Davies Howe

LAND DEVELOPMENT ADVOCACY & LITIGATION

Mark Flowers
markf@davieshowe.com
Direct: 416.263.4513
Main: 416.977.7088
Fax: 416.977.8931
File No. 703378

July 7, 2020

COMMUNICATION – C86
ITEM 1
Special Committee of the Whole
July 8, 2020

By E-Mail to *clerks@vaughan.ca*

City of Vaughan, Committee of the Whole
Vaughan City Hall
2141 Major McKenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: City Clerk

Dear Sirs/Mesdames:

Re: Applications by Clubhouse Developments Inc. for Official Plan Amendment (File No. OP.19.014), Zoning By-law Amendment (File No. Z.19.038) and Draft Plan of Subdivision (File No. 19T-19V007)
20 Lloyd Street, 241 Wycliffe Avenue and 737 and 757 Clarence Street
Special Committee of the Whole Meeting on July 8, 2020 – Agenda Item 5.1

We are counsel to Clubhouse Developments Inc. ("Clubhouse"), the owner of the lands municipally known as 20 Lloyd Street, 241 Wycliffe Avenue and 737 and 757 Clarence Street in the City of Vaughan, formerly known as the Board of Trade Golf Course (the "Lands").

We are writing in response to the Joint Communication of the City's Acting Deputy City Manager, Planning and Growth Management, and the Deputy City Manager, Administrative Services and City Solicitor, dated June 30, 2020 (Communication: C17), (the "Joint Staff Communication"), which is to be considered at a Special Committee of the Whole meeting on July 8, 2020. A copy of the Joint Staff Communication is attached for ease of reference.

The Joint Staff Communication responds to item 3) of a motion that was adopted by the Committee of the Whole on March 3, 2020, and ratified by City Council on March 11, 2020, including the potential for Council to enact an Interim Control By-law ("ICBL") for the Lands and to undertake a number of City-initiated studies "in order to ensure that the City of Vaughan and the local community have sufficient time to review key studies on the property [and] consider all available options". We cannot help but notice that this portion of the motion bears a striking resemblance to the requests made by David Donnelly on behalf of Keep Vaughan Green in his letter to Council dated February 18, 2020.

On behalf of Clubhouse, we strongly oppose the idea of an ICBL for the Lands and, in that regard, we concur with the Joint Staff Communication in which a number of concerns with a potential ICBL have been identified.

Among other things, the ICBL contemplated in the motion goes well beyond the City's authority for enacting an ICBL under section 38 of the *Planning Act*, and the identified list of potential studies includes studies that are not limited to "land use planning policies", and in some cases are not even studies identified in the City's Official Plan.

Further, as noted in the Joint Staff Communication, some of the studies have already been completed by our client's expert consultants and are currently the subject of a detailed review by the City and other commenting agencies, including both the Region of York and the Toronto and Region Conservation Authority ("TRCA").

Indeed, the timing of the suggestion of an ICBL is curious, given that our client's applications were filed in December 2019, and followed an extensive pre-application consultation process, which included numerous City departments, the Region of York and the TRCA. During the pre-application consultation process, the studies required to properly assess the applications were identified, and detailed Terms of Reference for the studies were provided to our client and its consulting team. These studies were subsequently completed, resulting in a complete application notice being issued by the City on February 5, 2020 – i.e., more than five months ago.

Since then, these studies have been thoroughly reviewed by the City, Region and TRCA, and Clubhouse has already received an initial round of very detailed comments in response to the applications. Our client is currently in the process of preparing a resubmission in response to those comments.

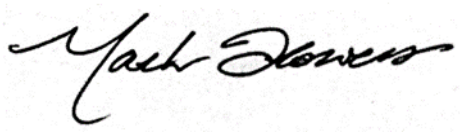
Thus, there is absolutely no justification for an ICBL in these circumstances, where the City and other public agencies are able to assess the merits of our client's applications by reviewing the required plans and studies that were submitted with the applications – which, as noted, is currently being done.

With respect to the potential costs of City-initiated studies that would be required, if Council decides to proceed with an ICBL despite staff's recommendations, please be advised that our client will <u>not</u> reimburse the City for any such costs – rather, that would be a cost to be borne solely by the City's taxpayers.

