

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 183-2025**

**A By-law to amend the Vaughan Official Plan 2010 for the Vaughan Planning Area with Amendment Number 143, as effected by the Ontario Land Tribunal.**

**WHEREAS** applications for official plan amendment and zoning by-law amendments were filed with respect to the subject lands at the southwest corner of Caldari Road and Abeja Street, more particularly described as part lot 15, concession 4 in the City of Vaughan, to permit the phase 2 development of a 30-storey residential apartment building;

**AND WHEREAS** the application was appealed to the Ontario Land Tribunal as File No. OLT-22-002653 and the Tribunal has made an order with respect to the appeal;

**NOW THEREFORE** the Ontario Land Tribunal **ORDERS AS FOLLOWS:**

1. THAT Amendment Number 143 to the Vaughan Official Plan 2010 of the Vaughan Planning Area, as approved by the Ontario Land Tribunal Order dated the 7<sup>th</sup> day of June, 2023 (OLT Case No. OLT-22-002653), is attached hereto as Attachment “1” consisting of the attached text, Schedule “1”, “2”, and “3” and Appendix “1” and is effective on April 17, 2025.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk

Authorized by the Decision and Order of the Ontario Land Tribunal  
Issued April 17, 2025, Case No. OLT-22-00-2653  
**Effective Date of By-Law: April 17, 2025**

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** June 07, 2023

**CASE NO(S):** OLT-22-002653  
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)

**Heard:** May 17, 2023 by video hearing

**APPEARANCES:**

**Parties**

Tesmar Holdings Inc.

City of Vaughan

The Regional Municipality of York

Magna International Inc.

Canadian National Railway

Rutherford Land Development Corporation

**Counsel**

Meaghan McDermid  
Matthew Peretz (Student-at-Law)

Zaynab Al-waadh  
Bruce Engell (*in-absentia*)

Bola Ogunmefun

Andrea Skinner

Alan Heisey

Alexandra Whyte

**DECISION BY STEVEN T. MASTORAS AND P. TOMILIN AND INTERIM ORDER OF THE TRIBUNAL**

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[Link to Final Order](#)

**INTRODUCTION AND BACKGROUND**

[1] This matter was originally scheduled before the Tribunal as a fourth Case Management Conference (“CMC”) because Tesmar Holdings Inc. (“Applicant/Appellant”) has filed two (2) appeals for an Official Plan Amendment (“OPA”) and a Zoning By-law Amendment (“ZBA”) pursuant to s. 22(7) and s. 34(11) respectively (the “Appeals”) of the *Planning Act* (“Act”) for failure to make a decision by the City of Vaughan (“City”).

[2] The subject property is located at the northeast corner of Jane Street and Riverrock Gate, more particularly described as Part Lot 15, Concession 4 in the City of Vaughan (the “Tesmar Lands”). The Tesmar Lands were the subject of a multi-party settlement which resulted in the approval of an Official Plan Amendment, Zoning By-law Amendment and Site Plan by the LPAT on August 27, 2018. The Phase 2 development of the Tesmar Lands, which is located at the southwest quadrant of Caldari Road, and Abeja Street (the “Subject Lands”) are before the Tribunal at this hearing on a site-specific basis.

[3] The Tribunal was informed on May 15, 2023, that the Parties have reached a settlement agreement with the Applicant, subject to Holding provisions (“H”). Therefore, the CMC is converted to a hearing to consider the Settlement Proposal (“Settlement”).

**CONSOLIDATION**

[4] At the last CMC the Tribunal was advised by Counsel for the Applicant that consideration be given to the possible consolidation of these Appeals, with the site-

specific appeal of the City's Comprehensive Zoning By-law No. 001-2021 (Case No. OLT-22-002104) ("CZBL"). All Parties present for this hearing were informed of this additional consideration relating to the CZBL appeal, and there were no objections. Counsel also advised that notice of this was provided to all Parties to the CZBL appeals, and the Tribunal was informed that there were also no objections.

[5] The consolidation policy is to avoid a multiplicity of proceedings, avoid inconsistent decisions and to save expense. In balancing the interests of expediency and convenience with potential prejudice to others, the Tribunal finds that no prejudice is caused to any Party and finds that the site-specific Appeals will be consolidated with the CZBL, and the Settlement submissions proceeded.

## **LEGISLATIVE FRAMEWORK**

[6] In deciding on the matters before it, the Tribunal must be satisfied that the proposed development is representative of good planning and in the public interest. The proposed planning instruments must be found to: have appropriate regard for the matters of Provincial interest in s. 2 of the Act; be consistent with the Provincial Policy Statement, 2020 ("PPS"); conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("GP"); conforms with the City of Vaughan Official Plan 2010 ("VOP"), the Vaughan Mills Centre Secondary Plan ("VMCSP") and conforms with the York Region Official Plans of 2010 and 2022 ("YROP 2010" and "YROP 2022").

## **EVIDENCE AND SUBMISSIONS**

[7] Counsel for the Applicant requested the Tribunal's concurrence that the appeals be allowed in part and approve the proposed OPA and ZBA, along with the amended CZBA as it relates to these Appeals with the appropriate conditions referenced in the Tribunal's final decision.

[8] Ryan Mino-Leahan, a Registered Professional Planner was qualified by the Tribunal to provide land use planning opinion evidence, both through the comprehensive Affidavit and oral testimony relating to planning rationale in support of the Settlement. He opined that the proposed planning instruments tied to the development will permit and satisfy all requisite legislative tests and are representative of good planning in the public interest.

[9] Mr. Mino-Leahan testified that the matter before the Tribunal relates specifically to the Phase 2 elements of the development, and that the entirety of Phase 1 had been completed and is presently in built-form and fully occupied, combined with the completion of two roadway extensions.

The Phase 2 development proposal ("Phase 2 Development") consists of a 30-storey residential building containing a maximum of 301 residential units and includes the elimination of the required non-residential uses on the Tesmar Lands.

### **OPA and ZBAs**

[10] Mr. Mino-Leahan opined that the OPA maintains the High-Rise Mixed-Use land use designation and many of the existing site-specific policies, including those related to compatibility, while amending the site-specific policy to provide for the additional residential intensification contemplated for the last phase of development of the Tesmar Lands. The purpose of ZBA 1-88 is to implement site-specific amendments to the City's Zoning By-law No. 1-88 to facilitate the "Phase 2 Development" as set out in the Settlement. Mr. Mino-Leahan stated there is no change in the proposed zoning category but rather amendments to existing standards to facilitate the proposed development.

