following:

“(b) any *Lot* containing one or more occupied residential dwellings, but not including an occupied dwelling on *Agricultural Lands* where *Site Alteration* is not part of *Normal Farm Practices*, with the exception of sections 1.0, 2.0, 3.0, 8.1, 9.0, 10.0, 11.0, 12.0, 15.0, 16.1, 17.0, 18.0 and Schedule “A” as they pertain to the enforcement and administration of *Grading Permits*, *Grading Permit Agreements*, *Grading Permit* applications, and *Grading Permit* security deposits;”

(g) add the following as “Schedule A” to the By-law:

SCHEDULE “A”

A *Grading Permit* is required for the following:

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| Accessory structure* greater than 10 square metres |
| Any ground floor addition |
| Loggia/covered porch poured concrete greater than 25 millimetres to 2.5 centimetres |

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| (one inch) deep |
| New door addition side elevation that requires excavation |
| New house construction (infill) |
| Sunroom with foundation |
| Walk-up basement |

**Accessory structure includes cabanas, detached garages, sheds, etc.*

If you are uncertain as to whether you require a *Grading Permit* for what you propose on constructing:

- visit the Development Engineering Department’s webpage on the City’s website at: www.vaughan.ca/depermits
- call (905) 832-2281 during regular business hours.

Voted in favour by City of Vaughan Council this 24th day of June, 2025.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No.12 of Report No.23 of the Committee of the Whole.
Report adopted by Vaughan City Council on June 24, 2025.
City Council voted in favour of this by-law on June 24, 2025.
Approved by Mayoral Decision MDC 010-2025 dated June 24, 2025.
Effective Date of By-Law: June 24, 2025