In closing, we urge the Committee and City Council to accept the recommendations of the Joint Staff Communication and to reject the request made by certain members of the community for an ICBL in relation to the Lands.

Please note that I will be making a deputation at the Special Committee of the Whole meeting on July 8, 2020, and would be pleased to answer any questions regarding this submission at that time.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

Attachment

copy: Client
Mark Yarranton and Billy Tung, KLM Planning Partners Inc.

COMMUNICATION : C17
SPECIAL COMMITTEE OF THE WHOLE
JULY 8, 2020
ITEM # : 1

DATE: June 30, 2020

TO: Mayor and Members of Council

FROM: Nick Spensieri, Acting Deputy City Manager, Planning and Growth Management

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

RE: COMMUNICATION
ITEM NO. 4, COMMITTEE OF THE WHOLE (PUBLIC HEARING), MARCH 3, 2020

OFFICIAL PLAN AMENDMENT FILE OP.19.014
ZONING BY-LAW AMENDMENT FILE Z.19.038
DRAFT PLAN OF SUBDIVISION FILE 19T-19V007
CLUBHOUSE DEVELOPMENTS INC.
WARD 2 - VICINITY OF CLARENCE STREET, ISLINGTON AVENUE, NORTH OF DAVIDSON DRIVE
20 LLOYD STREET, 241 WYCLIFFE AVENUE AND 737 AND 757 CLARENCE STREET
BOARD OF TRADE GOLF COURSE

Purpose

The purpose of this Communication is to provide Council with a report in response to the direction provided to Staff at the statutory public meeting on March 3, 2020 for the Clubhouse Developments Inc. ("Clubhouse") development applications.

Background

On December 23, 2019, the City received development applications from Clubhouse, which include an Official Plan Amendment (File OP.19.014), Zoning By-law Amendment (File Z.19.038) and Draft Plan of Subdivision (File 19T-19V007) (collectively, the "Development Applications"). If approved as applied for, the Development Applications would permit: 475 single detached dwellings, 124 townhouses, 2 mixed-use blocks for apartment buildings (+/- 616 units up to 6-storeys in height), open space blocks, parks, roads, and infrastructure uses.

On March 3, 2020, the Committee of the Whole (Public Hearing) was held as required under the *Planning Act* to satisfy the statutory public meeting requirements for the

Development Applications. The Committee adopted the following motion (hereinafter referred to as the "Motion"):

"1) That these applications be received;

2) That all comments received to date by way of verbal or written deputation, along with any additional comments received in respect of these applications prior to this matter coming before Committee of the Whole once again;

3) That the report of the Acting Deputy City Manager, Planning and Growth Management, dated March 3, 2020, be referred to a Committee of the Whole meeting to be scheduled for April 15, 2020 at 7:00 P.M., and a report regarding the following matter be provided at the meeting:

i. That the City of Vaughan, in good faith, enact for a period of one year an Interim Control By-law under Section 38 of the Planning Act, to be incorporated into the City-wide Zoning By-law Review and the City-wide Official Plan Review, restricting the subject lands – known municipally as 20 Lloyd Street, 241 Wycliffe Avenue, 737 and 757 Clarence Street – to existing uses, based on a legitimate planning rationale and in conformity with the Vaughan Official Plan (2010), York Region Official Plan and the Provincial Growth Plan, in order to ensure that the City of Vaughan and the local community have sufficient time to review key studies on the property, consider all available options, and pending the completion of, but not limited to, the following studies:

a. Comprehensive Land Use Analysis of the Subject Lands;
b. Community Area Specific Study;
c. Community Economic Impact Study;
d. Environmental Impact Study;
e. Mental Health Impact Assessment;
f. Cultural Heritage Landscapes Strategy and Implementation Study of the Subject Lands;
g. Archeological Impact Assessment;
h. First Nations consultation;
i. Any other studies as may be required, including City-wide study of open space and climate change impacts of development, consistent with Vaughan's declaration of a climate emergency;

ii. That the proposed Interim Control By-law prohibit otherwise permitted site alterations to the subject lands, as well as the construction, site alteration, expansion or demolition of any building, structure, or landscapes on the land, including tree removal;

iii. That Keep Vaughan Green and others be granted the right, after consultation with its legal team and the City of Vaughan, to select the qualified experts to conduct the aforesaid studies;

iv. That the studies be funded by the City of Vaughan for later reimbursement by the developer, in order to ensure such studies are conducted without bias;

v. That a conservation easement protecting at least 66% of the subject lands shall be executed immediately;

vi. That appropriate staff meet with representatives of Keep Vaughan Green, to give effect to the matters set forth above."