[11] Furthermore, as background, Mr. Mino-Leahan testified that on October 20, 2021, City Council passed the new Comprehensive Zoning By-law No. 001-2021 ("ZBL 001-2021"), which applies to all lands within the City, including the Tesmar Lands. ZBL 001-2021 incorrectly re-zoned the Tesmar Lands "Service Commercial Zone SC-701"

and did not incorporate the site-specific zoning as approved by the LPAT in the 2018 Approvals. Accordingly, Tesmar, along with others, appealed ZBL 001-2021 to the Tribunal.

[12] Accordingly, Mr. Mino-Leahan testified that two separate ZBAs (amending 1-88 and 001-2021) have been prepared and submitted to the Tribunal with the requisite Phase 2 H provisions, as part of the Settlement for its consideration and approval.

[13] Mr. Mino-Leahan expanded on this in his testimony, which included the fact that Phase 2 H conditions point to the need for some additional noise and vibration analysis, and a supplemental traffic mobility assessment along with the implementation of site plan conditions to the satisfaction of the Parties. He concluded that subject to these H provisions, there was sufficient land use planning rationale for the Tribunal's approval of the Settlement.

### **Regard for Matters of Provincial Interest Section 2 of the Act**

[14] Mr. Mino-Leahan noted that the Settlement had regard to all matters of Provincial interest pursuant to s. 2 of the Act including the following:

- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and be oriented to pedestrians;
- r) The promotion of built form that
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

[15] Mr. Mino-Leahan also noted that pursuant to s. 3(5) of the Act, there is the requirement that the Tribunal 's decision:

1. shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
2. shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

[16] In summary, Mr. Mino-Leahan opined that the proposed OPA, and amendments to ZB 1-88 and ZB 001-2021 (collectively, the “Tesmar Planning Documents”) to facilitate the Phase 2 Development on the Subject Lands have regard for the above-noted requirements of the Act and matters of provincial interest.

### **Consistency with the PPS**

[17] Mr. Mino-Leahan opined that the Settlement was consistent with the PPS, in that it is supportive of intensification that is planned and coordinated within built-up areas that have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Furthermore, the Settlement achieves efficient and resilient development and land use patterns, with a particular emphasis on policies 1.1.1 a), b), e), and 1.1.2. Mr. Mino-Leahan asserted that the development meets the intent of these PPS policies with respect to efficient use of land and infrastructure.

[18] Regarding the elimination of non-residential uses on the Subject Lands, Mr. Mino-Leahan made reference to the Altus study which indicates a greater level of intensification for residential uses are intended to support a range and mix of land uses in addition to office and retail within the broader community.

[19] Furthermore, regarding PPS policies 1.1.3.4 and 1.2.6.1, the Settlement is consistent with these guidelines, in that major facilities and sensitive land uses shall be



planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and ensures the long-term operational and economic viability of the development, and is therefore consistent with the PPS.

[20] The Tribunal agrees that the Settlement, the OPA and the ZBA are consistent with the PPS.

### **Conforms with the Growth Plan (“GP”)**

[21] Mr. Mino-Leahan opined that the Settlement conforms to the GP, and shows particular regard to policies within s. 2.2.1.2, relating to development in designated “settlement areas, nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form,” within a delineated built boundary with existing or new water and wastewater systems.

[22] Furthermore, he opined that the Settlement conforms to GP s. 2.2.1.4, which directs the achievement of complete communities that feature a diverse mix of land uses, including residential, employment uses and convenient access to local stores, services and public service facilities and expand access to a range of transportation options.

[23] Regarding policy 2.2.2.2 of the GP, the Settlement provides that the annual minimum intensification target contained in the applicable upper-tier official plan that is approved and in effect will continue to apply and is within the Primary Centre, consistent with the objectives of the VM CSP, meeting the City's intensification target, with appropriate heights and densities.

[24] For these and other reasons in the Affidavit, it is Mr. Mino-Leahan's opinion that the Application conforms to the GP.

[25] The Tribunal finds that the Settlement, the OPA and ZBA conform to the GP.

**Conforms with the YROP 2010 and the YROP 2022**

[26] Mr. Mino-Leahan opined that the Settlement conforms with the YROP 2010, and although not required due to the timing of these Appeals, also conforms with the updated YROP 2022.

[27] Mr. Mino-Leahan opined that the Settlement conforms with Regional policies respecting intensification within the built boundary (Policy 5.3.1) and the balancing of residential and employment uses to improve the possibilities for working and living in close proximity (Policy 5.2.5). He testified that the development supports high-quality urban design and pedestrian friendly communities in keeping with the YROP 2010 (Policy 5.2.8 and Policy 5.2.10).

[28] Mr. Mino-Leahan also opined on the Regional Transit Priority Network in both the YROP 2010 and the YROP 2022, and specifically addressed the Future Major Transit Station Area (Future MTSA-77) in concert with the overall economic, environmental and community building decisions that will manage growth through a series of regional strategies, plans and guidelines to support and guide the Region.

[29] The Tribunal agrees with Mr. Mino-Leahan's opinion, that the Tesmar Planning Documents conform with both the YROP 2010 and YROP 2022.

**Conforms with the City of Vaughan Official Plan 2010 and the VMCSPP**

[30] Mr. Mino-Leahan opined that the Settlement, from a land use planning perspective, conforms and is consistent with the VMCSPP with an emerging high-density mixed-use community with new developments being approved and constructed frequently. The Phase 2 Development supports the overall context of the VMCSPP that

requires a full range of uses including residential and non-residential uses that have the opportunity to be realized as this community transitions over time.

[31] Furthermore, the Phase 2 development will contribute to the residential growth projected for the Jane Street Corridor (869 units) within the VMCSPP. The proposed development of the Subject Lands will contribute to the need for population and growth in the Jane Street Corridor, as identified in the VMCSPP, which implements growth projections of the VOP 2010.

[32] Mr. Mino-Leahan concluded that the Settlement conforms and is consistent with both plans and therefore merits the Tribunal's approval of the Settlement terms.

[33] The Tribunal accepts Mr. Mino-Leahan's opinions and finds that the proposed development is compatible with the character of the neighbourhood and is satisfied that the Settlement and implementing of the OPA and the ZBA maintains the general intent and purpose of the VOP and VMCSPP.

## **DISPOSITION**

[34] Based on the uncontroverted testimony of Mr. Mino-Leahan, accompanied with his Affidavit and the agreement at the hearing by all the Parties, the Tribunal finds that the requisite tests have been met including having regard to matters of Provincial interest in s. 2 of the Act; consistency with the PPS; conformity to the GP; conformity with the VOP, the VMCSPP, the YROP 2010 and YROP 2022.

