

Communication : C 102  
Committee of the Whole (2)  
May 12, 2021  
Agenda Item # 1



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**By E-Mail**

May 12, 2021

Mayor and Members of Council  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON  
L6A 1T1

**Attention: Mr. Todd Coles, City Clerk**

**RE: Comments: Black Creek Financial Strategy:  
Proposed Area Specific Development Charge By-law ("ASDC")  
7551 & 7601 Jane Street  
City of Vaughan, Region of York**

Dear Sir,

I am the solicitor for 785343 Ontario Ltd. & I & M Pandolfo Holdings Inc., being the registered Owner of lands municipally known as 7551 & 7601 Jane Street and located on the east side of Jane Street, south of Highway 7, on the south side of Doughton Road, west of Maplecrete Road and north of the future Interchange Way extension ("*Subject Lands*").

I appreciate the opportunity to provide written comments pertaining to the Black Creek Financial Strategy, intended to accommodate the ultimate channel realignment and the proposed Area Specific Development Charges By-law.

Despite several meetings and discussions with municipal staff, my client is greatly concerned about the negative financial impact the proposed ASDC will have on the future development of the Subject Lands and the future development of the Vaughan Metropolitan Centre (VMC) in general. In my view the proposed ASDC will greatly prohibit continued investment in the VMC and make development financially unfeasible. To put this into perspective, the proposed ASDC proposes an overall increase of approximately **\$19,000,000.00** for the redevelopment of the Subject Lands.

Other lands, within the VMC, will be similarly affected and when coupled with increased construction costs associated with development, the added financial burden of the ASDC will

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create significant barriers for continued investment in the VMC.

City Council and Municipal Staff have worked to ensure the VMC flourishes as Vaughan's new downtown and thus far, the VMC is a model for successful City Building. The proposed ASDC By-law, which seeks to attribute the majority of costs related to the Black Creek Re-alignment to landowners in the immediate vicinity of Black Creek fails to recognize the City-Wide benefits the VMC creates for our community. Most notably, the Black Creek Re-alignment project will create and contribute significant open space for the City as a whole, which residents and visitors to the City will enjoy, for generations to come. These are City-wide benefits.

Accordingly, it is my client's respectful request that Council instruct municipal staff to revise the proposed ASDC By-law to move the total costs associated with the Black Creek Re-Alignment project to the pending City-Wide Development Charges By-law update instead of insisting such costs be borne by the VMC only.

Vaughan's downtown is a collective and community wide city building effort, with significant benefits to the City as a whole. Furthermore, the Subject Lands are unique, in that, my client has a valid Permit from the TRCA which permits it to remove an existing culvert in front of the Subject Lands. Removal of the existing culvert would take almost all of my client's lands out of the floodplain, thereby substantially lowering the proportionate share of the ASDC costs attributable to the Subject Lands. The proposed ASDC by-law does not account for these reduced costs and instead proposes costs which are not accurate nor reflective of detailed design and proper costing analysis.

It is also my client's request the City consider revising the ASDC By-law to defer inclusion of the historical costs of the Black Creek Re-Alignment until such a time as Detailed Design has concluded, at which point a further updated By-law can be brought forward, reflecting accurate costs. These costs should be deferred to the next review of this by-law. There is nothing preventing a second ASDC By-law update prior to the next Statutory timeframe.

In addition to the foregoing, my client has for many years proposed an interim solution which would not require the ASDC to be so onerous at this time; that being the construction of a gabion wall and maintenance of the existing entrance to the banquet hall located on the Subject Lands. My client asks that staff accommodate this in the design of the Black Creek Channel which is about to begin soon. A similar interim solution exists for all adjacent properties, especially the property to the south and north of my client's lands, which would avoid the unnecessary and enormous cost associated with expropriating this entire condominium property.

Finally, I would urge Council to investigate programs for infrastructure funding that were recently announced by the federal government to help alleviate the enormous burden that this project will impose on the VMC (the Disaster Mitigation and Adaption Fund and the Canada Community Building Funds). Cost sharing with senior levels of government will reduce the onerous burden on the very few developments which are to be subject to this by-law.

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We respectfully request City Council not act in haste and ensure the ASDC By-law's costs are accurate while also shifting the costs of the Black Creek Re-Alignment to a City-Wide By-law.

Thank you for the opportunity to provide these comments.

We request Notice of Decision as it relates to the proposed ASDC By-law. We would like to continue to work cooperatively with city staff in order to avoid an appeal of the proposed ASDC.

Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

Yours very truly,

LOOPSTRA NIXON LLP

A handwritten signature in blue ink, appearing to read 'Q. Annibale', is written over a faint, light blue circular stamp.

Per: Quinto M. Annibale

QMA  
cc – Todd Coles, City Clerk

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