

C8
Communication
CW (1) – December 1, 2020
Item # - 4, 5, & 6

From: Clerks@vaughan.ca
To: [Bellisario, Adelina](#)
Subject: FW: DH Letter to City of Vaughan - Committee of the Whole Meeting December 1, 2020 (931784)
Date: November-30-20 9:14:35 AM
Attachments: [Letter to Committee of the Whole - December 1, 2020 \(01623032xCDE1C\).PDF](#)
[image001.png](#)

From: Ajman Ladher <AjmanL@davieshowe.com>
Sent: Monday, November 30, 2020 8:38 AM
To: Clerks@vaughan.ca
Cc: Susan Rosenthal <susanr@davieshowe.com>
Subject: [External] DH Letter to City of Vaughan - Committee of the Whole Meeting December 1, 2020 (931784)

Good Morning,

Please find attached correspondence on behalf of Susan Rosenthal. Kindly acknowledge receipt of this email.

Thank you,

Ajman Ladher

Legal Assistant
[416.977.7088](tel:416.977.7088) x227



Davies Howe LLP
The Tenth Floor, 425 Adelaide Street West
Toronto, Ontario M5V 3C1
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November 30, 2020

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

Mayor and Members of City Council
City of Vaughan
c/o Office of the City Clerk
2141 Major Mackenzie Drive
Vaughan, Ontario L6A1T1

Dear Mayor and Members of Council:

**Re: Committee of the Whole Meeting December 1, 2020
Agenda Items 6.4, 6.5 and 6.6
Anatolia Capital Corp. Zoning by-law Amendment Files Z.18.025, Z.18.026
and Z.18.027 and Site Development Files DA.18.065, DA.18.066 and
DA.18.067 (the “Applications”)**

We are counsel to Highway 27 Langstaff GP Limited (“Rice”) the developer of the Costco Distribution Centre located in Block 59, which was completed in November 2016.

We are writing on behalf of our client to object to the approval of the above-mentioned three zoning by-law amendment applications and site development files for lands owned by Anatolia Capital Corp.

It is our client's position that the requirements for lifting the holding zone are beyond the City's jurisdiction under section 34 and 41 of the *Planning Act*. The conditions of subdivision approval which must be satisfied as a condition of lifting the holding zone found in Attachment 8 for each application require, among other matters, that the Block 59 Landowners Group Inc. enter into a variety of agreements with respect to infrastructure and other requirements. A similar requirement is imposed as a condition of site plan approval for each application, requiring the Block 59 Developers Group to enter into a Spine Services agreement. There is no jurisdiction to bind a party other than the owner of the lands, to enter into and be bound by obligations in an agreement as a condition of zoning (for lifting of a holding zone) and/or site plan approval.

We also note that Attachments 6 and 7 to the staff's report suggest that my client have a significant participation in these improperly imposed obligations. As we have previously advised, our client derives no benefit for the infrastructure and other obligations that to which these conditions purport to bind it. The Costco site is developed. All infrastructure and services needed for it, have been constructed and/or paid for as part of the approval

process for the Costco development. None of the infrastructure and other matters to be governed by the agreements contemplated in the conditions of subdivision approval are needed for the continued operation of the Costco lands and they do not benefit from such future infrastructure. Yet, as suggested in the attachments to the report, the Town appears to be requiring a contribution from my client as a condition of approval of applications unrelated to my client. My client strongly objects to any such attempt.

For the foregoing reasons, my client requests that Committee of the Whole and Council refuse each of the Applications.

Please do not hesitate to contact me should you have any questions.

Yours sincerely,
DAVIES HOWE LLP



Susan Rosenthal
Professional Corporation

SR:SR

copy: Client