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Communication
COUNCIL: Mar 11/20
CW Rpt. No. 9 Item 1

Reply to the Attention of: Mary Flynn-Guglietti
Direct Line: 416.865.7256
Email Address: mary.flynn@mcmillan.ca
Our File No.: 255110
Date: March 3, 2020

DELIVERED BY EMAIL TO CLERKS@VAUGHAN.CA

Committee of the Whole
Office of the City Clerk
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, Ontario

Attention: Honourable Mayor Bevilacqua and Members of Council

Dear Honourable Mayor and Members of Council,

**Re: Committee of the Whole (1), Agenda Item #6.1
DI BENEDETTO GROUP INC.
Official Plan Amendment File OP.18.019
Zoning By-Law Amendment File Z.18.031
Draft Plan of Subdivision File 19T-18V012
10, 20, and 25 Di Benedetto Lane, and 110 Simmons Street
Vicinity of Rutherford Road and Regional Road 27
Comments on behalf of Gemini Urban Design (W) Corp.**

We are the solicitors retained on behalf of Gemini Urban Design (W) Corp. ("**our client**" or "**Gemini**"), owner of the lands municipally known as 6061 & 6079 Rutherford Road, 134 Simmons Street, and parts of 140 Simmons Street adjacent to the preceding properties (the "**Gemini Lands**") and located south of Rutherford Road and west of Simmons Street in the City of Vaughan (the "**City**").

Our client has had an opportunity to review the March 3, 2020 recommendation report (the "**Report**") respecting the property owned by the Di Benedetto Group Inc. ("**Di Benedetto**"). The Di Benedetto lands are located in the vicinity of Rutherford Road and Regional Road 27 (the "**Di Benedetto Lands**") immediately abutting the Gemini Lands to the south.

Pursuant to the Report, Di Benedetto seeks an amendment to the City's Official Plan, 2010, under File No. OP.18.019 (the "**OPA**"), an amendment to the City's Zoning By-law 1-88 under File No. Z.18.031 (the "**ZBA**"), and an approval of its Draft Plan of Subdivision under

file no. 19T-18V012 (the "**Draft Plan**", and together, the "**Applications**"), the purposes of which is to permit a proposed development of 70 townhouse units served by private common element roads (the "**Proposed Development**").

By way of background on January 29, 2019, City Council approved the following instruments as put forth by Gemini: Official Plan Amendment File OP.17.011, Zoning By-law Amendment File Z.16.019 and Draft Plan of Subdivision File 19T-17V011 as relate to the Gemini Lands. These instruments would permit the development of 111 townhouse units to be served by private common element roads (the "**Gemini Proposal**"). Di Benedetto has appealed City Council's approval of the Gemini Proposal for similar type uses to the Local Planning Appeal Tribunal ("**LPAT**"). Attachment 6 to the Report includes a plan that illustrates both proposals.

Following our review of the Report it is the position of our client that we generally support the staff recommendations for approval of the Applications however, as the Di Benedetto lands require access being provided through the Gemini Lands it would be premature to approve the Di Benedetto Applications until such time as a Cost Sharing Agreement has been executed.

The Di Benedetto Draft Plan, OPA and Zoning by-law fails to account for a number of necessary steps and considerations required at this time, including such considerations of coordination and cost sharing recoveries regarding the construction of mutually beneficial and necessary external services such as the urbanization of Simmons Street amongst other matters.

Until the necessary Cost Sharing Agreement is executed it is our client's position that the Applications as recommended by City staff do not satisfy the criteria for development set out in Section 51(24) of the *Planning Act* (the "*Act*") and, in particular, subsections 51(24)(b)(c)(d)(e)(g) and (i) and relevant sections of the *Act* related to Official Plan and Zoning approvals.

With respect to the Growth Plan, section 2.2.1.2(a)(iii) addresses forecasted growth to be directed to settlement areas that can support the achievement of complete communities. The Applications fail to conform to this policy by failing to demonstrate how this development will address and secure the necessary arrangements and agreements related to access and infrastructure in respect of the surrounding area, including our client's lands.

For the reasons as listed above we respectfully submit that execution of the Cost Sharing Agreement between our client and Di Benedetto is necessary prior to approval of the Di Benedetto applications.

We thank you for your consideration and should you have any questions please do not hesitate to call me.

Yours truly,

A handwritten signature in black ink, appearing to read "Mary Flynn-Guglietti". The signature is fluid and cursive, with the first name "Mary" being the most prominent.

Mary Flynn-Guglietti*
*A Professional Corporation

Encl.

Cc: Ken Slater, Gemini Urban Design (W) Corp.
Jim Levac, Glen Schnarr & Associates Inc.
Evan Perlman, Glen Schnarr & Associates Inc.
Andrew Biggart, Ritchie Ketchenson LLP

Magnifico, Rose

Subject: Committee of the Whole (1), Agenda Item #6.1 - Di Benedetto Group Inc. - Comments on behalf of Gemini Urban Design (W) Corp.

Attachments: Letter to the Committee of the Whole, dated March 3, 2020.pdf

Importance: High

From: Jocelyn Lee <Jocelyn.Lee@mcmillan.ca>
Sent: Tuesday, March 03, 2020 11:45 AM
To: Clerks@vaughan.ca
Cc: Mary Flynn-Guglietti <mary.flynn@mcmillan.ca>; Kailey Sutton <Kailey.Sutton@mcmillan.ca>; Ken Slater <kslats46@gmail.com>; BAA Jim Levac <jiml@gsai.ca>; Evan Perlman <Evanp@gsai.ca>; 'Andrew Biggart' <abiggart@ritchieketcheson.com>' <abiggart@ritchieketcheson.com>
Subject: [External] [Newsletter/Marketing] Committee of the Whole (1), Agenda Item #6.1 - Di Benedetto Group Inc. - Comments on behalf of Gemini Urban Design (W) Corp.
Importance: High

Good Morning:

Please see attached correspondence from Mary Flynn-Guglietti on behalf of Gemini Urban Design (W) Corp.

Kindly confirm that the attached correspondence will be provided to the Committee prior to its 1:00 pm meeting today.

Regards,
Jocelyn

mcmillan

Jocelyn Lee

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