The Motion was ratified by Vaughan Council on March 11, 2020. Since then, the City has closed its facilities in response to the global COVID-19 pandemic. The Provincial ban on public gatherings and the practice of social distancing have impacted the City's ability to hold meetings for the public to attend in person.

The City distributed notice of the July 8, 2020 Special Committee of the Whole meeting by e-mail and ordinary mail on June 19, 2020 as a courtesy to those who requested notice (approximately 500 plus persons and/or organizations).

This Communication is provided in response to section 3 of the Motion as noted above. At the statutory public meeting on March 3, 2020, members of Committee made comments and provided a direction to Staff to, in considering the Motion, incorporate information with respect to traffic into the review. Efforts to address the issue of traffic in the context of the request for an Interim Control By-law ("ICBL") have been addressed within this communication.

Analysis

Item 3) i. – The Request for an Interim Control By-law and the Studies identified within the Motion.

Interim Control By-laws are an extraordinary remedy used to freeze land use permissions while a municipality studies or reviews its policies.

The use of an ICBL is authorized by section 38 of the *Planning Act.* For ease of reference, an excerpt of Section 38 of the *Planning Act* is attached to this communication as Attachment 1.

ICBLs place a temporary freeze on existing land use permissions while a municipality is studying or reviewing its policies. The freeze can be imposed for a year, with a maximum extension of another year. There is no ability to appeal an ICBL to the Local Planning Appeal Tribunal ("LPAT") within the first year it is passed, except by the Minister of

Municipal Affairs and Housing. However, any extension to an ICBL beyond the first year is subject to appeal to the LPAT by any person or public body who received notice of its passing. Notwithstanding the lack of appeal to the LPAT on first instance, an ICBL can be challenged through various application to the Courts. There are many examples of where Courts have considered ICBLs on challenges such as bad faith, lack of jurisdiction and failure to meet the statutory prerequisites.

ICBLs have been recognized by the Courts and the LPAT as an extraordinary remedy which serves as an important planning instrument for a municipality. Because ICBLs allow a municipality to suspend development that may conflict with any new policy while in the process of reconsidering its land use policies, it is a tool which municipalities must employ with caution. ICBLs are most commonly enacted in a situation of urgency, when a municipality needs "breathing room" to study its policies. The following requirements have been established through case law as the requirements to be taken into consideration in determining the appropriateness of an ICBL:

1. Section 38 of the *Planning Act* must be interpreted strictly because it permits the municipality to negate development rights;
2. The municipality must substantiate the planning rationale behind the authorizing resolution and the ICBL;
3. The ICBL must conform with the Official Plan; and
4. The authorized review must be carried out fairly and expeditiously.

In addition, the foregoing principles have also been supplemented with the following two questions in the 1996 Ontario Municipal Board decision of *Carr v. Owen Sound (City),* 1996 CarswellOnt 5579 at para. 18:

1. Is the situation sufficiently urgent to require the immediate negation of permitted uses and development rights?

2. Are there effective and less drastic instruments that might have been used by the municipality to achieve the desired end?

The Supreme Court of Canada has commented on the extraordinary nature of the power to enact an ICBL and its purpose in *London (City) v. RSJ Holdings Inc*., [2007] 2 S.C.R. 588 at para. 27:

> "Interim control by-laws are powerful zoning tools by which municipalities can broadly freeze the development of land, buildings and structures within a municipality. The power to enact an interim control by-law has been aptly described as an 'extraordinary one, typically exercised in a situation where an unforeseen issue arises with the terms of an existing zoning permission, as a means of providing breathing space during which time the municipality may study the problem and determine the appropriate planning policy and controls for dealing with the situation.'"