[35] Therefore, the Tribunal concurs with the Settlement, and the appeals shall be allowed in accordance with the terms of the Settlement and the Order as follows:

**ORDER**

[36] **THE TRIBUNAL ORDERS** that the appeal of the OPA is allowed in part and is authorized as appended to this decision and as set out in Attachment A.

[37] **THE TRIBUNAL FURTHER ORDERS** that the amendment to Zoning By-law No. 1-88 is allowed in part and generally approved in the form appended to this decision and as set out in Attachment B.

[38] **THE TRIBUNAL FURTHER ORDERS** that the appeal to amendment Zoning By-law No. 001-2021 is allowed in part, and generally approved in the form appended to this decision as set out in Attachment C.

[39] **THE TRIBUNAL FURTHER ORDERS** that it shall withhold its final Order until such time that the Tribunal has received confirmation in writing from Tesmar Holdings Inc. with the consent of the Parties that:

1. A site plan has been prepared for the Phase 2 development of the Subject Lands to the satisfaction of the City of Vaughan, Region of York, Magna International Inc. and Canadian National Railway; and
2. The final form of the amendments to Zoning By-law No. 1-88 and the Comprehensive Zoning By-law No. 001-2021 are provided to the Tribunal in a form satisfactory to the Parties and the Tribunal.

[40] **THE TRIBUNAL FURTHER ORDERS** that the Appeals are consolidated and;

- The hearing previously scheduled to commence on **August 8, 2023**, for a total length of **fourteen (14) days** is hereby adjourned;

- The Parties are required to update the Tribunal as to the status of the matters on or before November 30, 2023, by reporting back to the Case Coordinator;
- If any difficulties arise in connection with the satisfaction of these conditions, the Tribunal may be spoken to.

*“Steven T. Mastoras”*

STEVEN T. MASTORAS  
MEMBER

*“P. Tomilin”*

P. TOMILIN  
MEMBER

**Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.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.

**AMENDMENT NO. 143**

**TO THE**

**VAUGHAN OFFICIAL PLAN 2010**

**OF THE**

**VAUGHAN PLANNING AREA**

The following text and Schedules “1”, “2”, and “3” constitute Amendment Number 143 to the  
Official Plan of the Vaughan Planning Area

Also attached hereto but not constituting part of the Amendment is  
Appendix “I”

## **1.0 PURPOSE**

The purpose of this Amendment to the Official Plan is to amend the provisions of the Official Plan 2010 of the Vaughan Planning Area ("VOP 2010"), partially approved by the Ontario Municipal Board (now referred to as, the Ontario Land Tribunal) specifically, Volume 2, Section 11.7 Vaughan Mills Centre Secondary Plan ("VMCSP") to permit the development of a 30-storey residential building consisting of a maximum of 301 residential units and an overall FSI of 4.8 on the Subject Lands.

This Amendment will facilitate the following with respect to the Subject Lands identified as "Area Subject to Amendment No. 143" on Schedules "1", "2" and "3" attached hereto:

1. Permit a High-Rise Residential apartment building with a maximum building height of 30-storeys.
2. A maximum overall Floor Space Index of 4.8.

## **2.0 LOCATION**

The Lands subject to this Amendment (hereinafter referred to as the "Subject Lands"), are shown on Schedule "1", "2" and "3" attached hereto as "Lands Subject to Amendment No.143". The Subject Lands are located on the east side of Jane Street generally between Rutherford Road and Riverrock Gate. It is bounded by Caldari Road to the east, Abeja Street to the north, Riverrock Gate to the south and an existing 20-storey residential building directly west and Jane Street beyond. The Subject Lands are legally described as Part of Lot 15, Concession 4 in the City of Vaughan, in the Regional Municipality of York. The lands are approximately 16,700 m<sup>2</sup> (1.67 hectares) in size. There are two existing and occupied residential buildings representing Phases 1a and 1b of the overall development.

### 3.0 **BASIS**

The decision to amend the VMCSPP is to provide site-specific provisions regarding the permissions for increased height, density, and the removal of non-residential uses on the Subject Lands. These amendments are based on the following considerations:

1. These Amendments to the VOP 2010 and VMCSPP are provided for under Section 17 of the Ontario *Planning Act*.
2. The Provincial Policy Statement (2020) (“PPS”) came into effect on May 1, 2020, and provides broad based policy direction on matters of provincial interest related to land use planning and development. The policy statement further establishes land use patterns, density, and a mix of uses and housing options towards minimizing the length and number of vehicle trips that supports the development of viable choices and plans for public transit and other alternative transportation modes. The PPS states that growth shall be focused within settlement areas, and away from significant or sensitive resources. It recognizes that the wise management of development may involve directing, promoting, or sustaining growth. All decisions affecting planning matters “shall be consistent with” the PPS. The purpose of this amendment is to amend policies within the VOP 2010 and Secondary Plan to make efficient use of land, infrastructure and public service facilities.
3. The Subject Lands are located within the VMCSPP, which is identified as an intensification area within the VOP 2010. The VMCSPP is to accommodate higher densities through intensification and compact development that supports higher order transit to create a complete community. The Vaughan Mills Centre is a regional destination, employment hub and commercial centre. The Vaughan Mills Centre serves as a local and regional



catchment area, a centre of economic activity for industry, the City's and Region's policy framework recognizes that there is a need to promote residential uses and population densities that can support the planned transit for the area. The proposal to develop a 30-storey residential building adjacent to two intensification corridors, being Jane Street and Rutherford Road, is a form of transit-oriented intensification that results in an efficient use of lands that minimizes land consumption and utilizes existing/planned infrastructure. The residential development contributes to increasing the housing supply and provides a compact housing form suitable for all demographics and incomes that is conveniently located to jobs, amenities, transit, parks, shopping and community facilities. Proximity to these transportation options, whether its walking, cycling or transit, will assist to reduce the negative impacts to climate change along with promoting active transportation and reducing single-occupancy vehicular use. The development represents an integrated and comprehensive approach to managing growth and the long-range objectives of the City and Region by intensifying a vacant parcel of land within an established intensification area. The Amendment is consistent with the policies of the PPS.

4. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") 2019, was prepared and approved under the *Places to Grow Act*, 2005 (the "*Growth Plan Act*"), as amended and came into effect on May 16, 2019. Amendment 1 (2020) to the Growth Plan was approved by the Lieutenant Governor in Council, Order in Council No. 1244/2020 to take effect on August 28, 2020. The Growth Plan is the Ontario government's initiative to plan for growth and development that builds upon the progress of the former plan and further strengthens the importance of optimizing the use of land and creation of infrastructure. The Growth Plan's vision is to support economic prosperity, protect the environment, and help communities achieve a high quality of life for the public good.
5. To coordinate planning for growth across the Greater Golden Horseshoe ("GGH"), the

Growth Plan provides population and employment forecasts to all municipalities within the GGH. The growth forecasts are a foundational component of the high-quality Plan and help shape new and existing communities. Building healthy and balanced communities while maintaining and improving the quality of life for Ontarians is best accomplished by accommodating forecasted growth in complete communities. The policies of the Growth Plan aim to develop cities and towns as complete communities to meet Ontarian's needs for daily living by directing growth to built-up areas. The objectives of the Growth Plan are also met by creating transit-supportive development, having a diverse mix of land uses, providing a wide range of housing types, improving access to high quality public open spaces in proximity to residential spaces, in order to serve the community.

6. The Subject Lands are located within the delineated built boundary of the City of Vaughan and designated urban area as it related to the policies of the Growth Plan. Phase 2 is approximately 3,212 square metres in size and is part of a larger parcel of land owned by Tesmar Holdings Inc., the other parcels are 9075 Jane Street ("Phase 1A") and 9085 Jane Street ("Phase 1B"), together with the Subject Lands form the "Overall Lands" or "Tesmar Lands". Site Plan Approval (City File No. DA.14.037) has been granted for Phase 1A ("Tower A") and 1B ("Tower B") to facilitate the construction of 23-storey and 20-storey residential towers with a total of 568 units. The two buildings are built and occupied. The proposed development represents the final phase of residential development, known as "Phase 2" or "Tower C". The Phase 2 lands are vacant and represent an underutilized piece of land within an established urban area in the City with existing infrastructure and services at its doorstep. The development represents the type of intensification promoted by the Growth Plan and will create a desirable form of development that is compact, increases the housing supply and housing options available within the City and Region. The development is transit-supportive, as a range of transportation options are available that promote active transportation and build

upon the existing and planned infrastructure in the area. The proposed development will help to create a complete community as it is a transit oriented built form at a density that will assist the City and Region to reach their intensification and growth targets, as a total of 301 residential units are proposed. The Amendment conforms to the policies of the Growth Plan.

7. The York Region Official Plan ("YROP") was adopted by Regional Council on June 30, 2022 and was approved with modifications by the Ministry of Municipal Affairs and Housing ("MMAH") on November 4th, 2022. YROP is in force and effect with respect to the proposed development. All Amendments to the City of Vaughan Official Plan shall conform to the goals, objectives and policies of the YROP. The YROP guides economic, environmental and community building decisions to manage growth through a series of regional strategies, plans and guidelines to support and guide the Region. The YROP outlines policies on a variety of matters, including accommodation of population and economic growth through intensification, increasing the housing stock, mixing of uses as well as providing for choice among transportation modes while promoting human interaction. A primary objective of the YROP is to direct growth to existing built-up areas.
8. Within the YROP the Subject Lands are designated as "Urban Area" in Map 1 – Regional Structure. The Urban Area designation is intended to accommodate the majority of the growth planned within the Region. The permitted uses within the Urban Area designation include a range of residential, commercial, industrial and institutional uses. Urban Areas are planned and developed to create attractive and vibrant places to support a mix of housing typologies, intensification, with good urban design principles, accessibilities to transit and services and promote healthy lifestyles. Urban Areas are a vital component of the urban structure and is intended to accommodate a significant portion of planned growth within the Region to meet population and employment targets. The development

application seeks to permit a residential development that will make efficient use of a vacant and underutilized parcel of land through intensification. The YROP sets out policies to guide growth that is compact, transit-supportive, makes efficient use of land, utilizes existing/planned infrastructure, connected to open spaces, close to local amenities and provides a range of housing options for households of varying sizes and incomes in order to create complete communities. The Tesmar development exemplifies those qualities and further enhances the vision to create and achieve a complete community. The residential building will provide 301 residential units with varying types of unit sizes (i.e., ranging from 1 to 3-bedroom units), utilize existing/planned infrastructure, connect into the existing/planned active transportation routes and will create a healthy space for community building (i.e., indoor/outdoor amenity areas, privately owned publicly accessible space).

9. The Subject Lands are conveniently located in proximity to two major arterial roads, Jane Street and Rutherford Road. Jane Street is designated as a “Regional Rapid Transit Corridor” and “Subway Service subject to further study” on ‘Map 10 – Rapid Transit Network’ in the YROP. Additionally, an “Existing Bus Terminal” as shown on Map 10 is located directly west of the Subject Lands. The Jane and Rutherford intersection is also identified as a future Major Transit Station Area (MTSA-77) within Appendix 2 – York Region Major Transit Station Areas, of the YROP. These major arterial roads connect the Subject Lands to the Provincial Highway system (i.e., Highway 400, 407) and other transit systems including York Region Transit, Toronto Transit Commission (including the VMC subway station) and GO Transit stations. The development would facilitate residential intensification in proximity to existing York Region Transit facilities along Jane Street and the Viva station Service along Rutherford Road. Future residents will have several transportation options to connect to other areas within the City, Region, neighbouring municipalities and areas throughout Ontario and beyond. The high-density development will make efficient use of the land and services available while connecting into the existing

road network to support transit and active transportation objectives. The Amendment conforms with the YROP.

10. The Vaughan Official Plan was adopted by Vaughan Council on September 7, 2010, and was subsequently modified by City Council on September 27, 2011, March 20, 2012, and April 17, 2012. The majority of Volume 1 and 2 policies were approved by the Local Planning Appeal Tribunal Orders (“LPAT”) (PL111184) on the following dates: August 8, 2013, December 24, 2013, February 21, 2014, October 17, 2014 and March 25, 2015. An office consolidation of the VOP 2010 was completed to include the LPAT decisions and City Council approved Official Plan Amendments as of December 2020.
11. The objectives of the VOP 2010 are based upon the goals of creating memorable, strong and diverse communities, a robust and prominent countryside, a diverse economy, a vibrant downtown and a sustainable City with appropriately directed growth. The VOP 2010 defines the City’s planned Urban Structure and establishes a comprehensive framework and hierarchy (e.g., The Vaughan Metropolitan Centre, Regional Intensification Corridors, Primary Centres, Local Centres and Primary Intensification Corridors) for guiding growth in Vaughan. The VOP 2010 contains policies that evaluate applications on its merits based on an analysis of the site-specific conditions and development context of the application. Intensification and redevelopment are to be cognizant and respectful of the existing community. As outlined in Section 2.2.5 of the VOP 2010, a series of Intensification Areas have been strategically planned within the City to shape the range of heights and intensity of uses. The Subject Lands are located within the Vaughan Mills Centre area, which coincides with the Primary Centre designation on “Schedule 1 – Urban Structure” of the VOP and is deemed to be an intensification area. Intensification Areas will be the primary locations to accommodate growth and the greatest mix of uses, heights and densities in accordance with the prescribed hierarchy established in the VOP 2010. The proposal is in keeping with the VOP 2010 policies, as the development will introduce