Prior to passage of an ICBL, Council must authorize that a land use planning study be undertaken. The scope of the planning study and the area to be subject to the ICBL must be clearly identified in the Council resolution. If an ICBL is to be enacted, Council must approve the required funding to undertake the study(ies) and the study(ies) must be carried out fairly and expeditiously.

A number of studies have been identified within the Motion; not all are land use planning studies, and most have been completed by the Applicant and are under review.

There is reference within the Motion to the ICBL being incorporated within the City-wide Zoning By-law Review and the City-wide Official Plan Review. Neither of those suggestions is practical, necessary nor recommended by Staff.

The purpose of the City-wide Zoning By-law Review is to create a progressive By-law with updated, contemporary uses and standards that conform with the City of Vaughan Official Plan 2010 ("VOP 2010"). The new Zoning By-law (once passed) will implement VOP 2010 and accurately reflect the intent of policy direction under one consolidated, streamlined Zoning By-law. It should be noted that the City-wide Zoning By-law Review is nearing completion, and that a staff recommendation regarding its passage is expected to be brought forward before the end of this year.

In contrast, the City-wide Official Plan Review is in its early stages and its completion is tied to a number of matters outside of the City's control, which include the timing for the proposed amendment to the Growth Plan and the Region's Municipal Comprehensive Review. As such, it is unlikely that the timeframes of either initiative will be of assistance should Council choose to enact an ICBL, and any request for a land use study in response to the Development Applications should be separated from those two processes.

As set out above, before the passage of any ICBL, Council must authorize that a land use study be undertaken. Within the Motion, a number of studies have been identified. Staff interpret the request in the Motion to mean that the studies identified should be undertaken by the City in response to the Development Applications. Of note, a number of the identified studies have in fact been completed by the Applicant based on the requirements of the City in consultation with the TRCA, as identified within the Pre-Application Consultation ("PAC") meeting that was held prior to the submission of the Development Applications.

The PAC meeting took place with representatives and consultants for Clubhouse on November 22, 2018. As is standard practice, the Toronto and Region Conservation Authority ("TRCA"), York Region, and relevant City of Vaughan departments were invited to and attended the meeting to determine the requirements for the submission of the Development Applications. As part of that process, requests were made to ensure that the studies provided are sufficient to allow for the consideration of the Development Applications. Specifically, the policies within VOP 2010 provide guidance as to the studies required. Of significance is Policy 9.2.2.17 c) which provides that: "Should the Private

open space cease to exist, appropriate alternate land uses shall be determined through the Official Plan amendment process and shall be subject to an area specific study." In conformity with that policy, the pre-application process was engaged by City staff to establish study requirements to be completed by Clubhouse sufficient to constitute "an area specific study."

The Development Applications were initially received on December 23, 2019, and additional materials were submitted on January 29, 2020, which were required to deem the applications complete. Clubhouse was formally advised that the Development Applications were deemed complete on February 5, 2020. The Development Applications were circulated for formal comment on January 14, 2020. The studies submitted by Clubhouse in support of the Development Applications were identified in the Staff Report considered at the statutory public meeting of March 3, 2020 and are available for public review online.

Comments from the various stakeholder groups and agencies are being received by the Development Planning Department and must be reviewed and finalized to the satisfaction of the City and review agencies prior to the preparation of any technical report regarding the Development Applications, and its impact on the surrounding area. VOP 2010 (Policy 10.1.3.5) provides that where a study has been submitted in support of a development application, and it is determined by the City that a peer review is required, the peer review shall be coordinated by the City and prepared at the expense of the applicant.

Further, not all of the studies identified within the Motion are "land use planning" studies, and accordingly, do not represent grounds for an ICBL. As an example, a "Mental Health Impact Assessment" and "Community Economic Impact Study" are not "land use planning" studies.

If Council directs that City commissioned studies are required, funding will need to be allocated for the required studies.

Should Council require that some or all of the studies referred to in the Motion be completed as justification for the ICBL, Council must direct a budget amendment to secure the necessary funding. Staff anticipate the procurement and study processes will take a minimum of 18-24 months to complete, thereby necessitating an extension of the ICBL should one be enacted. Council should be aware that enacting an ICBL and undertaking the studies does not prevent the applicant from exercising their appeal rights, nor does it necessarily stop any LPAT processes.

The estimated cost for the identified studies would range between $750,000 to $1,500,000 depending on the final terms reference and the scope of each study. The Traffic Impact Study ($300,000 - $500,000), Land Use Study ($100,000) and Cultural Heritage Landscapes Strategy and Implementation Study ($165,000) alone would have a total estimated cost of over $500,000. The Motion also considers the completion of, but not limited to, Community Area Specific Study, Environmental Impact Study, Mental Health Impact Assessment, Archaeological Impact Assessment, and City-wide Open

Space/Climate Change Study. Furthermore, undertaking the studies to support an ICBL is not currently included in any workplan within the Planning and Growth Management portfolio, and may delay other studies that have commenced or are planned, or alternatively would require additional resource allocation, thereby increasing the estimated cost.

In some cases, the intent and scope of the requested study is unclear, particularly in terms of how it would differ from the studies already submitted by Clubhouse in accordance with the PAC requirements. As such, Staff should be provided with a clear understanding of what the Council expectations are so as to inform any future terms of reference required.

Comments regarding the request for a Mental Health Impact Assessment.

A Mental Health Impact Assessment is not a typical study that is sought in the planning context of a site-specific development proposal nor does it form part of the regulatory framework under the *Planning Act*. The City of Vaughan has never undertaken such a study, and VOP 2010 does not include a policy to identify the requirement for a Mental Health Impact Assessment. Such a study was not requested as part of the redevelopment of other Private Open Space lands within Vaughan, including the redevelopment of the former Kleinburg and Vaughan Valley Golf Clubs and the current development applications for the Copper Creek Golf Club. These applications represent the first time where a study related to mental health has been requested in response to an infill development.

First Nations engagement has been initiated.

The Development Applications have been circulated to the appropriate First Nations community representatives for review and comment. Comments received will be considered through further discussion and engagement during the review process prior to the preparation of the technical report for the Development Applications.

Item 3) ii. – The request that any ICBL prohibit otherwise permitted site alterations, among other things.

Staff appreciate the concern regarding tree removal and site alteration. These matters are regulated pursuant to existing City bylaw and TRCA requirements. An ICBL is directed to prohibiting specified uses of land, buildings or structure, and is not required to duplicate existing regulatory tools in respect of tree removal and site alteration.

Item 3) iii. – The request that Keep Vaughan Green be granted a right to select experts who would be retained by the City to prepare studies identified earlier within the Motion.

The request to have Keep Vaughan Green and others be granted the right, after consultation with its legal team and the City, to select qualified experts to conduct studies on behalf of the City is unprecedented and falls outside of the public sector procurement process. More importantly, it is imperative that the City retain its independence in any

review of City policy and the Development Applications, including the ability to retain independent peer review experts where necessary.

Item 3) iv. – The request that the studies be funded by the City and reimbursed by the developer.

The request proposes City-funded studies by external consultants, which are not currently budgeted for and would require a funding source. While the City may seek reimbursement from applicants for peer reviews and VOP 2010 includes a policy to this effect, it cannot require an applicant to pay for City-initiated studies.

Further, the statement contained within the request includes the following add on: “in order to ensure that such studies are conducted without bias”. This statement is not a sentiment that Staff shares as it suggests that studies commissioned by the developer are biased, and not prepared by professionals who are subject to various professional standards. A difference in opinion does not equate to bias. Moreover, in instances where Staff are not satisfied with elements of a study, comments are provided to the applicant, and additional information and/or analysis is requested as required.

Item 3) v. - The request that a conservation easement protecting at least 66% of the subject lands be executed immediately.

An easement is a right in land which would have to be purchased or expropriated and in either event, would be subject to legislated processes. Council would have to provide direction and allocate a budget for this, which at this time is undetermined.