a residential building at an appropriate density and height suitable for the Primary Centres designation. The development will increase the available housing supply and provide a different housing type than the predominant type of low-rise residential development that has historically occurred in the broader surrounding community areas. A series of retail, office, institutional, community facilities and human services are available within the local area for future residents. Additionally, the Vaughan Mills Centre community is well-served by transit along with pedestrian and cycling infrastructure and will continue to benefit from additional planned infrastructure projects in the area. An 1,840 m<sup>2</sup> privately owned publicly accessible (“POPS”) on the Tesmar Lands will provide a necessary community hub and gathering space. The centrally located passive recreational space will encourage a pedestrian-friendly environment and safe area for future resident’s and community use. Placemaking helps to promote people’s health, happiness and well-being and the POPS will be a local community asset. The at-grade POPS contains walkways that connect within the pedestrian network and will enable residents to walk to the neighbouring retail and commercial businesses or local transit services. Furthermore, “Schedule 1 – Urban Structure” identifies Jane Street and Rutherford Road as Primary Intensification Corridors. The VOP 2010 outlines that Primary Intensification Corridors are also more than just transportation routes and they are anticipated to evolve as active and unique places in their own right in order to support a range of uses. These corridors will be a focus for future transit investment as they will function as activity generators and they will also be designed to comfortably and safely accommodate pedestrians and cyclists, as well as motor vehicles. Primary Intensification Corridors will be conduits and accommodate growth as the City evolves. The development satisfies the City’s transportation objectives and policies and will create a transit-supportive development.

12. The VMCSPP establishes a planning framework to direct growth in the Vaughan Mills

Centre area and to guide and manage the change that it represents. The City has deemed the Vaughan Mills Centre area as an appropriate part of the City for intensification. The Subject Lands are located with the VMCSP and are designated as 'High-Rise Mixed Use' on "Schedule C – Land Use Designation" of the Secondary Plan. On "Schedule B – Height and Density" the lands are prescribed a maximum height of 23-storeys and a density of 3.7. The Subject Lands are also subject to special provisions in Section 18.4 of the Secondary Plan as a result of an order by the LPAT (Case No(s): PL140839 and PL070347). These special provisions deal with land use, phasing of transportation improvements, Site Plan Control, land use compatibility and the implementation of environmental studies. With respect to land use, Policy 18.4 permits a maximum of 600 units within 45,000 m<sup>2</sup> of residential gross floor area ("GFA") and requires a minimum of 5,000 m<sup>2</sup> GFA of non-residential uses (4,200 m<sup>2</sup> Office Uses and 800 m<sup>2</sup> Commercial Uses) on the Tesmar Lands. An Amendment is required to remove the non-residential use requirement and to permit the additional residential units, GFA and site-specific exceptions proposed. While the proposed residential apartment building is a permitted use within the 'High-Rise Mixed-Use' designation, an Amendment is required to facilitate the proposed development's site-specific requirements including the total amount of residential units proposed, and GFA on the balance of the Tesmar Lands exceeds the maximum number of residential units (i.e., 600) and GFA (i.e., 45,000 m<sup>2</sup>) permitted on the Overall Lands. There are a total of 301 residential units proposed in Phase 2, a total of 568 residential units are existing within Phase 1A and 1B (Tower A and B) combined for an overall total of 869 units. The proposed development has a GFA of 20,631.32 m<sup>2</sup>, increasing the overall GFA on site to 64,911.32 m<sup>2</sup> and the FSI from 3.7 to 4.8. The distance between any portion of a building above twelve storeys and another tower shall be a minimum of 25 metres. The residential frontage setback to Abeja Street will be modified from 3.0 metres to 2.0 metres. Setbacks from the property limit will be in accordance with the site-

specific by-law. Table 2, Policies 3.2 and 7.3.1 will be updated accordingly to account for the unit and population increases. A series of technical reports have been prepared in conjunction with this application demonstrating the sites compatibility with the surrounding area, such as, a Sun/Shadow Study, Noise Report, Stormwater Management Report, and Traffic Mobility Assessment amongst others. The residential development will introduce a building at a height and density that is in keeping with a suite of applicable policies on a Municipal, Regional and Provincial level. Noise mitigation measures required to achieve compatibility between the nearby rail yard (McMillian Rail Yard), existing industrial lands (including the Maple Stamping Plant) and Phase 2 of the residential development will be specified in the site-specific zoning by-law. Additionally, an Office Market Analysis was submitted in support of the application to examine the non-residential (i.e., office use) requirement on the lands. Based on the findings of the report, the non-residential component is not considered a viable use. The proposal will contribute to the evolving complete community by diversifying the housing options available, increasing the housing supply, utilizing existing/planned infrastructure, building transit-supportive development and assist the City with achieving the vision and goals of the VOP 2010 and VMCSPP. The proposed amendments conform with the general intent of the Official Plan.

- a. In consideration of the above, it has been demonstrated that the proposed Amendments are consistent with the PPS, conforms with the Growth Plan, YROP and meets the policy intent of the VOP 2010. The Amendment will facilitate the intensification of the vacant and underutilized piece of land located within a highly urbanizing setting, well serviced by transit, public facilities, parks and open spaces. The development will introduce a compact built form, utilize existing infrastructure, provide a new housing typology and housing options to existing and future residents, while allowing for compatibility with nearby rail yard and industrial uses. The proposal will create 301 residential units which will help assist the Region and



City meet their growth and intensification targets. The proposed Amendments represent good land use planning.

- b. The statutory Public Meeting was held on February 2, 2022. The recommendation of the Committee of the Whole to receive the Public Meeting report of February 2, 2022, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Vaughan Council on February 15, 2022. Subsequently, on February 22, 2023 Vaughan Council adopted a recommendation (Item 9 Report No 9) of the Committee of the Whole to advise the Ontario Land Tribunal that Vaughan Council endorses the recommendation to approve the Official Plan and Zoning By-law Amendment Files OP.21.020 and Z.21.041 (Tesmar Holdings Inc.) to facilitate the proposed development.

An Ontario Land Tribunal Settlement Hearing was held on May 17, 2023.