Consideration of a conservation easement is premature at this time. It is possible that a portion of the lands subject to the Development Applications may be dedicated in public ownership, free of all costs, through the development review process (should redevelopment of the lands be approved). The Development Applications apply to lands comprising 118.232 hectares. The proposed Draft Plan of Subdivision includes several Blocks identified for “Park”, “Buffer”, “Open Space” and “Vista Uses”. These Blocks represent a total of 72.55 hectares and potentially could be conveyed into public ownership; some of which would be free of all costs. The Plan also includes 4.707 hectares for stormwater management facilities which are typically conveyed into public ownership.

Item 3) vi. – The request that staff meet with reps for KVG to give effect to the matters set forth in the Motion.

Staff are not supportive of the matters set forth in the Motion. However, if Council resolves that a land use planning study(ies) is(are) required and directs a meeting between staff and representatives of KVG, further clarity is required as to what the expectations are “to give effect to the matters set forth above”. There are a number of issues within the Motion as drafted for which Staff have provided comments herein. Also, as stated previously, it

is imperative that the City retain its independence in the review of its policies and the Development Applications.

Financial Impact

The financial impact is dependent on what Council chooses to do based on the information and opinion provided within this communication. Specifically, and as set out above in the "Analysis" section and below in the "Conclusion", a budget amendment is necessary if Council chooses to enact an ICBL and will range between $500,000 to $1,500,000.

Conclusion

Staff are not of the opinion that a City commissioned land use study is needed to arrive at recommendations on the Development Applications. Accordingly, Staff are not of the opinion that there is a need for an ICBL. Staff are in the process of reviewing the Development Applications and the accompanying studies. Through that review, if it is determined that peer reviews are warranted, staff will exercise their authority to request same as part of the review process. Alternatively, if Council has concerns with the studies submitted to date, Council can direct that independent peer reviews be undertaken on behalf of the City with respect to the studies of concern.

If Council is of the opinion that the Development Applications warrant and justify the need for City initiated studies, then it may see fit to enact an ICBL to allow for a study of the land use policy (preceded by resolution of the necessary land use study(ies)) and it must direct a budget amendment. The scope of the planning study and the area to be subject to the ICBL must also be clearly identified in the Council resolution. However, this is not what Policy 9.2.2.17 of the VOP 2010 contemplates, nor was it required for other golf course conversions. The anticipated cost is estimated to be a minimum of $750,000 and could be as high as $1,500,000. The actual cost is dependent on the final scope of the studies.

Attachments

1. Planning Act excerpt – S. 38

Prepared By

Clement Messere, Senior Planner, ext. 8409
Nancy Tuckett, Senior Manager of Development Planning, ext. 8529
Mauro Peverini, Director of Development Planning, ext. 8407
Caterina Facciolo, Deputy City Solicitor, Planning and Real Estate, ext. 8862

Respectfully submitted,

NICK SPENSIERI
Acting Deputy City Manager
Planning and Growth Management

WENDY LAW
Deputy City Manager
Administrative Services and City Solicitor

Copy to: Todd Coles, City Clerk
Mary Reali, Acting City Manager

Attachment No. 1 – Excerpt from the Planning Act – Section 38

38(1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

Extension of period by-law in effect

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

Notice of passing of by-law

(3) No notice or hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof.

Appeal to Local Planning Appeal Tribunal (L.P.A.T.) re by-law passed under subs. (1)

(4) The Minister may, within 60 days after the date of the passing of a by-law under subsection (1), appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Appeal to L.P.A.T. re by-law passed under subs. (2)

(4.1) Any person or public body who was given notice of the passing of a by-law under subsection (2) may, within 60 days after the date of the passing of the by-law, appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Application

(5) If a notice of appeal is filed under subsection (4) or (4.1), subsections 34 (23) to (26) apply with necessary modifications to the appeal.

When prior zoning by-law again has effect

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law.

Where by-law appealed

(6.1) If the period of time during which an interim control by-law is in effect has expired and the council has passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, but there is an appeal of the by-law under subsection 34(19), the interim control by-law continues in effect as if it had not expired until the date of the order of the Tribunal or until the date of a notice issued by the Tribunal under subsection 34 (23.1) unless the interim control by-law is repealed.

Prohibition

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

Application of s.34(9)

(8) Subsection 34(9) applies with necessary modifications to a by-law passed under subsection (1) or (2).