### **13. DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO**

Vaughan Official Plan 2010 Volume 1 and Volume 2, Section 11.7 of the Vaughan Mills Centre Secondary Plan, as amended, is hereby further amended by:

That the Vaughan Mills Centre Secondary Plan, Section 18.4 Special Provisions Governing the Development of Block b5 be amended as follows:

1. By deleting Clauses 1 i), ii), iii) and v) substituting therefore the following:
  - i) Residential uses having a maximum Gross Floor Area (GFA) of up to 65,000 m<sup>2</sup>;
  - ii) A maximum total of 869 residential units;

- iii) The maximum building height for the two residential buildings shall not exceed 20, 23 and 30-storeys for Phases 1a and 1b, and Phase 2 respectively. Individual building heights shall be prescribed in the implementing Zoning By-law.
  - v) A maximum overall FSI of 4.8 is permitted for the residential development for residential uses, subject to the policies of this Plan.
- 2. By deleting Clauses 1) iv), 2, 3, 4 in their entirety, thereby removing the requirement for non-residential uses.
- 3. By following Clause 8) i. with the following:
  - Phase 2
  - ii. The provision of the following:
    - 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.
4. By deleting Clause 9 c) and e), substituting therefore the following:
- c) Towers above the podium for Phase 1a and 1b shall generally be setback a minimum of 6.0 metres from any public street and setback 3.0 metres from the Privately Owned-Publicly Accessible Space (POPS). The podium for Phase 2 (Tower C) shall generally be setback approximately 2.0 metres from any street and 3.0 metres from the POPS.
  - e) The minimum distance between any portion of a building above 12-storeys and another tower/building shall be 25 metres.
5. By following Clause 9 j) with the following:
- k) The building constructed as part of Phase 2 (Tower C) of the residential development shall be designed and constructed with materials that mitigate noise impacts from nearby rail yard and existing industrial lands. The application of these mitigation measures will be located at and above grade on the south and east elevations of the building and shall be stipulated in the implementing site-specific zoning by-laws.
6. Deleting Schedule B to modify the maximum height of 30 storeys and density of 4.8 on the Subject Lands with Schedule B attached hereto.
7. Notwithstanding, Schedule D, the Residential Frontage along Abeja Street, Caldari Road and Riverrock Gate shall generally be setback 2-5 metres.
8. Delete Table 2: "Recommended Transportation Network Improvements" and substitute with

Table 2 attached hereto.

9. Amending Policy 3.2, Part B, Table “Units, Population, and Jobs Projections by Area” to show 3,900 units and a population of 7,917 on the Jane Street Corridor and the total units to 4,572 units and population to 9,324.
10. Modify Policy 7.3.1, Part C, to replace the reference to 3,631 residential units with 3,900 residential units.

#### **14. IMPLEMENTATION**

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the Subject Lands will be implemented by way of the development application approval process, an Official Plan Amendment, an amendment to the City of Vaughan Zoning By-law 1-88, an amendment to the City of Vaughan Comprehensive Zoning By-law 001-2021, Draft Plan of Condominium and Site Plan Approval application, pursuant to the *Planning Act*.

#### **15. INTERPRETATION**

The provisions of the Official Plan of the Vaughan Planning Area, as amended from time to time, regarding the interpretation of that Plan, shall apply with respect to this amendment.

## **APPENDIX I**

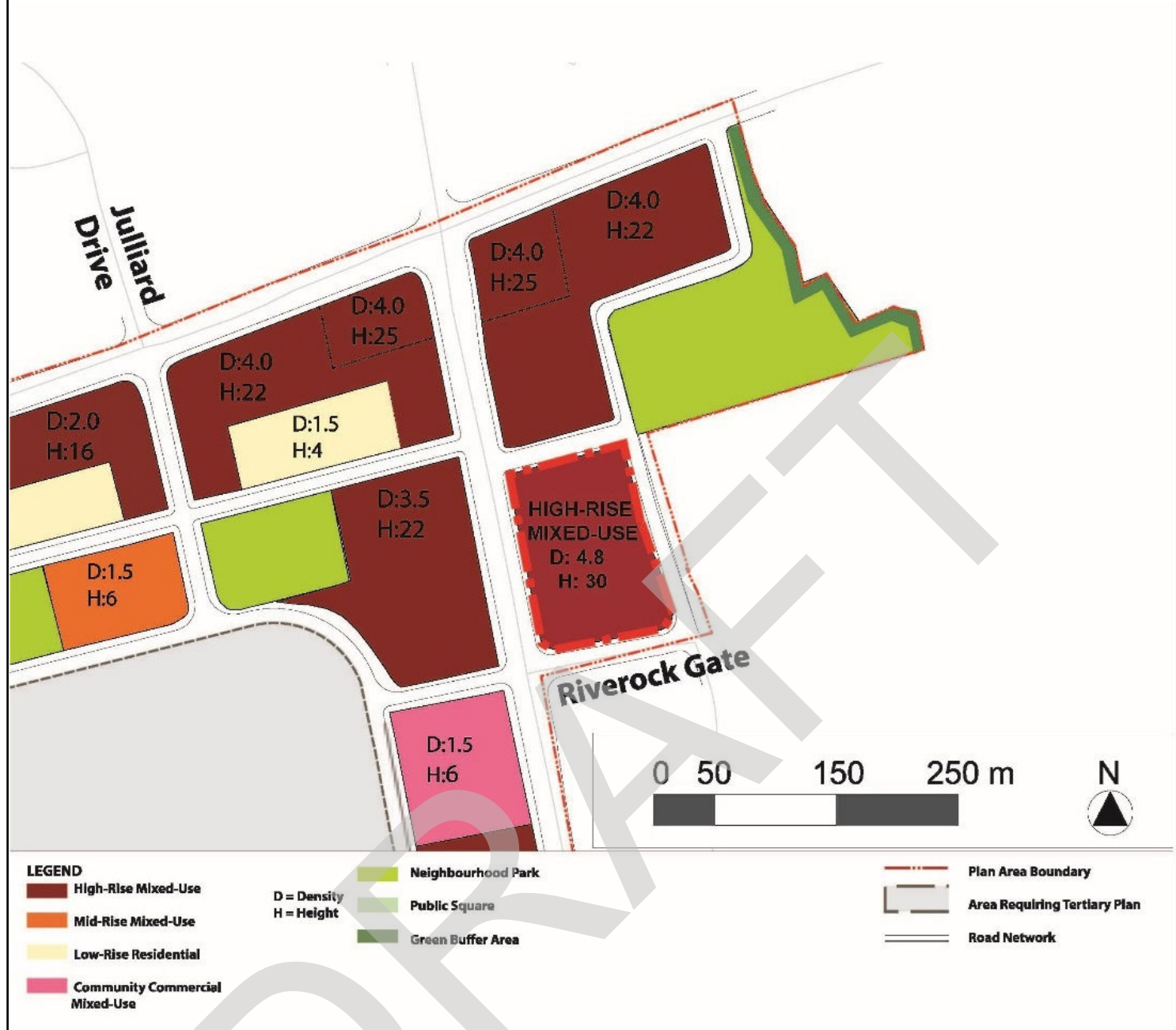
### **Summary to Official Plan 143**

The lands subject to this Amendment hereinafter referred to as the “Subject Lands” are shown on Schedule “1, “2”, and “3” attached hereto as “Area Subject to Amendment No. 143”. The Subject Lands are located on the east side of Jane Street, south of Abeja Street, west of Caldari Road and north of Riverrock Gate and are legally described as Part of Lot 15, Concession 4 in the City of Vaughan, in the Regional Municipality of York.

The purpose of this Amendment is to amend the City of Vaughan Official Plan as amended by the Vaughan Mills Centre Secondary Plan by amending the permitted building height, density, and non-residential use provisions on the Subject Lands. In addition, the Amendment facilitates site-specific provisions to accommodate the built-form of a 30-storey residential development with 301 residential units and an overall FSI of 4.8 for Block b5 along with mitigation measures to achieve compatibility with the nearby rail yard and existing industrial lands.


An Ontario Land Tribunal Settlement Hearing was held on May 17, 2023.

The interim Decision and Order of the Ontario Land Tribunal dated June 07, 2023, and the final Order of the Ontario Land Tribunal dated April 17, 2025, regarding the Subject Lands being Part of Lot 15, Concession 4, City of Vaughan, to approve the OPA and ZBA Applications, are attached.

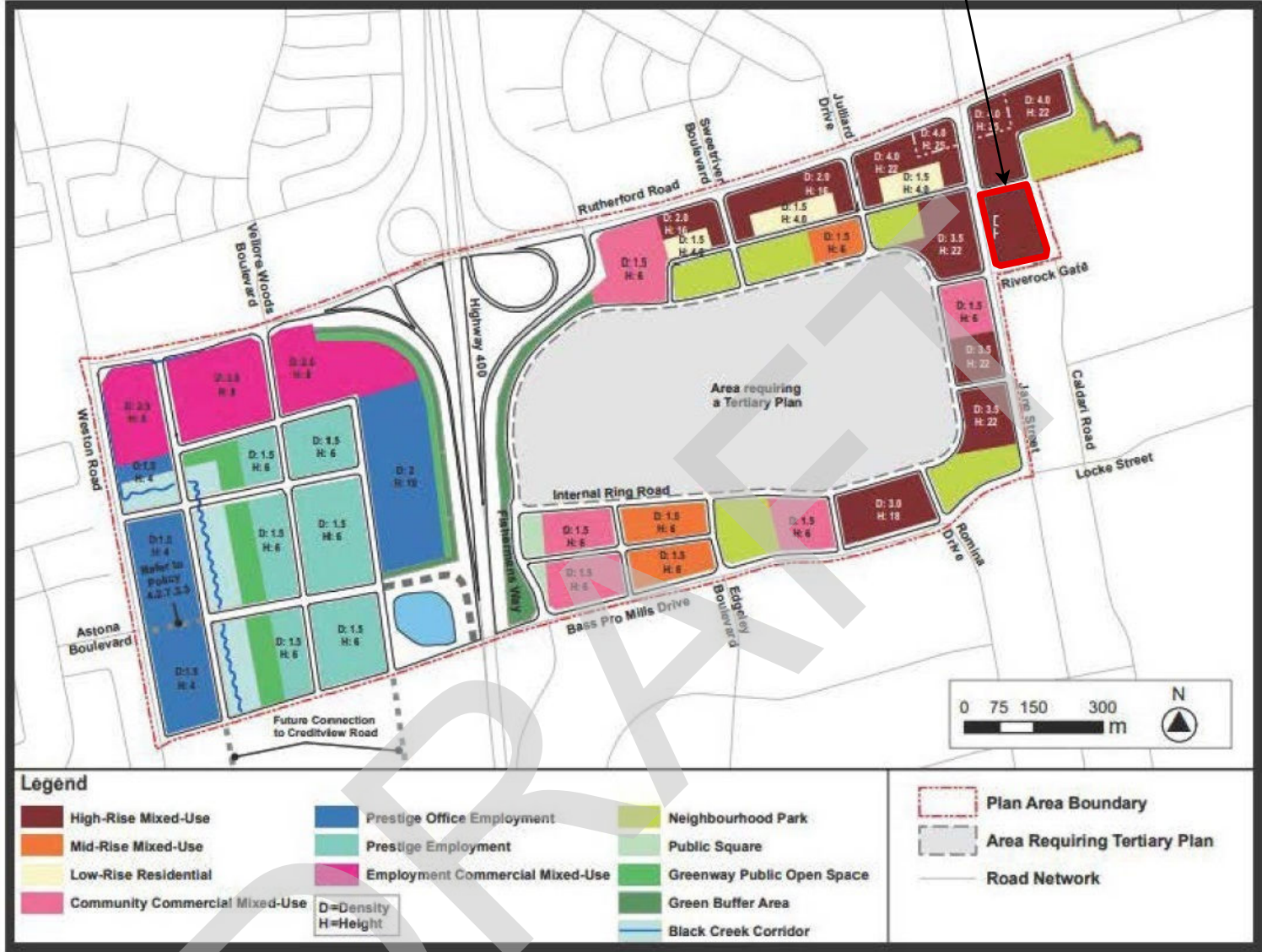


This is Schedule '1'  
To Official Plan Amendment No. 143

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

 Lands Subject to  
Amendment No. 143

High-Rise  
Mixed-Use  
H: 30  
D: 4.8



This is Schedule '2'  
To Official Plan Amendment No. 143

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

 Lands Subject to  
Amendment No. 143



Table 2  
Recommended Transportation Network Improvements

HORIZON	DEVELOPMENT LEVEL	RECOMMENDED NETWORK IMPROVEMENTS TO ACCOMMODATE THE PROPOSED DEVELOPMENT LEVEL AT THE STATED HORIZON
<b>Phase 1: Horizon</b>	<p><i>Includes all of the Jane Street Corridor Area as shown in Schedule A of the Vaughan Mills Centre Secondary Plan (70% of all proposed development east of Highway 400) *</i></p> <p><i>Within the Vaughan Mills Business District as shown in Schedule A of the Vaughan Mills Centre Secondary Plan (40% of all development west of Highway 400) *</i></p>	<p><b>Road Network Improvements: (Jane Street Corridor Area)</b></p> <ul style="list-style-type: none"><li>• Complete Bass Pro Mills Drive extension to Jane Street.</li><li>• Complete Caldari Road extension to Rutherford Road.</li><li>• Complete Romina Drive extension to Vaughan Mills Ring Road.</li><li>• Implement a full-moves signalized access on Jane Street midblock between Riverock Gate and Bass Pro Mills Drive as part of planned development applications.</li><li>• Provide an additional right-turn lane on southbound Fisherman's Way at Bass Pro Mills Drive.</li></ul> <p><b>Road Network Improvements: (Vaughan Mills Centre Business District Area)</b></p> <ul style="list-style-type: none"><li>• Northbound dual left-turn lanes on Weston Road at Rutherford Road (dependent on effects of the improvements on Major Mackenzie Drive at Highway 27).</li><li>• Implement the internal road network as show in the Vaughan Mills Centre Secondary Plan, Schedule F.</li><li>• Plan for a four-lane cross-section for Vellore Woods Boulevard south of Rutherford Road, and for Creditview Road north of Bass Pro Mills Drive.</li><li>• Provide an additional right-turn lane on northbound Vellore Woods Boulevard at Rutherford Road.</li></ul> <p><b>Other Transportation Improvements:</b></p> <ul style="list-style-type: none"><li>• Implement a strong internal grid network as outlined in the Secondary Plan to enhance traffic connectivity across the site.</li></ul>

This is Schedule '3'  
To Official Plan Amendment No. 143

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

Lands Subject to  
Amendment No. 143



<p><b>Phase 2: Full Build-Out (Horizon 2031)</b></p>	<p><i>Includes development within the Rutherford Road Area, and the Bass Pro Mills Area, as shown in Schedule A of the Vaughan Mills Centre Secondary Plan.</i></p>	<ul style="list-style-type: none"><li>• Up to 672 residential units</li><li>• Up to 55,931 m<sup>2</sup> retail and other uses</li><li>• Up to 31,500 m<sup>2</sup> of office</li></ul>	<ul style="list-style-type: none"><li>• Viva Quick Start rapid bus service on Jane Street, from Rutherford Road to the planned Spadina Subway extension station at Highway 7.</li><li>• Transit signal priority and queue jump lanes on Jane Street, Weston Road and Rutherford Road.</li><li>• Enhancement of YRT bus service on Rutherford Road and to the YRT Vaughan Mills bus terminal.</li><li>• Proactive and aggressive programs and initiatives to reinforce the need to create change in modal split behavior, to promote greater use of transit, to attract more riders and to achieve the assumed modal split.</li><li>• Create an organized Passenger Pick-up and Drop-off (PPUDO) area adjacent to the Vaughan Mills transit terminal.</li><li>• Collaborate with car share operators to introduce car-sharing.</li><li>• Revise parking standards for developments to discourage single-occupancy vehicle use.</li><li>• Consider use of shared parking, and preferred parking for hybrid and electric vehicles.</li><li>• Implement intelligent parking information systems across the Vaughan Mills Centre area parking lots for more effective distribution of parking demands.</li><li>• Implement transportation demand management strategies within the Vaughan Mills Centre area to discourage heavy car uses and encourage developing less auto-dependent travel behaviours.</li><li>• Integrate comprehensive pedestrian and cycling route facilities and network to promote active transportation.</li><li>• Promote self-contained neighbourhood living/working and recreation within the Vaughan Mills Centre area to help reduce traffic demands on the area's road network.</li></ul>	<p><b>Road Network Improvements: (West of Highway 400)</b></p> <ul style="list-style-type: none"><li>• Completion of Bass Pro Mills Drive extension to Weston Road.</li><li>• Install traffic signals at the intersection of Bass Pro Mills Drive at Weston Road.</li></ul>
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This is Schedule '3' (Con't.)  
To Official Plan Amendment No. 143

**File:** OP.21.020

**Related File:** Z.21.041

**Location:** Part of Lot 15, Concession 4

**Applicant:** Tesmar Holdings Inc.

**City of Vaughan**



Lands Subject to

Amendment No. 143

	<p><i>Includes the remainder of development within the Vaughan Mills Business District as shown in Schedule A of the Vaughan Mills Centre Secondary Plan *</i></p>	<ul style="list-style-type: none"><li>Up to 152,400 m<sup>2</sup> of prestige employment uses</li><li>Up to 59,241 m<sup>2</sup> of office uses</li><li>Up to 46,072 m<sup>2</sup> of neighbourhood and medium format retail uses</li><li>Up to 21,781 m<sup>2</sup> of other uses including hotel, entertainment, and cultural uses</li></ul>	<p><b>Other Transportation Improvements:</b></p> <ul style="list-style-type: none"><li>Higher-order transit service on Jane Street, in the form of BRT or LRT, with its dedicated right-of-way connecting the Spadina Subway extension to Vaughan Mills Centre and up to Canada's Wonderland and the future Mackenzie Vaughan Hospital on Major Mackenzie Drive.</li><li>Enhancing priority transit service on Rutherford Road and introduce Viva service;</li><li>Pedestrian and cyclist bridge crossing over Highway 400 midblock between Bass Pro Mills Drive and Rutherford Road to provide additional non-auto connection within the Secondary Plan.</li><li>Continue to promote sustainable transportation (transit, walking, cycling) and other transportation demand management programs and measures to encourage a greater shift in travel mode patterns to achieve the assumed modal split.</li></ul>
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#Up to 80% of the proposed development east of Highway 400 could be accommodated if the full extension of Bass Pro Mills Drive to Weston Road is also completed by 2021.  
\* Development thresholds and transportation improvements will be determined through the Block Plan process as identified in Part C, Section 7.4.3 of the Secondary Plan for lands located in the Vaughan Business District Area (west of Highway 400). The Block Plan application will address the matters set out in Policies 10.1.1.15 of VOP 2010 and shall constitute a complete application to the satisfaction of the City of Vaughan.  
\*\* The total unit counts for Phase 1 are based on the June 2015 Transportation Assessment Addendum Report for the Vaughan Mills Centre Secondary Plan, subject to Policy 7.3 Part C, and the other policies of Section 7, Part C of this Plan.

This is Schedule '3' (Con't.)  
To Official Plan Amendment No. 143

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



Lands Subject to  
Amendment No. 143